**Wednesday, January 25, 2023**

**(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:

I Kings 19:11-12

We read in I Kings that after a great wind and an earthquake came “a fire, but the Lord was not in the fire, and after the fire, a sound of sheer silence.” And then it was that Elijah heard the voice of the Lord.

Let us pray: Most Holy God, we call upon You this day to speak to us directly, as You once spoke to Elijah. Indeed, help each of us to hear clearly as to how this Body is indeed to lead the people of South Carolina here in this troubled, divisive period we find ourselves living through. So by Your grace may these Senators grasp Your intent, O Lord, for the people these leaders serve. And may even Governor McMaster in his address this evening share a message of genuine hope and promise. Together may the boldness and clarity of all that we hear open the way to a bright future for all, with the final result being rich and promising blessings for every woman, man, and child. So we pray in Your hopeful and loving name, dear Lord. Amen.

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

**Point of Quorum**

At 11:07 A.M., Senator PEELER made the point that a quorum was not present. It was ascertained that a quorum was not present.

**Call of the Senate**

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

Adams Alexander Allen

Bennett Cash Climer

Corbin Cromer Davis

Fanning Garrett Goldfinch

Grooms Gustafson Hembree

Hutto *Johnson, Michael* Kimbrell

Loftis Massey Peeler

Reichenbach Rice Scott

Setzler Shealy Stephens

Talley Verdin Williams

Young

A quorum being present, the Senate resumed.

**MESSAGE FROM THE GOVERNOR**

The following appointments were transmitted by the Honorable Henry Dargan McMaster:

**Local Appointment**

Initial Appointment, Charleston County Magistrate, with the term to commence April 30, 2019, and to expire April 30, 2023

Amy B. Rothschild, 3073 Rice Field Lane, Mt. Pleasant, SC 29466-7194 *VICE* Ellen S. Steinberg

**Doctor of the Day**

Senator McELVEEN introduced Dr. Gary Culbertson of Sumter, S.C., Doctor of the Day.

**Leave of Absence**

On motion of Senator SETZLER, at 11:07 A.M., Senator JACKSON was granted a leave of absence for today.

**Leave of Absence**

On motion of Senator HEMBREE , at 11:07 A.M., Senator TURNER was granted a leave of absence for the balance of the week.

**Leave of Absence**

On motion of Senator SETZLER, at 11:10 A.M., Senator HARPOOTLIAN was granted a leave of absence for the balance of the week.

**CO-SPONSORS ADDED**

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

S. 96 Sen. McElveen

S. 154 Sen. Cromer

S. 181 Sen. Sabb

S. 182 Sen. Sabb

S. 280 Sens. McElveen and Senn

S. 281 Sens. McElveen and Senn

S. 285 Sen. Goldfinch

S. 353 Sen. Alexander

S. 361 Sen. Scott

S. 367 Sen. Cromer

S. 368 Sen. Cromer

S. 414 Sen. Alexander

S. 424 Sen. Grooms

**RECALLED AND COMMITTED**

S. 448 -- Senator Hutto: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 56-1-1100, RELATING TO HABITUAL OFFENDER PENALTIES, SO AS TO PROVIDE AN EXCEPTION FOR DRIVING A MOPED FOR A PERSON DECLARED A HABITUAL OFFENDER, AND TO REMOVE THE REQUIREMENT THAT THE DEPARTMENT OF MOTOR VEHICLES PROVIDE SPECIFIC NOTICE TO THE ATTORNEY GENERAL OR THE APPROPRIATE SOLICITOR OF ANY VIOLATIONS OF THIS SECTION.

On motion of Senator GROOMS, with unanimous consent, the Bill was recalled from the Committee on Transportation and committed to the Committee on Judiciary.

**INTRODUCTION OF BILLS AND RESOLUTIONS**

The following were introduced:

S. 444 -- Senators Massey, Climer, Rice, Loftis, Gustafson, Davis, Cash, Corbin, Kimbrell, Verdin, Peeler, Shealy and Bennett: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 2-19-80(A), RELATING TO THE NOMINATION OF QUALIFIED JUDICIAL CANDIDATES TO THE GENERAL ASSEMBLY, SO AS TO PROVIDE THAT THE JUDICIAL MERIT SCREENING COMMISSION MUST SUBMIT THE NAMES OF ALL QUALIFIED CANDIDATES TO THE GENERAL ASSEMBLY.

sr-0236km23.docx : b29cfd96-e322-4406-bed3-ea38725b10d4

Senator MASSEY spoke on the Bill.

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

S. 445 -- Senator Garrett: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING ARTICLE 2 TO CHAPTER 49, TITLE 44 SO AS TO REQUIRE THE DEPARTMENT OF ALCOHOL AND OTHER DRUG ABUSE SERVICES TO APPROVE A CREDENTIALING ENTITY TO DEVELOP AND ADMINISTER A VOLUNTARY CERTIFICATION PROGRAM FOR RECOVERY HOUSING; TO REQUIRE THE APPROVED CREDENTIALING ENTITY TO ESTABLISH RECOVERY HOUSING CERTIFICATION REQUIREMENTS AND PROCEDURES BASED UPON NATIONALLY RECOGNIZED QUALITY STANDARDS; AND TO DESIGNATE THE EXISTING SECTIONS OF CHAPTER 49 AS ARTICLE 1, ENTITLED "GENERAL PROVISIONS".

lc-0161vr23.docx : b164dfa7-9a05-435a-9bb3-57e50756816d

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

S. 446 -- Senator Rice: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 50-23-11, RELATING TO WATERCRAFT DEALER DEMONSTRATION NUMBERS, SO AS TO DELETE PROVISIONS REGARDING AN APPLICATION FEE, THE EXPIRATION OF DEMONSTRATION NUMBERS, AND THE USE OF FEE REVENUE; BY AMENDING SECTION 50-23-70, RELATING TO WATERCRAFT CERTIFICATE OF NUMBER FEES AND DECALS, SO AS TO DELETE THE PROVISION THAT PROHIBITS THE ISSUANCE OF DUPLICATE DECALS WHEN AD VALOREM TAXES ARE OUTSTANDING; BY AMENDING SECTION 50-23-340, RELATING TO THE APPLICATION FEE FOR WATERCRAFT CERTIFICATES OF NUMBER, SO AS TO INCREASE THE FEE; BY AMENDING SECTION 50-23-345, RELATING TO TEMPORARY WATERCRAFT CERTIFICATES OF NUMBER, SO AS TO DELETE THE PROVISION PROHIBITING THE ISSUANCE OF A TEMPORARY CERTIFICATE NUMBER UNTIL AD VALOREM TAXES ARE PAID FOR THE YEAR; BY AMENDING SECTION 50-23-370, RELATING TO EXPIRATION AND RENEWAL OF WATERCRAFT CERTIFICATES OF NUMBER, SO AS TO PROVIDE THAT A CERTIFICATE OF NUMBER CONTINUES IN EFFECT FOR THREE YEARS INSTEAD OF ONE YEAR, AND TO DELETE PROVISIONS REGARDING THE ISSUANCE OF RENEWAL NOTICES AND PROCESSING OF RENEWALS BY COUNTY AUDITORS; BY REPEALING SECTIONS 50-23-12 AND 50-23-35 RELATING TO THE COMPLETION OF CERTAIN CHANGE IN STATUS FORMS FOR WATERCRAFT AND OUTBOARD MOTOR TRADE-INS AND TO THE ISSUANCE OF WATERCRAFT TITLES UPON RECEIPT OF EVIDENCE OF AD VALOREM TAX PAYMENT, RESPECTIVELY; BY REPEALING ARTICLE 26 OF CHAPTER 37, TITLE 12 RELATING TO PROCEDURES CONCERNING ASSESSMENTS AND PAYMENTS FOR PROPERTY TAXATION OF BOATS AND WATERCRAFT AND THE ISSUANCE OF CERTIFICATES OF NUMBER FOR BOATS AND WATERCRAFT.

lc-0068hdb23.docx : 344085c0-989e-4d55-a18d-d46b00ce1d73

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

S. 447 -- Senator Reichenbach: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 50-13-640, RELATING TO THE POSSESSION OF BLUE CATFISH, SO AS TO PROVIDE THAT IT IS UNLAWFUL TO POSSESS MORE THAN TWO BLUE CATFISH LONGER THAN THIRTY-TWO INCHES PER DAY ONLY IN LAKE MARION, LAKE MOULTRIE, OR THE UPPER REACH OF THE SANTEE RIVER, AND THE CONGAREE AND WATEREE RIVERS, AND TO PROVIDE FOR A DAILY CATCH LIMIT OF TWENTY-FIVE BLUE CATFISH A DAY ONLY IN LAKE MARION, LAKE MOULTRIE, AND THE UPPER REACH OF THE SANTEE RIVER.

sfgf-0011bc23.docx : 5a3091f9-55da-4549-b869-27268f69b280

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

S. 448 -- Senator Hutto: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 56-1-1100, RELATING TO HABITUAL OFFENDER PENALTIES, SO AS TO PROVIDE AN EXCEPTION FOR DRIVING A MOPED FOR A PERSON DECLARED A HABITUAL OFFENDER, AND TO REMOVE THE REQUIREMENT THAT THE DEPARTMENT OF MOTOR VEHICLES PROVIDES SPECIFIC NOTICE TO THE ATTORNEY GENERAL OR THE APPROPRIATE SOLICITOR OF ANY VIOLATIONS OF THIS SECTION.

sj-0008af23.docx : a14d5ac4-c89f-4307-a506-471cefb14b63

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

S. 449 -- Senator Climer: A BILL TO AMEND SECTION 4 OF ACT 71 OF 2021, RELATING TO TRANSPORTATION OF LIVE SWINE WITHOUT IDENTIFICATION, SO AS TO EXTEND THE SUNSET CLAUSE BY TWO YEARS.

sr-0241km23.docx : 0ab0d055-d1ba-4ae1-aebe-172c8bf1771c

Read the first time and referred to the Committee on Agriculture and Natural Resources.

S. 450 -- Senators Corbin, Garrett, Kimbrell, Climer, Peeler, Shealy, M. Johnson, Cash, Rice, Loftis, Bennett, Davis, Grooms, Gambrell and Cromer: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 2-19-10, RELATING TO JUDICIAL MERIT SELECTION COMMISSION, APPOINTMENT, QUALIFICATIONS, AND TERM OF OFFICE, SO AS TO PROVIDE THAT TWO MEMBERS MUST BE APPOINTED FROM EACH CONGRESSIONAL DISTRICT AND ONE MEMBER MUST BE APPOINTED BY THE GOVERNOR, WHO SHALL SERVE AS CHAIRMAN; TO PROVIDE THAT MEMBERS ARE APPOINTED BY CONGRESSIONAL DISTRICT LEGISLATIVE DELEGATIONS; TO LIMIT COMMISSION MEMBERSHIP TO TWO TERMS; TO PROHIBIT MEMBERS OF THE GENERAL ASSEMBLY FROM SERVING ON THE COMMISSION; TO PROVIDE THAT THE COMMISSION SHALL ELECT OFFICERS; TO PROVIDE THAT FORMER MEMBERS OF THE GENERAL ASSEMBLY MUST BE OUT OF OFFICE FOR FIVE YEARS BEFORE SERVING ON THE COMMISSION; AND TO PROVIDE THAT CURRENT JUDGES AND FORMER JUDGES MAY NOT SERVE ON THE COMMISSION; AND BY AMENDING SECTION 2-19-80, RELATING TO THE NOMINATION OF QUALIFIED CANDIDATES TO THE GENERAL ASSEMBLY, SO AS TO PROVIDE THAT ALL QUALIFIED CANDIDATES MUST BE SUBMITTED TO THE GENERAL ASSEMBLY.

sr-0226km23.docx : fcb9873c-fb22-4d49-9070-068f583c5913

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

S. 451 -- Senators Shealy, Setzler and Senn: A CONCURRENT RESOLUTION TO AUTHORIZE AMERICAN LEGION AUXILIARY PALMETTO GIRLS STATE TO USE THE CHAMBERS OF THE SOUTH CAROLINA SENATE AND HOUSE  
  
  
OF REPRESENTATIVES ON FRIDAY, JUNE 16, 2023.

sr-0239km-km23.docx : 6e4e70c5-3bd3-4b84-a6a7-9b9a94c8d41d

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

S. 452 -- Senator Cromer: A SENATE RESOLUTION TO CELEBRATE THE OCCASION OF THE ONE HUNDRED FIFTIETH ANNIVERSARY OF THE TOWN OF PROSPERITY AND TO CONGRATULATE AND COMMEND MAYOR DEREK UNDERWOOD AND THE CITIZENS OF PROSPERITY FOR ONE AND A HALF CENTURIES OF SHOWCASING BOTH THE BEAUTY AND PROGRESS OF THIS GREAT SOUTH CAROLINA TOWN.

lc-0128dg-dg23.docx : c313c7fb-41a2-4d6f-bf8f-1b60d3ad1a4c

The Senate Resolution was adopted.

S. 453 -- Senator Kimpson: A SENATE RESOLUTION TO CONGRATULATE AMELIA MOORE-TAYLOR ON THE OCCASION OF HER ONE HUNDREDTH BIRTHDAY AND TO WISH HER A JOYOUS BIRTHDAY CELEBRATION AND MUCH HAPPINESS IN THE DAYS AHEAD.

sr-0243km-hw23.docx : 7e85be9c-af8d-45ff-b7b5-27a249a83a94

The Senate Resolution was adopted.

S. 454 -- Senator Stephens: A BILL TO AMEND ACT 593 OF 1992, AS AMENDED BY ACT 254 OF 2022, RELATING TO THE LIMIT ON CASH RESERVES THAT MAY BE MAINTAINED BY DORCHESTER COUNTY SCHOOL DISTRICTS 2 AND 4, SO AS TO PROVIDE THAT THE LIMIT ON CASH RESERVES DOES NOT APPLY TO DORCHESTER COUNTY SCHOOL DISTRICT 4.

smin-0077aa23.docx : 6faf5ac0-bce0-4eea-9961-ada05ef8b0c5

Read the first time and ordered placed on the Local and Uncontested Calendar.

H. 3767 -- Reps. King, B. J. Cox and Cobb-Hunter: A CONCURRENT RESOLUTION TO COMMEND THE OUTSTANDING STUDENTS AND LEADERS OF THE UNITED STATES ARMY JUNIOR RESERVE OFFICERS' TRAINING CORPS IN SOUTH CAROLINA SCHOOLS, AND DECLARE APRIL 27, 2023, AS JROTC DAY AT THE SOUTH CAROLINA STATE HOUSE.

lc-0151sa-gm23.docx : cfa4ca10-5285-4e3a-90d7-6e94e326c9b2

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

**HOUSE CONCURRENCE**

S. 430 -- Senators Alexander, Adams, Allen, Bennett, Campsen, Cash, Climer, Corbin, Cromer, Davis, Fanning, Gambrell, Garrett, Goldfinch, Grooms, Gustafson, Harpootlian, Hembree, Hutto, Jackson, K. Johnson, M. Johnson, Kimbrell, Kimpson, Loftis, Malloy, Martin, Massey, Matthews, McElveen, McLeod, Peeler, Rankin, Reichenbach, Rice, Sabb, Scott, Senn, Setzler, Shealy, Stephens, Talley, Turner, Verdin, Williams and Young: A CONCURRENT RESOLUTION TO CONGRATULATE THE COUNCIL OF STATE GOVERNMENTS SOUTHERN OFFICE UPON THE OCCASION OF ITS SEVENTY-SEVENTH SOUTHERN LEGISLATIVE CONFERENCE AND TO COMMEND THE ORGANIZATION FOR ITS MANY YEARS OF DEDICATED SERVICE TO THE PEOPLE AND THE STATE OF SOUTH CAROLINA.

Returned with concurrence.

Received as information.

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

**THIRD READING BILL**

S. 410 -- Senator Talley: A BILL TO CONVEY THE REAL PROPERTY OF THE FAIRMONT-LARKIN AREA RECREATION COMMISSION TO SPARTANBURG COUNTY; TO DISSOLVE THE FAIRMONT-LARKIN AREA RECREATION COMMISSION; AND TO REPEAL ACT 819 OF 1978, RELATING TO THE CREATION AND DUTIES OF THE FAIRMONT-LARKIN AREA RECREATION COMMISSION.

On motion of Senator TALLEY.

**CARRIED OVER**

S. 164 -- Senators Climer, Gustafson, Kimbrell, Senn, Loftis, Peeler, Grooms, Garrett and Campsen: A BILL to AMEND THE SOUTH CAROLINA CODE OF LAWS by renaming ARTICLE 3, CHAPTER 7, TITLE 44 AS THE "STATE HEALTH FACILITY LICENSURE ACT"; by amending SECTIONS 44-7-110, 44-7-120, 44-7-130, 44-7-140, 44-7-150, AND 44-7-320, ALL RELATING TO THE REGULATION OF HEALTH CARE FACILITIES IN THE STATE, TO ELIMINATE REFERENCES TO CERTIFICATE OF NEED REQUIREMENTS; by amending SECTION 44-7-160, so as to provide that the certificate of need program only applies to nursing homes; by adding section 44-7-161, to provide that musc must appear before the jbrc and obtain approval from the sfaa prior to taking certain actions; and to establish the certificate of need study committee to assess health care in rural south carolina.

On motion of Senator MASSEY, the Bill was carried over.

**CARRIED OVER**

S. 304 -- Senators Turner, Climer and Verdin: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 56-5-1885, RELATING TO OVERTAKING AND PASSING ANOTHER VEHICLE IN THE FARTHEST LEFT-HAND LANE, SO AS TO INCREASE THE FINE FROM TWENTY-FIVE DOLLARS TO ONE HUNDRED DOLLARS AND TO PROVIDE THAT SEVENTY-FIVE DOLLARS FROM EACH FINE COLLECTED MUST BE CREDITED TO THE HIGHWAY PATROL.

The Senate proceeded to the consideration of the Bill.

Senator BENNETT explained the Bill.

Senator K. JOHNSON spoke on the Bill.

On motion of Senator BENNETT, the Bill was carried over.

**CARRIED OVER**

S. 361 -- Senators Grooms and Scott: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 57-5-1630, RELATING TO THE EXTENSION OF CONSTRUCTION CONTRACTS, SO AS TO PROVIDE THAT THE DEPARTMENT OF TRANSPORTATION COMMISSION IS NOT REQUIRED TO PROVIDE PREAPPROVAL OF CONSTRUCTION CONTRACT EXTENSIONS AND TO PROVIDE THAT THE COMMISSION MUST RATIFY EXTENSIONS AT THE NEXT COMMISSION MEETING.

The Senate proceeded to the consideration of the Bill.

Senator BENNETT explained the Bill.

On motion of Senator MALLOY, the Bill was carried over.

**CARRIED OVER**

S. 363 -- Senators Rankin, Grooms and Verdin: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 56-5-4445, RELATING TO THE RESTRICTION OF ELEVATING OR LOWERING A MOTOR VEHICLE; SO AS TO PROHIBIT MOTOR VEHICLE MODIFICATIONS THAT RESULT IN THE MOTOR VEHICLE'S FRONT FENDER BEING RAISED FOUR OR MORE INCHES ABOVE THE HEIGHT OF THE REAR FENDER, TO PROVIDE FOR THE MANNER OF MEASURING THE HEIGHT OF THE FRONT FENDER IN RELATION TO THE REAR FENDER, AND TO PROVIDE PENALTIES FOR VIOLATIONS.

On motion of Senator RICE, the Bill was carried over.

**CARRIED OVER**

S. 375 -- Senators Grooms, Verdin and Senn: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 56-5-1538, RELATING TO THE DEFINITIONS OF EMERGENCY SCENE MANAGEMENT, SO AS TO PROVIDE THAT A DRIVER SHALL ENSURE THAT HIS VEHICLE IS KEPT UNDER CONTROL WHEN APPROACHING OR PASSING A MOTOR VEHICLE STOPPED ON OR NEAR THE RIGHT-OF-WAY OF A STREET OR HIGHWAY; TO PROVIDE THAT A PERSON DRIVING A VEHICLE APPROACHING A STATIONARY VEHICLE DISPLAYING FLASHING HAZARD LIGHTS SHALL SLOW DOWN, YIELD THE RIGHT-OF-WAY, AND MAINTAIN A SAFE SPEED IF CHANGING LANES IS UNSAFE; AND TO PROVIDE PENALTIES.

The Senate proceeded to the consideration of the Bill.

Senator BENNETT explained the Bill.

On motion of Senator CORBIN, the Bill was carried over.

**ADOPTED**

S. 438 -- Senator Cromer: A SENATE RESOLUTION TO RECOGNIZE AND HONOR SKILLSUSA FOR ITS EFFORTS TO ENSURE THAT AMERICA HAS A SKILLED WORKFORCE AND TO DECLARE FEBRUARY 6-10, 2023, AS "SKILLSUSA WEEK" IN SOUTH CAROLINA.

The Resolution was adopted.

**AMENDMENT PROPOSED, OBJECTION**

S. 374 -- Senators Rankin, Sabb and Talley: A CONCURRENT RESOLUTION TO FIX 12:00 NOON ON WEDNESDAY, FEBRUARY 1, 2023, AS THE TIME TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE SUPREME COURT, SEAT 4, TO FILL THE UNEXPIRED TERM OF THAT OFFICE WHICH WILL EXPIRE JULY 31, 2032; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE COURT OF APPEALS, SEAT 1, WHOSE TERM WILL EXPIRE JUNE 30, 2023; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE COURT OF APPEALS, SEAT 2, AND THE SUCCESSOR WILL SERVE A NEW TERM OF THAT OFFICE WHICH WILL EXPIRE JUNE 30, 2029; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE CIRCUIT COURT, FIFTEENTH JUDICIAL CIRCUIT, SEAT 1, TO FILL THE UNEXPIRED TERM OF THAT OFFICE WHICH WILL EXPIRE JUNE 30, 2028; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE CIRCUIT COURT, AT-LARGE, SEAT 3, UPON HIS RETIREMENT ON OR BEFORE DECEMBER 31, 2023, AND THE SUCCESSOR WILL FILL THE UNEXPIRED TERM OF THAT OFFICE WHICH WILL EXPIRE JUNE 30, 2027; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE FAMILY COURT, FIRST JUDICIAL CIRCUIT, SEAT 3, TO FILL THE UNEXPIRED TERM OF THAT OFFICE WHICH EXPIRES JUNE 30, 2028; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE FAMILY COURT, TWELFTH JUDICIAL CIRCUIT, SEAT 1, UPON HIS RETIREMENT ON OR BEFORE DECEMBER 31, 2023, AND THE SUCCESSOR WILL FILL THE UNEXPIRED TERM OF THAT OFFICE WHICH WILL EXPIRE JUNE 30, 2025; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE FAMILY COURT, AT-LARGE, SEAT 7, WHICH WILL EXPIRE JUNE 30, 2023; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE FAMILY COURT, AT-LARGE, SEAT 8, WHICH WILL EXPIRE JUNE 30, 2023; AND TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE ADMINISTRATIVE LAW COURT, SEAT 5, UPON HER RETIREMENT ON OR BEFORE JUNE 30, 2023, AND THE SUCCESSOR WILL SERVE A NEW TERM OF THAT OFFICE WHICH WILL EXPIRE JUNE 30, 2028.

The Senate proceeded to the consideration of the Resolution.

Senator CASH proposed the following amendment (SR-374.JG0001S):

Amend the concurrent resolution, as and if amended, by striking the second undesignated paragraph and inserting:

That the Senate and the House of Representatives shall meet in joint assembly in the Hall of the House of Representatives on Wednesday, February 1, 2023, at noon, to elect a successor to the Honorable Blake A. Hewitt, Judge of the Court of Appeals, Seat 1, whose term will expire June 30, 2023; to elect a successor to the Honorable H. Bruce Williams, Judge of the Court of Appeals, Seat 2, and the successor will serve a new term of that office, which will expire June 30, 2029; to elect a successor to the Honorable Steven H. John, Judge of the Circuit Court, Fifteenth Judicial Circuit, Seat 1, and the successor will serve the remainder of the unexpired term, which will expire June 30, 2028; to elect a successor to the Honorable Clifton Newman, Judge of the Circuit Court, At‑Large, Seat 3, upon his retirement on or before December 31, 2023, and the successor will serve the remainder of the unexpired term, which will expire June 30, 2027; to elect a successor to the Honorable Nancy Chapman McLin, Judge of the Family Court, First Judicial Circuit, Seat 3, and the successor will serve the remainder of the unexpired term, which will expire, June 30, 2028; to elect a successor to the Honorable Timothy H. Pogue, Judge of the Family Court, Twelfth Judicial Circuit, Seat 1, upon his retirement on or before December 31, 2023, and the successor will serve the remainder of the unexpired term, which will expire June 30, 2025; to elect a successor to the Honorable Thomas Tredway Hodges, Judge of the Family Court, At‑Large, Seat 7, whose term will expire June 30, 2023; to elect a successor to the Honorable Rosalyn W. Frierson‑Smith, Judge of the Family Court, At‑Large, Seat 8, whose term will expire June 30, 2023; and to elect a successor to the Honorable Shirley C. Robinson, Judge of the Administrative Law Court, Seat 5, upon her retirement on or before June 30, 2023, and the successor will serve a new term of that office, which will expire June 30, 2028.

Be it further resolved that the General Assembly agrees that all nominations must be made by the Chairman or Vice-Chairman of the Judicial Merit Selection Commission and that pursuant to Section 2-19-90, no further nominating or seconding speeches may be made by members of the General Assembly on behalf of any candidate.

Renumber sections to conform.

Amend title to conform.

Senator CASH spoke on the amendment.

**Remarks by Senator CASH**

Thank you, Mr. PRESIDENT. The gist of this amendment is to remove the Supreme Court election from the elections that will be scheduled for next Wednesday, February 1st. By delaying this election, it would give us time to pass Senator MASSEY's Bill, which many of us just co-sponsored when it was read across the desk. If you weren't in the Chamber or weren't listening when Senator MASSEY introduced his Bill -- his Bill would remove the limitation that we currently have of only having three candidates available on a ballot. Once Senator MASSEY's Bill passes, the JMSC could provide a slate of candidates that included all qualified candidates according to that Bill and I believe hopefully this could allow us to have a Supreme Court election within a few months at the most. I understand that delaying a Supreme Court election would be an unusual step, but we are dealing with what many people have said to me in private conversations -- what many of us believe to be a constitutional crisis -- judicial activism, legislating from the bench. There's quite a bit of background to those phrases.

This past Sunday, January 22nd was the 50th anniversary of Roe v. Wade. Probably the most egregious example of legislating from the bench of the Supreme Court creating the policy for the Nation out of thin air that I know of. As a result of that decision, over 64 million unborn children have been killed by abortion. Thankfully, Roe v. Wade was overturned this past summer, but what I’m talking about happened in Roe v. Wade recently happened in South Carolina. The Heartbeat Law in South Carolina was struck down. I have talked with numerous people who say this is no different than what happened in Roe v. Wade including attorneys who have assured me that the state decision is just as bad if not worse than what the Supreme Court gave us in Roe v. Wade. If the state decision was just as bad if not worse, in my book that qualifies as a constitutional crisis in South Carolina. The same era of Roe v. Wade has been repeated in South Carolina.

How do we respond though? What is a proper response to that? Our judicial elections have come under a bright spotlight. We all realize that. Judicial philosophy of a candidate has become, if it wasn't already the number one criteria for many legislators. Not geography, not race, not gender -- judicial philosophy has rightfully become the number one criteria for many legislators. I'm not saying that those other criteria aren't of some secondary importance. I believe that we would all agree that they are. The heightened scrutiny I’m talking about has been most noticeable in the Supreme Court election. I recently sat in on a screening of the three candidates that lasted almost four hours. I took ten pages of notes of what these candidates had to say to us as they answered various questions. They all assured us they understood separation of powers and believed in judicial restraint. In essence and quite frankly even verbatim they said to us, if legislation says the sky is green, well, then the sky is green. If you can believe it, not just in this race but in every race, all of a sudden every candidate is a strict constructionist. Not only have the candidates themselves been scrutinized but the process of selecting the candidates has received a lot of attention.

Judicial reform is in vogue. I believe there's going to be a lot of talk about various aspects of judicial reform, both in the House and in the Senate I’ve heard enough of the ideas, and I’m sure I’ve not heard all of them, just enough to know there's going to be a wide variance of opinion on what judicial reform should include, and whether we can agree on these different things. I’m not sure just because there's so many various ways that you could change the process if that's what we're trying to do. But I will say this. Of the legislators I’ve talked with, I haven't talked with any who didn't think that removing the limitation of three candidates for a race -- I haven't talked with any who didn't think that was a good idea. Give us all the qualified candidates on the slate and let us choose from all. Whether it be one or two or three or five or seven. I don't think that's too difficult for us to then decide which candidate we want to support and to vote accordingly. But the current process whereby a select committee prescreens and only gives us at most three candidates is broken.

I was not here whenever that rule or law was made. I'm just saying I don't think it's a good one and think Senator MASSEY's Bill should be passed. We should have a slate of candidates of all qualified before we vote on the next Supreme Court Justice. Supreme Court Justices in South Carolina serve for ten years -- just had a three-two decision I believe was legislating from the bench. Who we put on the bench is going to be occupying a pretty important spot. I'm not saying we do have a candidate. I'm not saying we don't. Do we have the best candidate if you agree with what I believe which is -- do we have the best candidate. I have no way of knowing that because all the candidates who applied are not on the ballot. And if it was known more than three could be qualified, you might have some additional candidates out there who would run for the seat. I have been through three elections -- third election I was elected to the Senate. Every election I was in up to then had between six and eight candidates in it. In which case it was not unusual to be involved in a runoff.

If I had to go through a prescreening process in my races or you had to go through a prescreening process in your races I would not be here and some of y’all may not be here. Some committee was going to say, we're only going to let three people in this race and here they are, that's not right. Anyone qualified to run can be signed up on the ballot, right? I believe this needs to change and I believe it needs to change before we elect someone who is going to serve for ten years. I don't know about you, but I really don't think I’m going to be sitting in this Chamber ten years from now. If we put someone on the bench and they're not what you think they are, you might not be around in ten years to vote against them when they're up for re-election.

I believe it's important we have confidence to try to choose the best candidate we have, and I don't know that we can do that. By the law itself we can only have three candidates. So, I’m suggesting a delay in this election, and I will think there's a couple of advantages to this. One advantage is this -- I believe that having any kind of judicial reform is going to be contentious and difficult to achieve because we have different ideas, for instance, about who should be on the right. There's going to be various competing ideas as to how that committee is comprised. I believe if we can take the most fundamental things in Senator MASSEY's Bill and limit it to that and bring it before this Body quickly, I believe it could be passed. I will tell you this -- if we can't pass a Bill to remove that limitation of three, if we can't pass that Bill in the Senate, then I definitely don't want to go forward with an election, because that will show that things are really broken, if we can't pass Senator MASSEY's Bill.

However, this Body and the Chamber across the aisle can do about anything they want to in short order if they want to do it, right? So, we all know that Senator MASSEY's Bill could probably be passed in both Chambers in a matter of weeks if that's what the leadership wants to do. We could then proceed on that basis to have a slate of candidates that was open to additional people and as I said in my introductory comments, I believe the whole process of election could take place within a few months. If we just go ahead, forge ahead with this election of this Supreme Court Justice, well, now, that takes the heat off passing that Bill, doesn't it? There's no real pressure to pass that Bill. You know, I’ve been in the Chamber long enough to know that a lot of good ideas around here just never get done, because once you can find a way to delay them and stall them, they just don't get what they need to get across the finish line. If we delay this election that Bill will be in the spotlight, and I believe the Bill can and should be moved and passed quickly -- very, very simple idea.

So, the first thing is, I believe delaying this election will allow us to get that Bill passed and I’m determined if that's going to be the minimum of judicial reform in this State that all qualified candidates be on the ballot. Everything else, who gets to be on the committee, all these other ideas there we're going to fight over endlessly are not so important to me as that one. Because whether that committee is controlled by conservatives, liberals, or moderates, if we can get all the qualified candidates on the ballot, then that means who is on that committee and how it's selected doesn't become quite so important as it is right now. So, number one, I think it would help us to pass Senator MASSEY's Bill and as soon as we pass that Bill, I believe we could then have an election and maybe we would end up with the same person we have here. I'm not saying we won. But we would have a choice. Those who might want to run for the Supreme Court would have a choice to go before the Screening Committee and find out if they're qualified or not, and then we could do our job from there. Say, well, you know, that would be leaving an empty spot for a couple of months. Well, I’ve been told, because I’ve talked with the Majority Leader, that when we have this election next year for -- for replacing the Chief Justice, that the way that all works we're likely to have an opening on the Supreme Court there that's not filled for several months. Maybe even as long as a year because you have to elect -- you have to choose the person who is going to be the next Chief Justice and then once that happens then you have to have the judicial screening for who is going to fill that seat that's become empty. So, the fact that we could have a seat empty for a few months, I’m not going to consider to be a great distraction or reason not to -- not to do what I’m asking this Body to do. So that's it. I’m not going to try to hold up this election. I'm not going to talk unnecessarily. This is what I believe is a judicious thing to do given the fact that we are in a constitutional crisis and it's very important as to who goes on to our Supreme Court.

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

Senator CORBIN spoke on the amendment.

Senator KIMPSON spoke on the amendment.

Senator GARRETT spoke on the amendment.

**Remarks by Senator GARRETT**

I wish I could hear some wa wa wa, a little baby crying. The United States Supreme Court came down and told us that we needed to balance the rights of an unborn child, and his or her right to life as against a woman's right of choice. Of course, the United States Supreme Court found that there was no such right, and then sent it back to the states to determine whether or not there was this right of privacy. What did it mean in the State of South Carolina? All this question of judicial activism -- one must read to know that we have rampant judicial activism in this State. It’s only one opinion in this matter. So much so, that there were questions of what can the Legislator do, what can our Legislature do, when a Supreme Court Justice goes rogue? What do I mean by going rogue? By saying the Legislature didn't know what it was doing, the Legislature passed an act that was arbitrary. Many usually use the word capricious, they didn't. They just said it was arbitrary. The passage of law that we worked on for many years. We passed Fetal Heartbeat way before the Dobbs decision. So, we didn't know what the United States Supreme Court was going to do with Dobbs; we had no idea. The United States Supreme Court passes upon laws in the sense of upholds and then sends them down to the states or they reject laws and tell the states that you no longer have to follow that. South Carolina in reliance upon those passed laws consistent with the federal law which has now been declared improper. The United States Supreme Court in Dobbs said there is no constitutional right to an abortion. It went through many pages of analysis and then we got this decision. There are some opinions based on Roe v. Wade that thought we had no absolute right to abortion. They automatically said well, obviously that decision is going to be unconstitutional. But guess what? That law was passed prior to the Dobbs decision, so what do we do? We go ahead and go forward. We allow that case to be heard because it already enjoined us. Many people knew that they were going to enjoin us just like they did in Dobbs. The Supreme Court enforced it because the United States Supreme Court said there is no right to kill babies. When you do the balance, there is no right to kill babies. When we are faced with this, this creates the necessary discussion. I'm sorry we are even having this discussion. I love the South Carolina Supreme Court. I love this institution they call the Senate. I love the institution called the House of Representatives. I even like our Governor. We passed the Fetal Heartbeat Bill after many years. There were twenty plus years Senator GROOMS worked on that. The Legislature has the plenary power to make decisions in this case. I want you all to go through that one hundred fifty pages and show me where there was some analysis of the balance of the rights of a woman to have a choice and the balance of rights of the unborn child. You won't find it. So, we did exactly what the United States Supreme Court told us not to do. We allowed jurists in this case, one jurist in particular, to make what I call a super Legislator. One of the Justices, Kitteridge called him out for this. If you have somebody that is a super Legislator who is dividing the separation of power and crossing the lane, one Senator referred to it as crabs in a pot. Those crabs are trying to crawl out and others are pulling them back in. Well, I hate to tell you all this, but we had a Justice that got completely out of the pot and went on down the road. Until we reel him in, we have problems.

I want to talk a little bit about judicial reform. What right do we have as Legislators to control somebody that gets out of the pot, so to speak, or gets out of their lane? I looked at the Constitution, and I couldn't find anything of any substance, so the only thing we really can do, is in our appointment process. That process must be done in such a way that we are comfortable. There are many ways to do that, but I was more interested in not necessarily the appointive side of it but what happens if one goes rogue, what do you do? We need to be able to determine the ideology of a Judge before they come on the bench. I believe that the best Judge is a moderate, in the middle, not one way or the other, but could be swayed one way or the other without any preconceived notions. South Carolina Constitution Judicial Department Article V, Section 16 provides disqualification of Judges, Justices and temporary appointments. It says that the General Assembly shall specify the grounds for disqualification, of Justices and Judges to sit on certain cases. It also says the General Assembly shall also provide for the temporary appointment of men who are learned in the law. This is a set of special Justices and Judges when the necessity for an appointment shall arise. Should we not reflect when our own Justice of the Supreme Court calls out a fellow Justice for going off the reservation, should we not have some method that the General Assembly can call them into question? Or at least bring them before to have some discussion about getting outside the lanes? The United States Supreme Court advises there is no federal right to an abortion. Article III, Section 1 of the United States Constitution establishes that the Supreme Court is the Supreme Court. All Legislators, and all State Supreme Courts must follow their rules as they find them. Article I, Section 8 of the South Carolina Constitution is the separation of powers. It provides the government of this State, the legislative, executive, and judicial powers of the government shall forever be separate and distinct from each other. No person or persons exercising the functions of one of the said departments shall assume or discharge the duties of the other. We have a case where the United States Supreme Court sent it back to the State Legislature, but before the State Legislature had a chance to rule on it, or even debate it, then our Supreme Court looked at our law and decided what our rights of privacy were. If you go and look at this analysis it is frightening. It is absolutely frightening what a Justice alone, one person, can do in an opinion -- for instance privacy. The word privacy in this opinion got morphed into meaning many more things than just privacy. What do I mean? It goes to the point of saying that the right of privacy is not just the right of privacy; it is a clear right of privacy. Show me in the Constitution where it says it was a clear right of privacy or what that means, and did the Legislature discuss it? It then, took the right of privacy further, and went to the point of saying that privacy right and privacy interest are processes of deliberation. I don't see that in the Constitution. Although I think it is a good thing, I don't think there's anything in our Constitution saying that before a woman can exercise a right of privacy, she has to have a right of prayer, a discussion with her husband, a discussion with her boyfriend, a discussion with her minister, a discussion with a professional counselor, a discussion with her doctor, other loved ones or friends, she might turn to guidance and advice in making informed consent about whether to continue the pregnancy, and whether to end the life of the child. I would rather they ask whether to allow the child to live. Again, I saw no balancing in that analysis of the child whatsoever. If you are a strict constructionist and you read the Constitution you're supposed to stay within the bounds of the Constitution. At the end of this thing, it was said that the privacy right includes informed consent along with a private choice, and I looked in the Constitution and I still can't find those words. I've been looking at it, I've read it three times, I am trying to find it and it's not there. When he gets through with that, this Justice goes on, and then said if we the Legislature found certain facts, that we would have had to enforce them. We didn’t even consider what facts he had in his head that he thought that the Legislature should have thought about, and then responded to. Senator McELVEEN got up and made the point maybe a woman doesn't have enough time between learning of her pregnancy and the decision to make an informed choice.

Senator McELVEEN said it, then Senator MATTHEWS said it. If we had a discussion about it, I hate to tell you, but we've already ruled on that subject. That topic was discussed by this Body. If we made the decision after discussion of that topic, then the plenary power of this Legislature is superior to anything or any interpretation that our State Supreme Court may try to do. It was said that our actions were arbitrary. Maybe you're okay with that, maybe some of you are okay with our Supreme Court telling us that our actions are arbitrary. I'm not, our actions were thought out and thought through. They may disagree with our position, but our position was stated. It was in the Heartbeat Bill, and in the Heartbeat Bill there are certain responsibilities. From the time you're pregnant, until the time you are expecting, until the time we hear the fetal heartbeat a woman has the right to have an abortion. That's what the law allows for. If she decides to have unprotected sex, there is the morning after pill. Whose responsibility is it -- in a balancing? Why wouldn't the Court have looked at that and said well there's four weeks potential, six weeks potential that they could have known that they were pregnant and then made the decision before the fetal heartbeat. That was a decision this Legislature made. We said six weeks, and the Supreme Court interpreted it to mean four weeks. It doesn't matter, we've set a time that we as the Legislature felt was proper. Now, many of you know I disagree with that. Personally, I think it goes back to conception. This Body, unrelated to my opinion, made that decision after many years of hard work. So, for it to be said that our work was arbitrary concerns me. I go back to Justice Kitteridge; he is talking about the United States Supreme Court but he's talking about the Supreme Courts as a whole. The Supreme Court cautioned restraint in the recognition of unexpressed rights being fundamental in a constitutional sense. Now, we are using the word privacy. Once a claimed right is deemed a constitutional right, society, through its citizens, loses the ability to debate the issue and effect change to the democratic legislative process. Every one of the Justices said that there's no constitutional right to an abortion in South Carolina. This was a consequence of the Roe decision as for half a century. Only the opinion of the Judges mattered in defining the scope to the right of an abortion. Sixty-three million children died. Ladies and gentlemen, maybe there wasn't much crime, but there were sixty-three million children killed. So, the people here in South Carolina have a right to discuss this issue after Dobbs. It said excluding the people and leaving important policy issues in the hands of only Judges is anathema to the design of our constitutional republic and the democratic process. It is for this reason cases have cautioned that courts are to exercise the utmost care whenever we are asked to break new ground in this field. How many times in the Dobbs decision did it say, in every case, abortion is different? Why is abortion different? Because it also involves the balancing of an unborn child which I did not see in this analysis. The liberty protected by the due process clause can be subtly transformed into the policy preference from a member of the judiciary. It is important that our Supreme Court told us we had to be careful about this, and if we weren't careful about this, we could have a problem. I thank my colleague through his years of experience, and I thank you all for listening for my ramblings. As a practicing lawyer for forty years and an advocate for children I make no apologies for making these statements here today. It is imperative that we choose Justices that understand the constitutional right to life as a fundamental right. It is imperative that we have Justices who know what the opinion is and are capable of doing a balancing test. None of them did a balancing test, and a strict constructionist Mr. Kitteridge as well as Justice James did not. It was necessary because the claim on its face was unconstitutional. Again, if the General Assembly decides to give people nineteen weeks or two trimesters, if this Body decides that then that's the law of the case. The Supreme Court does not need to do a whole lot of background work once that decision is made but, that is not what we did here. The offending Justice of the Court must defer to the legislative judgement unless a legislative judgment is unlawful per se. He found the reasoning was unreasonable. Having said that, somehow the right of privacy in our State Supreme Court got morphed into a lot more than was set forth in our Constitution. We need strict constructionists; we don't need people making law especially Justices of the Supreme Court. Any questions?

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

Senator SENN spoke on the amendment.

**Remarks by Senator SENN**

So gentleman, one of the things I'm not sure that a lot of you may realize and that is that women make up 51.4% of South Carolina's population, so we really are not in the minority. Women make up 37.4% of the South Carolina Bar. At the two law schools in our State, women make up 52% of the student body at USC School of Law and 62% at the Charleston School of Law. What you may not know is that South Carolina is about to become the only State in the entire Nation to not have a female Supreme Court judge and that is embarrassing. It is more embarrassing to me than us being at the bottom of the State with education or having lawyers that don't even understand the separation of powers. That's ridiculous.

Right now, the five members of the Supreme Court are four male and one female. As we know that's going to change -- four white and one black. The black is going to come up next. And let me guess, I know what this Legislature is going to want to do. Let's get a black female -- check, check -- two boxes -- and then we'll be nice and balanced. The Court of Appeals -- nine members, one vacancy, five males, three females. A little more balanced there, right? Seven white and one black -- not quite balanced. Then we look at the Circuit Court -- 49 seats; one vacancy and that one is getting ready to go to a male. So, it's going to be 36 males and 13 females. Why is that when we are 37.4% of the Bar? It's because we are not anywhere near balanced in this Legislature. And I may not get to see a change. I'm one of five. Half the time I feel invisible to y'all. I had a colleague yesterday say right in front of my face, that he felt like that Supreme Court race went how it was supposed to go. Was I not standing right there? I had another colleague when we were in the elevator the other day surrounded by a bunch of Democratic males -- I'm the only female in the elevator -- and what does he say, “Let's circle the wagons boys, we're out numbered.” Was I there? I want to know, was I there? Then let's look at Family Court. Family Court -- 60 seats; there are three vacancies, 27 males and 30 females. Thank y'all. Thank y'all. Y'all think we're capable only of dealing with Family Court bull crap? Really? That's just embarrassing. It really is.

And then let's look at the makeup of this Body. We have one chairwoman, one chairwoman and what is she over? Family and Veterans’ Services. Now, that's by virtue of our rules, so I’m not going to complain about that. Part of the problem is you don't get women that are going to run for the Senate until after they have done their maternal responsibility usually and stayed home and raised all their babies. But we're not so dumb that babies are all that we know. Look across the hall. There is one -- one female chairwoman. Guess what she's over? Education. She runs a preschool, so actually she's probably suited for it, but the only chairwoman ever in the House has been -- there have been two -- two females both over Education. Why is that? I just don't get it. And like I said, I'm probably never going to see a change in how this Body is made up, but my daughter is around, and our daughters are coming, including yours. And I know for a fact that a lot of your wives and your daughters do not agree with you on this issue of abortion. And here we are on the issue of abortion and we're going to disguise it as rogue justices -- rogue justices -- that makes no sense to me whatsoever.

But I can tell you last Wednesday, the smartest candidate in the whole race dropped out 15 minutes before 12:00, before she could even gather votes. And she, in my opinion, would have been neck and neck right now had she stayed in that race. Because the optics of this, it just -- it is not good. Y'all would be getting heat from all groups around the State had the two women in the race stayed in the race. Because there is nothing, nothing embarrassing about losing. But now what about quitting? And y'all know, I never did lobby a single one of y'all -- not one. But y'all know that the smartest candidate, I believe, would have been a judge who left my partnership 12 years ago. Y'all know this. I never lobbied it. I never mentioned it. I never asked any one of y'all to vote for her because she was my partner. But I fear that her loss is partly my fault because she got painted with a brush that I guess I set forth; because, y'all know my opinion on at least giving a woman through first trimester to make up her mind and to hopefully get her life in order so that she can raise these babies.

But what you didn’t look at is that we are defense lawyers. We represent police and first responders. We're conservative. But oh no, y’all did not think her capable of making the decision on her own whether it comported with mine or not. She’s her own person, but I fear I caused her to lose. Why? Because I did my job. I told y'all in September what I felt about the issues, and I did my job and now she's prevented from doing hers. But is she prevented? I can't even fuss at this Body for that. She and I have been at each other's throats since she quit last week. Why? Because when she did, 51.4% of the population was let down -- let down. But why did she do it? She's smart and she's tough. She did it because a man told her to -- a man across the street -- he knows who he is. And why she listened to him I will never know because I honestly believe that she could have won this race. And if she didn't, even if she didn't, there would have been no shame in her numbers. But what can I do now? Now we're looking at years with no female justice. And I do appreciate the fact that y'all are turning this into an abortion discussion because at least now we know it really isn't about the smartest judge or the best candidate. It is about who you think it is going to demand forced birth. That's what this is.

I just -- I really -- I don't even know what to say beyond the fact that you should all be embarrassed. We should be embarrassed, me too, that we have allowed this to happen. We have allowed it to happen and why? What's the real reason we allowed it to happen? Because somebody over in the House is scared of seventeen clowns that are basically yanking his chain. Seventeen clowns are what this is about. And it ends up impacting one of the most serious judicial races -- the most serious that I’ve been a part of. And everybody keeps talking to me about down ballots and stuff. I don't even care about the down ballots at this point. I just really don't, but for y'all to sit here and say we need to change up the elections and you want to have every qualified person come out and be a candidate. If we're going to do that can we please make some type of rule that they don't have to slink about in the lobby and suck up to us at the ropes and beg for appointments with us? Because we’re going to have so many more candidates. My gosh, I run up these back stairs whenever the judicial races are going on because it is just too much. And also, while I’m ranting, please don't give judicial candidates my cell phone number. I mean why? That infuriates me. If they know me, they’re going to have my number. If they don't, I don't want anybody giving it to them.

There is nothing wrong with the way our system is. I know that this is a good point for everybody to say JMSC is bad, but the reality is lawyers know the other lawyers who are running, and lawyers know the best lawyers for the job. We usually know their temperament. We usually know what they’re thinking or what their thought process might be. But for this Legislature, supermajority Republican Party, super-supermajority men to sit here and say, oh, we had a judge who was the swing judge and therefore he is rogue, and we need to implement some type of procedure to rope him in and while we're at it, hey, the right thing happened -- when it happened that our two female candidates backed out. I'm ashamed of that and I’m ashamed about a lot. But one of the things I’m most ashamed about is the next two years with no women and we remain invisible.

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

Senator RANKIN spoke on the amendment.

Senator MALLOY spoke on the amendment.

Senator HUTTO objected to further consideration of the Resolution.

**OBJECTION**

H. 3703 -- Reps. Whitmire, King, McGinnis and Rose: A CONCURRENT RESOLUTION TO FIX 12:00 NOON ON WEDNESDAY, FEBRUARY 1, 2023, AS THE TIME TO ELECT ONE AT-LARGE MEMBER TO THE BOARD OF VISITORS FOR THE CITADEL FOR A TERM TO EXPIRE JUNE 30, 2028; FOR THE PURPOSE OF ELECTING THREE AT-LARGE MEMBERS TO THE BOARD OF TRUSTEES FOR CLEMSON UNIVERSITY FOR TERMS TO EXPIRE JUNE 30, 2026; FOR THE PURPOSE OF ELECTING A MEMBER TO THE BOARD OF TRUSTEES OF LANDER UNIVERSITY TO FILL THE TERM OF THE MEMBER FOR THE AT-LARGE SEAT 8, WHOSE TERM WILL EXPIRE JUNE 30, 2026, THE TERM OF THE MEMBER FOR THE AT-LARGE SEAT 9, WHOSE TERM WILL EXPIRE JUNE 30, 2026, THE TERM OF THE MEMBER FOR THE AT-LARGE SEAT 10, WHOSE TERM WILL EXPIRE JUNE 30, 2026, THE TERM OF THE MEMBER FOR THE AT-LARGE SEAT 11, WHOSE TERM WILL EXPIRE JUNE 30, 2026, THE TERM OF THE MEMBER FOR THE AT-LARGE SEAT 12, WHOSE TERM WILL EXPIRE JUNE 30, 2026, THE TERM OF THE MEMBER FOR THE AT-LARGE SEAT 13, WHOSE TERM WILL EXPIRE JUNE 30, 2026, THE TERM OF THE MEMBER FOR THE AT-LARGE SEAT 14, WHOSE TERM WILL EXPIRE JUNE 30, 2026, AND THE TERM OF THE MEMBER FOR THE AT-LARGE SEAT 15, WHOSE TERM WILL EXPIRE JUNE 30, 2026; FOR THE PURPOSE OF ELECTING A MEMBER TO THE BOARD OF TRUSTEES FOR THE UNIVERSITY OF SOUTH CAROLINA TO FILL THE TERM OF THE MEMBER FOR THE FIRST JUDICIAL CIRCUIT, FOR A TERM TO EXPIRE JUNE 30, 2026, THE MEMBER FOR THE THIRD JUDICIAL CIRCUIT, FOR A TERM TO EXPIRE JUNE 30, 2026, THE MEMBER FOR THE FIFTH JUDICIAL CIRCUIT, FOR A TERM TO EXPIRE JUNE 30, 2026, THE MEMBER FOR THE SEVENTH JUDICIAL CIRCUIT, FOR A TERM TO EXPIRE JUNE 30, 2026, THE MEMBER FOR THE NINTH JUDICIAL CIRCUIT, FOR A TERM TO EXPIRE JUNE 30, 2026, THE MEMBER FOR THE ELEVENTH JUDICIAL CIRCUIT, FOR A TERM TO EXPIRE JUNE 30, 2026, THE MEMBER FOR THE TWELFTH JUDICIAL CIRCUIT, FOR A TERM TO EXPIRE JUNE 30, 2026, AND THE MEMBER FOR THE THIRTEENTH JUDICIAL CIRCUIT, FOR A TERM TO EXPIRE JUNE 30, 2026; AND FOR THE PURPOSE OF ELECTING TWO AT-LARGE MEMBERS TO THE BOARD OF TRUSTEES FOR THE WIL LOU GRAY OPPORTUNITY SCHOOL, WHOSE TERMS WILL EXPIRE JUNE 30, 2026.

Senator MASSEY objected to consideration of the Resolution.

**RECESS**

At 1:51 P.M., on motion of Senator MASSEY, the Senate receded from business until 2:30 P.M.

At 2:51 P.M., the Senate resumed.

**Call of the Senate**

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

Adams Alexander Allen

Bennett Cash Climer

Corbin Cromer Davis

Fanning Gambrell Garrett

Goldfinch Grooms Gustafson

Hembree Hutto *Johnson, Kevin*

*Johnson, Michael* Kimbrell Kimpson

Loftis Malloy Martin

Massey Matthews McElveen

Peeler Reichenbach Rice

Sabb Scott Senn

Setzler Shealy Stephens

Talley Williams Young

A quorum being present, the Senate resumed.

**Expression of Personal Interest**

Senator GOLDFINCH rose for an Expression of Personal Interest.

**MOTION TO VARY THE ORDER OF THE DAY FAILED**

On motion of Senator MASSEY, under Rule 32A, the Senate moved to vary the order of the day and proceed to the Call of the Contested Statewide Calendar.

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

**Ayes 27; Nays 16**

**AYES**

Adams Alexander Bennett

Campsen Cash Climer

Corbin Cromer Davis

Gambrell Garrett Goldfinch

Grooms Hembree *Johnson, Michael*

Kimbrell Loftis Martin

Massey Peeler Rankin

Reichenbach Rice Shealy

Talley Verdin Young

**Total--27**

**NAYS**

Allen Fanning Gustafson

Hutto *Johnson, Kevin* Kimpson

Malloy Matthews McElveen

McLeod Sabb Scott

Senn Setzler Stephens

Williams

**Total--16**

The motion to Vary the Order of the Day failed.

**THE CALL OF THE UNCONTESTED CALENDAR HAVING BEEN COMPLETED, THE SENATE PROCEEDED TO THE MOTION PERIOD.**

**MOTION ADOPTED**

At 3:06 P.M., on motion of Senator MASSEY, the Senate agreed to dispense with the balance of the Motion Period.

**THE SENATE PROCEEDED TO THE INTERRUPTED DEBATE.**

**CARRIED OVER**

S. 39 -- Senator Grooms: A BILL to amend the South Carolina Code of Laws by adding Section 59-8-110, so as to define necessary terms; by adding Section 59-8-120, so as to provide timeline and scholarship application process guidelines; by adding Section 59-8-130, so as to establish the south carolina education scholarship trust fund; by adding Section 59-8-140, so as to establish an online electronic payment system; by adding Section 59-8-150, so as to provide guidelines for if a program of academic instruction is terminated before the end of the semester; by adding Section 59-8-160, so as to limit the number of scholarship students for specified school years; by adding Section 59-8-170, so as to provide for the application process and establishment of education service providers; by adding Section 59-8-180, so as to provide guidelines for informing students and their parents of program eligibility; by adding Section 59-8-190, so as to ensure equitable treatment and personal safety of all scholarship students; by adding Section 59-8-200, so as to require that a scholarship student's resident school district provide a parent and the education service provider with the student's school records; by adding Section 59-8-210, so as to establish the estf review panel; by adding Section 59-8-220, so as to provide that the provisions of the chapter do not restrict a school district's ability to enact or enforce a district's student transfer policy.

The Senate proceeded to a consideration of the Bill, the question being the second reading of the Bill.

Senator MASSEY moved to carry over the Bill.

Senator MALLOY moved to lay the motion to carry over on the table.

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

**Ayes 14; Nays 29**

**AYES**

Allen Fanning Hutto

*Johnson, Kevin* Kimpson Malloy

Matthews McElveen McLeod

Sabb Scott Setzler

Stephens Williams

**Total--14**

**NAYS**

Adams Alexander Bennett

Campsen Cash Climer

Corbin Cromer Davis

Gambrell Garrett Goldfinch

Grooms Gustafson Hembree

*Johnson, Michael* Kimbrell Loftis

Martin Massey Peeler

Rankin Reichenbach Rice

Senn Shealy Talley

Verdin Young

**Total--29**

The motion to table the motion to carry over the Bill failed.

On motion of Senator MASSEY, the Bill was carried over.

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

**AMENDED, ADOPTED**

S. 374 -- Senators Rankin, Sabb and Talley: A CONCURRENT RESOLUTION TO FIX 12:00 NOON ON WEDNESDAY, FEBRUARY 1, 2023, AS THE TIME TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE SUPREME COURT, SEAT 4, TO FILL THE UNEXPIRED TERM OF THAT OFFICE WHICH WILL EXPIRE JULY 31, 2032; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE COURT OF APPEALS, SEAT 1, WHOSE TERM WILL EXPIRE JUNE 30, 2023; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE COURT OF APPEALS, SEAT 2, AND THE SUCCESSOR WILL SERVE A NEW TERM OF THAT OFFICE WHICH WILL EXPIRE JUNE 30, 2029; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE CIRCUIT COURT, FIFTEENTH JUDICIAL CIRCUIT, SEAT 1, TO FILL THE UNEXPIRED TERM OF THAT OFFICE WHICH WILL EXPIRE JUNE 30, 2028; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE CIRCUIT COURT, AT-LARGE, SEAT 3, UPON HIS RETIREMENT ON OR BEFORE DECEMBER 31, 2023, AND THE SUCCESSOR WILL FILL THE UNEXPIRED TERM OF THAT OFFICE WHICH WILL EXPIRE JUNE 30, 2027; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE FAMILY COURT, FIRST JUDICIAL CIRCUIT, SEAT 3, TO FILL THE UNEXPIRED TERM OF THAT OFFICE WHICH EXPIRES JUNE 30, 2028; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE FAMILY COURT, TWELFTH JUDICIAL CIRCUIT, SEAT 1, UPON HIS RETIREMENT ON OR BEFORE DECEMBER 31, 2023, AND THE SUCCESSOR WILL FILL THE UNEXPIRED TERM OF THAT OFFICE WHICH WILL EXPIRE JUNE 30, 2025; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE FAMILY COURT, AT-LARGE, SEAT 7, WHICH WILL EXPIRE JUNE 30, 2023; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE FAMILY COURT, AT-LARGE, SEAT 8, WHICH WILL EXPIRE JUNE 30, 2023; AND TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE ADMINISTRATIVE LAW COURT, SEAT 5, UPON HER RETIREMENT ON OR BEFORE JUNE 30, 2023, AND THE SUCCESSOR WILL SERVE A NEW TERM OF THAT OFFICE WHICH WILL EXPIRE JUNE 30, 2028.

The Senate proceeded to a consideration of the Resolution.

Senator MASSEY proposed the following amendment (SR-374.KM0003S), which was adopted:

Amend the concurrent resolution, as and if amended, by striking the second and third undesignated paragraphs and inserting:

That the Senate and the House of Representatives shall meet in joint assembly in the Hall of the House of Representatives on Wednesday, February 8, 2023, at 12:00 noon, to elect a successor to the Honorable Kaye G. Hearn, Justice of the Supreme Court, Seat 4, and the successor will serve the remainder of the unexpired term, which will expire July 31, 2032; to elect a successor to the Honorable Blake A. Hewitt, Judge of the Court of Appeals, Seat 1, whose term will expire June 30, 2023; to elect a successor to the Honorable H. Bruce Williams, Judge of the Court of Appeals, Seat 2, and the successor will serve a new term of that office, which will expire June 30, 2029; to elect a successor to the Honorable Steven H. John, Judge of the Circuit Court, Fifteenth Judicial Circuit, Seat 1, and the successor will serve the remainder of the unexpired term, which will expire June 30, 2028; to elect a successor to the Honorable Clifton Newman, Judge of the Circuit Court, At‑Large, Seat 3, upon his retirement on or before December 31, 2023, and the successor will serve the remainder of the unexpired term, which will expire June 30, 2027; to elect a successor to the Honorable Nancy Chapman McLin, Judge of the Family Court, First Judicial Circuit, Seat 3, and the successor will serve the remainder of the unexpired term, which will expire, June 30, 2028; to elect a successor to the Honorable Timothy H. Pogue, Judge of the Family Court, Twelfth Judicial Circuit, Seat 1, upon his retirement on or before December 31, 2023, and the successor will serve the remainder of the unexpired term, which will expire June 30, 2025; to elect a successor to the Honorable Thomas Tredway Hodges, Judge of the Family Court, At‑Large, Seat 7, whose term will expire June 30, 2023; to elect a successor to the Honorable Rosalyn W. Frierson‑Smith, Judge of the Family Court, At‑Large, Seat 8, whose term will expire June 30, 2023; and to elect a successor to the Honorable Shirley C. Robinson, Judge of the Administrative Law Court, Seat 5, upon her retirement on or before June 30, 2023, and the successor will serve a new term of that office, which will expire June 30, 2028.

Be it further resolved that the General Assembly agrees that all nominations must be made by the Chairman or Vice-Chairman of the Judicial Merit Selection Commission and that pursuant to Section 2-19-90, no further nominating or seconding speeches may be made by members of the General Assembly on behalf of any candidate.

Renumber sections to conform.

Amend title to conform.

Senator MASSEY explained the amendment.

Senator MATTHEWS moved to lay the amendment on the table.

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

**Ayes 8; Nays 35**

**AYES**

Allen Fanning Kimpson

Matthews McLeod Sabb

Scott Stephens

**Total--8**

**NAYS**

Adams Alexander Bennett

Campsen Cash Climer

Corbin Cromer Davis

Gambrell Garrett Goldfinch

Grooms Gustafson Hembree

Hutto *Johnson, Kevin Johnson, Michael*

Kimbrell Loftis Malloy

Martin Massey McElveen

Peeler Rankin Reichenbach

Rice Senn Setzler

Shealy Talley Verdin

Williams Young

**Total--35**

The Senate refused to lay the amendment on the table.

The question then was the adoption of the amendment.

Senator FANNING spoke on the amendment.

The amendment was adopted.

Senator CASH proposed the following amendment (SR-374.JG0001S), which was not adopted:

Amend the concurrent resolution, as and if amended, by striking the second undesignated paragraph and inserting:

That the Senate and the House of Representatives shall meet in joint assembly in the Hall of the House of Representatives on Wednesday, February 1, 2023, at noon, to elect a successor to the Honorable Blake A. Hewitt, Judge of the Court of Appeals, Seat 1, whose term will expire June 30, 2023; to elect a successor to the Honorable H. Bruce Williams, Judge of the Court of Appeals, Seat 2, and the successor will serve a new term of that office, which will expire June 30, 2029; to elect a successor to the Honorable Steven H. John, Judge of the Circuit Court, Fifteenth Judicial Circuit, Seat 1, and the successor will serve the remainder of the unexpired term, which will expire June 30, 2028; to elect a successor to the Honorable Clifton Newman, Judge of the Circuit Court, At‑Large, Seat 3, upon his retirement on or before December 31, 2023, and the successor will serve the remainder of the unexpired term, which will expire June 30, 2027; to elect a successor to the Honorable Nancy Chapman McLin, Judge of the Family Court, First Judicial Circuit, Seat 3, and the successor will serve the remainder of the unexpired term, which will expire, June 30, 2028; to elect a successor to the Honorable Timothy H. Pogue, Judge of the Family Court, Twelfth Judicial Circuit, Seat 1, upon his retirement on or before December 31, 2023, and the successor will serve the remainder of the unexpired term, which will expire June 30, 2025; to elect a successor to the Honorable Thomas Tredway Hodges, Judge of the Family Court, At‑Large, Seat 7, whose term will expire June 30, 2023; to elect a successor to the Honorable Rosalyn W. Frierson‑Smith, Judge of the Family Court, At‑Large, Seat 8, whose term will expire June 30, 2023; and to elect a successor to the Honorable Shirley C. Robinson, Judge of the Administrative Law Court, Seat 5, upon her retirement on or before June 30, 2023, and the successor will serve a new term of that office, which will expire June 30, 2028.

Be it further resolved that the General Assembly agrees that all nominations must be made by the Chairman or Vice-Chairman of the Judicial Merit Selection Commission and that pursuant to Section 2-19-90, no further nominating or seconding speeches may be made by members of the General Assembly on behalf of any candidate.

Renumber sections to conform.

Amend title to conform.

The question was the adoption of the amendment.

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

**Ayes 2; Nays 41**

**AYES**

Cash Fanning

**Total--2**

**NAYS**

Adams Alexander Allen

Bennett Campsen Climer

Corbin Cromer Davis

Gambrell Garrett Goldfinch

Grooms Gustafson Hembree

Hutto *Johnson, Kevin Johnson, Michael*

Kimbrell Kimpson Loftis

Malloy Martin Massey

Matthews McElveen McLeod

Peeler Rankin Reichenbach

Rice Sabb Scott

Senn Setzler Shealy

Stephens Talley Verdin

Williams Young

**Total--41**

The amendment failed.

The question then being the adoption of the Resolution.

The Resolution, as amended, was adopted and ordered sent to the House.

**AMENDED, ADOPTED**

H. 3703 -- Reps. Whitmire, King, McGinnis and Rose: A CONCURRENT RESOLUTION TO FIX 12:00 NOON ON WEDNESDAY, FEBRUARY 1, 2023, AS THE TIME TO ELECT ONE AT-LARGE MEMBER TO THE BOARD OF VISITORS FOR THE CITADEL FOR A TERM TO EXPIRE JUNE 30, 2028; FOR THE PURPOSE OF ELECTING THREE AT-LARGE MEMBERS TO THE BOARD OF TRUSTEES FOR CLEMSON UNIVERSITY FOR TERMS TO EXPIRE JUNE 30, 2026; FOR THE PURPOSE OF ELECTING A MEMBER TO THE BOARD OF TRUSTEES OF LANDER UNIVERSITY TO FILL THE TERM OF THE MEMBER FOR THE AT-LARGE SEAT 8, WHOSE TERM WILL EXPIRE JUNE 30, 2026, THE TERM OF THE MEMBER FOR THE AT-LARGE SEAT 9, WHOSE TERM WILL EXPIRE JUNE 30, 2026, THE TERM OF THE MEMBER FOR THE AT-LARGE SEAT 10, WHOSE TERM WILL EXPIRE JUNE 30, 2026, THE TERM OF THE MEMBER FOR THE AT-LARGE SEAT 11, WHOSE TERM WILL EXPIRE JUNE 30, 2026, THE TERM OF THE MEMBER FOR THE AT-LARGE SEAT 12, WHOSE TERM WILL EXPIRE JUNE 30, 2026, THE TERM OF THE MEMBER FOR THE AT-LARGE SEAT 13, WHOSE TERM WILL EXPIRE JUNE 30, 2026, THE TERM OF THE MEMBER FOR THE AT-LARGE SEAT 14, WHOSE TERM WILL EXPIRE JUNE 30, 2026, AND THE TERM OF THE MEMBER FOR THE AT-LARGE SEAT 15, WHOSE TERM WILL EXPIRE JUNE 30, 2026; FOR THE PURPOSE OF ELECTING A MEMBER TO THE BOARD OF TRUSTEES FOR THE UNIVERSITY OF SOUTH CAROLINA TO FILL THE TERM OF THE MEMBER FOR THE FIRST JUDICIAL CIRCUIT, FOR A TERM TO EXPIRE JUNE 30, 2026, THE MEMBER FOR THE THIRD JUDICIAL CIRCUIT, FOR A TERM TO EXPIRE JUNE 30, 2026, THE MEMBER FOR THE FIFTH JUDICIAL CIRCUIT, FOR A TERM TO EXPIRE JUNE 30, 2026, THE MEMBER FOR THE SEVENTH JUDICIAL CIRCUIT, FOR A TERM TO EXPIRE JUNE 30, 2026, THE MEMBER FOR THE NINTH JUDICIAL CIRCUIT, FOR A TERM TO EXPIRE JUNE 30, 2026, THE MEMBER FOR THE ELEVENTH JUDICIAL CIRCUIT, FOR A TERM TO EXPIRE JUNE 30, 2026, THE MEMBER FOR THE TWELFTH JUDICIAL CIRCUIT, FOR A TERM TO EXPIRE JUNE 30, 2026, AND THE MEMBER FOR THE THIRTEENTH JUDICIAL CIRCUIT, FOR A TERM TO EXPIRE JUNE 30, 2026; AND FOR THE PURPOSE OF ELECTING TWO AT-LARGE MEMBERS TO THE BOARD OF TRUSTEES FOR THE WIL LOU GRAY OPPORTUNITY SCHOOL, WHOSE TERMS WILL EXPIRE JUNE 30, 2026.

The Senate proceeded to a consideration of the Resolution.

Senators MASSEY and ALEXANDER proposed the following amendment (SR-3703.JG0001S), which was adopted:

Amend the concurrent resolution, as and if amended, by striking the second undesignated paragraph and inserting:

That the Senate and the House of Representatives shall meet in joint assembly in the Hall of the House of Representatives immediately following the elections of members of the judiciary for the purpose of electing one at‑large member to the Board of Visitors for The Citadel for a term to expire June 30, 2028; for the purpose of electing three at‑large members to the Board of Trustees for Clemson University for terms to expire June 30, 2026; for the purpose of electing members to the Board of Trustees of Lander University to fill the term of the member for the At‑Large Seat 8, whose term will expire June 30, 2026, the term of the member for the At‑Large Seat 9, whose term will expire June 30, 2026, the term of the member for the At‑Large Seat 10, whose term will expire June 30, 2026, the term of the member for the At‑Large Seat 11, whose term will expire June 30, 2026, the term of the member for the At‑Large Seat 12, whose term will expire June 30, 2026, the term of the member for the At‑Large Seat 13, whose term will expire June 30, 2026, the term of the member for the At‑Large Seat 14, whose term will expire June 30, 2026, and the term of the member for the At‑Large Seat 15, whose term will expire June 30, 2026; for the purpose of electing members to the Board of Trustees for the University of South Carolina to fill the term of the member for the First Judicial Circuit, for a term to expire June 30, 2026, the member for the Third Judicial Circuit, for a term to expire June 30, 2026, the member for the Fifth Judicial Circuit, for a term to expire June 30, 2026, the member for the Seventh Judicial Circuit, for a term to expire June 30, 2026, the member for the Ninth Judicial Circuit, for a term to expire June 30, 2026, the member for the Eleventh Judicial Circuit, for a term to expire June 30, 2026, the member for the Twelfth Judicial Circuit, for a term to expire June 30, 2026, and the member for the Thirteenth Judicial Circuit, for a term to expire June 30, 2026; and for the purpose of electing two at‑large members to the Board of Trustees for the Wil Lou Gray Opportunity School whose terms will expire June 30, 2026.

Renumber sections to conform.

Amend title to conform.

Senator MASSEY explained the amendment.

The amendment was adopted.

Senator VERDIN spoke on the Resolution.

Senator SCOTT spoke on the Resolution.

The question then being the adoption of the Resolution, as amended.

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

**Ayes 43; Nays 0**

**AYES**

Adams Alexander Allen

Bennett Campsen Cash

Climer Corbin Cromer

Davis Fanning Gambrell

Garrett Goldfinch Grooms

Gustafson Hembree Hutto

*Johnson, Kevin Johnson, Michael* Kimbrell

Kimpson Loftis Malloy

Martin Massey Matthews

McElveen McLeod Peeler

Rankin Reichenbach Rice

Sabb Scott Senn

Setzler Shealy Stephens

Talley Verdin Williams

Young

**Total--43**

**NAYS**

**Total—0**

TheResolution as amended was adopted, ordered returned to the House.

**Motion Adopted**

Senator MASSEY asked unanimous consent to proceed to Interrupted Debate on S. 39.

There was no objection.

**THE SENATE PROCEEDED TO THE INTERRUPTED DEBATE.**

**AMENDED, DEBATE INTERRUPTED**

S. 39 -- Senator Grooms: A BILL to amend the South Carolina Code of Laws by adding Section 59-8-110, so as to define necessary terms; by adding Section 59-8-120, so as to provide timeline and scholarship application process guidelines; by adding Section 59-8-130, so as to establish the south carolina education scholarship trust fund; by adding Section 59-8-140, so as to establish an online electronic payment system; by adding Section 59-8-150, so as to provide guidelines for if a program of academic instruction is terminated before the end of the semester; by adding Section 59-8-160, so as to limit the number of scholarship students for specified school years; by adding Section 59-8-170, so as to provide for the application process and establishment of education service providers; by adding Section 59-8-180, so as to provide guidelines for informing students and their parents of program eligibility; by adding Section 59-8-190, so as to ensure equitable treatment and personal safety of all scholarship students; by adding Section 59-8-200, so as to require that a scholarship student's resident school district provide a parent and the education service provider with the student's school records; by adding Section 59-8-210, so as to establish the estf review panel; by adding Section 59-8-220, so as to provide that the provisions of the chapter do not restrict a school district's ability to enact or enforce a district's student transfer policy.

The Senate proceeded to a consideration of the Bill, the question being the second reading of the Bill.

**Amendment No. 16**

Senators CLIMER, KIMBRELL and M. JOHNSON proposed the following amendment (LC-39.DG0215S), which was carried over:

Amend the bill, as and if amended, SECTION 1, by striking Section 59-8-110(4)(c)(i) and inserting:

(c)(i) has a household income that does not exceed four hundred percent of the federal poverty guidelines; or

Renumber sections to conform.

Amend title to conform.

Senator CLIMER asked unanimous consent to carry over Amendment No. 16.

The amendment was carried over.

**Amendment No. 17**

Senators CLIMER, KIMBRELL and M. JOHNSON proposed the following amendment (LC-39.DG0214S), which was carried over:

Amend the bill, as and if amended, SECTION 1, by striking Section 59-8-135(A)(1), (2), and (3) and inserting:

(1) in School Year 2024-2025, the program is limited to ten thousand scholarship students;

(2) in School Year 2025-2026, the program is limited to twenty thousand scholarship students; and

(3) in School Year 2026-2027, and for all subsequent school years, the program is limited to thirty thousand scholarship students.

Renumber sections to conform.

Amend title to conform.

Senator CLIMER moved to carry over Amendment No. 17.

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

**Ayes 39; Nays 3**

**AYES**

Adams Alexander Allen

Bennett Campsen Cash

Climer Corbin Cromer

Davis Gambrell Garrett

Goldfinch Grooms Gustafson

Hembree Hutto *Johnson, Kevin*

*Johnson, Michael* Kimpson Loftis

Malloy Martin Massey

McElveen McLeod Peeler

Rankin Reichenbach Rice

Sabb Scott Senn

Setzler Shealy Talley

Verdin Williams Young

**Total--39**

**NAYS**

Fanning Matthews Stephens

**Total--3**

The amendment was carried over.

**Amendment No. 18**

Senators SETZLER, HUTTO and HEMBREE proposed the following amendment (LC-39.DG0194S), which was adopted:

Amend the bill, as and if amended, SECTION 1, Section 59-8-150, by adding a subsection to read:

(G) A person paid by, contracted with, employed by, or having a financial interest in an education service provider shall not be allowed to serve on the board of an organization contracting for services with the department as defined in Section 59-8-115(J), serve on the board of a vendor or private management firm contracted to manage accounts as defined in Section 59-8-125(C), on the board of any other provider of contracted-for services under Section 59-8-110(12) or under Section 59-8-120(H), or on the ESTF Review Panel. Any education service provider violating this subsection shall be barred from participating in the program for two years and shall return any funds received under the program to the ESTF.

Renumber sections to conform.

Amend title to conform.

Senator SETZLER explained the amendment.

The amendment was adopted.

**Amendment No. 19**

Senator FANNING proposed the following amendment (LC-39.VR0142S), which was tabled:

Amend the bill, as and if amended, SECTION 1, by striking Section 59-8-110(12)(e) and inserting:

(e) tuition and fees for an approved nonpublic online education service provider or course that requires at least fifteen days of in-person instruction;

Renumber sections to conform.

Amend title to conform.

Senator FANNING explained the amendment.

Senator HEMBREE moved to lay the amendment on the table.

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

**Ayes 29; Nays 13**

**AYES**

Adams Alexander Bennett

Campsen Cash Climer

Corbin Cromer Davis

Gambrell Garrett Goldfinch

Grooms Gustafson Hembree

*Johnson, Michael* Kimbrell Loftis

Martin Massey Peeler

Rankin Reichenbach Rice

Senn Shealy Talley

Verdin Young

**Total--29**

**NAYS**

Allen Fanning Hutto

*Johnson, Kevin* Kimpson Malloy

Matthews McElveen McLeod

Sabb Scott Stephens

Williams

**Total--13**

The amendment was laid on the table.

**Amendment No. 20**

Senator McLEOD proposed the following amendment (LC-39.DG0185S), which was ruled out of order:

Amend the bill, as and if amended, SECTION 1, by adding a section to read:

Section 59-8-190. (A) Upon the effectiveness of subsection (B), notwithstanding any other provisions of Section 59-8-110(3), for purposes of determining a student’s eligibility to receive a scholarship, the expanded Medicaid also extends to a student’s statement of Medicaid eligibility.

(B) The plan prepared by the department and submitted for federal approval in accordance with the requirements of Section 44-6-40 and pursuant to Section 1396a of Subchapter XIX, Chapter 7, Title 42 of the United States Code, for health insurance plans offered beginning January 1, 2024, must make medical assistance available to individuals under sixty-five years of age whose income does not exceed one hundred thirty-three percent of the federal poverty level, with a five percent income disregard, who are not already eligible for such medical assistance.

Renumber sections to conform.

Amend title to conform.

Senator McLEOD explained the amendment.

**Point of Order**

Senator MASSEY raised a Point of Order under Rule 24A that the amendment was out of order inasmuch as it was not germane to the Bill.

Senator FANNING spoke on the Point of Order.

The PRESIDENT sustained the Point of Order.

The amendment was ruled out of order.

**Amendment No. 21**

Senator FANNING proposed the following amendment (LC-39.AHB0036S), which was ruled out of order:

Amend the bill, as and if amended, SECTION 1, Section 59-8-120, by adding a subsection to read:

(K) The department shall conduct a review of all existing state assessments administered under the state’s consolidated accountability system under the Education Accountability Act and the federal Every Student Succeeds Act in order to evaluate the quality, validity, and alignment of these assessments to the learning goals articulated in the South Carolina College and Career Readiness Standards and the Profile of the South Carolina Graduate. The EOC must submit the findings of this review to the Speaker of the House and the President of the Senate by no later than May 31, 2024.

Renumber sections to conform.

Amend title to conform.

Senator FANNING explained the amendment.

Senator HEMBREE spoke on the amendment.

**Point of Order**

Senator GROOMS raised a Point of Order under Rule 24A that the amendment was out of order inasmuch as it was new and independent matter and not germane to the Bill.

Senator FANNING spoke on the Point of Order.

The PRESIDENT sustained the Point of Order.

The amendment was ruled out of order.

**Amendment No. 24**

Senator FANNING proposed the following amendment (LC-39.DG0160S), which was tabled:

Amend the bill, as and if amended, SECTION 1, Section 59-8-125, by adding a subsection to read:

(J) Payments made quarterly by the department to Education Service Providers for the purpose of tuition and fees shall constitute full payment of tuition and fees for each scholarship student and no remaining balance for tuition and fees may be charged to parents in any quarter of the academic year. A parent will be allowed to make payments for the cost of any other qualifying expenses not covered by the funds in their student’s ESTF; however, personal deposits into a ESTF are prohibited.

Renumber sections to conform.

Amend title to conform.

Senator FANNING explained the amendment.

Senator HEMBREE moved to lay the amendment on the table.

The amendment was laid on the table.

Debate was interrupted.

**LOCAL APPOINTMENT**

**Confirmation**

Having received a favorable report from the Senate, the following appointment was confirmed in open session:

Initial Appointment, Charleston County Magistrate, with the term to commence April 30, 2019, and to expire April 30, 2023

Amy B. Rothschild, 3073 Rice Field Lane, Mt. Pleasant, SC 29466-7194 *VICE* Ellen S. Steinberg

**MOTION ADOPTED**

On motion of Senator MASSEY, the Senate agreed that, when the Senate completed its business today, the Senate would stand in recess until 6:45 P.M. for the purpose of attending the Joint Assembly and at the conclusion of the Joint Assembly, the Senate would stand adjourned to meet at 11:00 A.M. tomorrow.

**RECESS**

At 5:41 P.M., on motion of Senator MASSEY, the Senate receded from business until 6:45 P.M.

**NIGHT SESSION**

The Senate reassembled at 6:45 P.M. and was called to order by the PRESIDENT.

**Committee to Escort**

The PRESIDENT appointed Senators PEELER, SETZLER, BENNETT, MALLOY and SHEALY to escort the Honorable Henry D. McMaster, Governor of South Carolina, and members of his party to the House Chamber for the Joint Assembly.

At 6:50 P.M., the Senate receded for the purpose of attending the Joint Assembly.

**JOINT ASSEMBLY**

**Address by the Governor**

At 7:00 o’clock P.M., the Senate appeared in the Hall of the House.

The PRESIDENT of the Senate called the Joint Assembly to order and announced that it had convened under the terms of a Concurrent Resolution adopted by both Houses.

H. 3603 -- Rep. G.M. Smith: A CONCURRENT RESOLUTION INVITING HIS EXCELLENCY, HENRY DARGAN MCMASTER, GOVERNOR OF THE STATE OF SOUTH CAROLINA, TO ADDRESS THE GENERAL ASSEMBLY IN JOINT SESSION AT 7:00 P.M. ON WEDNESDAY, JANUARY 25, 2023, IN THE CHAMBER OF THE SOUTH CAROLINA HOUSE OF REPRESENTATIVES.

The Honorable Henry Dargan McMaster, and members of his party, were escorted to the rostrum by Senators PEELER, SETZLER, BENNETT, MALLOY and SHEALY and Representatives Brittain, Erickson, Hiott, Jones, Leber and Thigpen.

The PRESIDENT of the Senate introduced the Honorable Henry Dargan McMaster, Governor of the State of South Carolina.

The Governor addressed the Joint Assembly as follows:

**State of the State Address**

Mr. Speaker, Mr. PRESIDENT, ladies and gentlemen of the General Assembly, my fellow South Carolinians. We are here tonight to address challenges and opportunities.

But first, as in prior years, I’d like to recognize those in uniform whom we lost in the line of duty in 2022. Officer Roy Andrew Barr of the Cayce Police Department; Deputy Austin Derek Aldridge of the Spartanburg County Sheriff’s Office; Corporal Sara K. Weaver of Florence County Emergency Medical Services, and Master Police Officer Tyrell Owens-Riley of the Columbia Police Department. To the families and loved ones of these brave South Carolinians, with all our hearts, we offer our condolences. We are eternally grateful for their service.

I am delighted to have with us once again tonight our First Lady, my bride Peggy, our son Henry, Jr., whose wife Virginia is home with their three-month-old daughter, Margot Gray. Also, our daughter Mary Rogers, whose husband Sam is home with their six-month-old son, James Dargan. Please stand and be recognized.

Also, our Lieutenant Governor Pamela Evette, and her husband David are here tonight.  Please stand and be recognized. Our state constitutional officeholders are here with us tonight, including our new Superintendent of Education Ellen Weaver.  Please stand and be recognized.

Finally, will the members of the best cabinet in the Nation please stand and be recognized.  Thank you.

The people of the great State of South Carolina have given me the honor and privilege of serving as your Governor for another four years.  My family and I thank you.

My pledge to all is that we will not squander this opportunity; we will continue to act boldly, think big and continue building on our successes.

South Carolina is richly blessed with a hardworking and talented people.  Our quality of life and cultural heritage, abundant natural resources and prosperous economy make us unique and attractive to all.  In fact, South Carolina is the third fastest growing state in the Nation according to the U.S. Census Bureau. People want to be here.

Our booming economy has once again created a record budget surplus, this year totaling over $3.5 billion in unexpected revenue.  State government is in superior fiscal shape.  Today, we have the largest rainy day reserve fund balance and lowest amount of debt than at any other time in recent memory. So, it should come as no surprise that 2022 was the most successful year for economic growth in our state’s history, with the record for the largest capital investment project broken twice in the same year.

In 2022, we announced 120 projects which will create over 14,000 new jobs with $10.27 billion in new capital investment.  This is almost two and a half times as much as 2021.

As another sign of our economic strength, last year we almost quadrupled our foreign direct investment from the previous year.  Every day, employers are creating new jobs, entrepreneurs are opening new businesses, and companies are deciding to locate in South Carolina.

The Palmetto State has one of the nation's fastest-growing container ports, two innovative inland ports, thirty-three airports, 2,300 miles of rail lines and more than 41,000 miles of state-maintained highways. The Port of Charleston has the deepest harbor -- 52 feet -- on the East Coast and its volume will grow exponentially this year.

There are 208 million people -- two-thirds of the U.S. population -- within two days’ drive of South Carolina.  Our thriving tourism industry continues to break records.  Compared to pre-pandemic levels in 2019, in the 2021-22 fiscal year, accommodations tax collections were up almost 50 percent, our state park system revenues were up 46 percent, and admissions tax collections were up 28 percent. Not only did we drive our way through a debilitating pandemic, with our decisions based on common sense and the Constitution, we thrived.

Tonight, we will recognize several of the businesses which announced new capital investment in South Carolina during the record-breaking year of 2022. As you will notice, the automotive industry continues moving towards electric vehicles, and South Carolina is moving along with it.  Last year, I issued an executive order prioritizing the recruitment of these manufacturers to ensure that our State will continue to be seen as the ideal place for manufacturers and suppliers to do business. South Carolina will continue to adapt as the industry innovates and grows.

In Berkeley County, Redwood Materials will invest $3.5 billion -- the single largest announcement in the history of South Carolina -- and create 1,500 jobs for a new battery materials recycling facility.

In the Upstate, BMW will invest $1.7 billion -- the second largest investment in state history: $1 billion of which will prepare Plant Spartanburg to produce electric vehicles and $700 million to build a new, high-voltage battery assembly facility in Woodruff, which will create 300 new jobs.

Envision AESC will invest $810 million in Florence to build a new, state-of-the-art battery cell gigafactory and employ over 1,000 residents to supply technology-leading battery cells to power the next generation of electric vehicles.

In Colleton County, Kontrolmatik Pomega will build a 3 gigawatt-hour capacity lithium-ion battery factory that will produce grid-scale energy storage. The company’s $279 million investment will create approximately 575 new jobs.

Bosch made two announcements in 2022 that continue to develop the company’s nearly 50-year history in the State of South Carolina.

In Anderson County, Bosch plans to invest $200 million and create up to 350 new jobs to expand operations to become the company’s first production operation of fuel cell technology in the United States.

And in Dorchester County, Bosch launched the production of electric motors to support the U.S. market demand for electrified vehicles, with plans for future growth. Bosch plans to invest $260 million and create 350 jobs at its site in North Charleston.

With a combined investment of $625 million and 50 new jobs, Nucor Steel is expanding in Berkeley County to include a new galvanizing line to meet the increased demand for steel, and an air separation unit to modernize the mill.

E.A. Sween, a leading supplier in the “ready-to-eat” sandwich industry, will invest $38 million and create 300 new jobs in Greenwood County.

In Greenville County, Health Supply U.S. is investing $150 million and creating 600 new jobs for a new manufacturing facility that will produce American-made personal protective equipment.

KION North America will invest $40 million and create 450 jobs to reshore the manufacturing of core components for industrial lift trucks from China to Summerville.

Will the leaders from these companies here with us tonight please stand and be recognized when I call your name? We will hold our applause until all are standing. Mr. Jason Thompson, the Chief Financial Officer of Redwood Materials; Ms. Sherry McCraw, the Vice President of Human Resources of BMW; Mr. Jeff Deaton, the Managing Director for North America of Envision AESC; Mr. Bahadir Yetki, the Chief Executive Officer of Kontrolmatik Pomega; Mr. Mike Mansuetti, the President of Bosch North America; Mr. Nathan Pranger, the Vice President and General Manager of Nucor Steel; Ms. Kristi Broadwater, the Senior Vice President of Human Resources for E.A. Sween; Mr. Chris Garcia, the Chief Executive Officer of Health Supply U.S; Mr. Jonathan Dawley, the President and Chief Executive Officer of KION North America.

And finally, our Secretary of Commerce, Harry Lightsey, and his remarkable team which worked around the clock to produce these successes, are here tonight. Ladies and gentlemen, thank you all for making 2022 a record-breaking year in South Carolina. And this year, let’s do it again.

Last year presented numerous challenges for the people of South Carolina, including those resulting from the misguided and unconstitutional policies of the Biden Administration, such as dramatic inflation and sharp interest rate hikes.  Left unchecked, run-away federal spending has created the specter of a recession on the horizon.

Yet, I remain confident about the future of our State because I have faith in our people and in those, they elected to represent them in the General Assembly.  And I am excited to renew our successful partnership -- one based on working together through collaboration, communication, and cooperation.

Today, we are presented with an opportunity to take bold, transformative actions that will build prosperity for generations to come.

The foundations of our successes rest on three pillars: economic strength, education, and our natural environment.

This past November, South Carolinians overwhelmingly approved a constitutional amendment increasing the minimum required balance in the rainy-day reserve fund. It was increased from 5 percent to 7 percent of the total amount of General Appropriations Act funds available to be appropriated in any year. I now ask the General Assembly to set aside an additional $500 million to voluntarily increase the rainy-day reserve fund minimum balance from 7 percent to 10 percent.  By saving this money instead of spending it, we will once again be prepared for any future economic uncertainties, should they arise.

Until recently, South Carolina had the highest personal income tax rate in the southeast and the 12th highest in the Nation.  No more.  Last year, we worked together to pass the largest income tax cut in state history. This made South Carolina even more competitive with other states for new jobs and capital investment.  A tax cut has the impact of a pay raise, letting people keep and spend more of their hard-earned money, which itself is a catalyst for even more economic growth and prosperity.

In February, the state Board of Economic Advisors is scheduled to issue an updated revenue forecast.  Should an increase in future revenues allow, I ask the General Assembly to use additional funds to speed up the income tax cut schedule, so taxpayers can keep even more of their hard-earned money.

In addition, I recommend setting aside a significant amount of funds to re-invest in our state’s record-breaking economic development efforts, rather than borrowing it through the issuance of bonds, which increases our state’s debt.  A one-time appropriation of $500 million will allow the Department of Commerce to satisfy all outstanding obligations and incentives without borrowing money. The House recently approved this appropriation, and it is my hope that the Senate will follow suit.

An additional one-time appropriation of $200 million will allow the department to identify and secure properties for future mega-site development.

Rural South Carolina has everything it needs for beauty and tranquility.  But what it needs for good public and economic health is water and sewer.  The right water and sewer systems in a county can transform a tax base.  That means jobs, good schools, strong families, and a safe and vibrant community. In 2022, the state Rural Infrastructure Authority received $800 million in American Rescue Plan Act funds. Their purpose: to replace, repair, and consolidate our state's aging and outdated rural water, sewer, and stormwater infrastructure, through competitive grants.  The demand exceeded the supply, and RIA received grant applications in 2022 for almost $2 billion.  This year, I am recommending that a minimum of $380 million in remaining ARPA funds be used to continue making these transformative water and sewer grants in our rural communities.

There is no infrastructure more in need of big, bold, and continued investment than our state’s roads, bridges, highways, and interstates.   Our successes are outrunning our infrastructure.

Last year, the Department of Transportation got almost $1 billion to accelerate and jump start construction, expansion, and improvements to our state-owned roads, bridges, highways, and to widen interstates. However, in the immortal words of Jerry Reed, “we’ve got a long way to go and a short time to get there.”  So we must invest more.

This year, my Executive Budget provides an additional $850 million to continue speeding up the completion of projects which will relieve traffic congestion on interstates and highways, repair or repave local roads and fix over 400 bridges across the State.

Working together, we have taken bold steps to improve the education our children receive in the classroom. Until last year, South Carolina’s system for funding K-12 education was archaic and confusing, a piecemeal system consisting of 29 separate line-item appropriations.  Now, a consolidated formula makes sure that funding follows the child.

It keeps pace with student enrollments and provides financial resources to support a state average student-teacher ratio of 11.2 students per teacher, with an average teacher salary, including fringe benefits, of $72,991.  My Executive Budget also increases State Aid to Classrooms by $254 million.

To increase the percentage of children who enter our public schools ready to learn, we unleashed the free market and expanded full-day, four-year-old kindergarten to all at-risk children in the State. Parents may now choose the public, private, or for-profit childcare provider that best suits their child’s educational needs.

Today, we are serving 16,103 “at-risk” children in the program, which is an all-time high. Last year, there were 18 children eligible to participate in the state-funded, full-day 4K program at St. Martin de Porres Catholic School, located in Columbia. St. Martin is a private school participating in the full day 4K program. This year, parents of nine of those children wanted to enroll their children in five-year-old kindergarten at the school but could not afford to pay the tuition. Thanks to the generosity of the Catholic Church, they were able to continue their education at St. Martin at no cost to the families.

Jonathan McMillan is one of those children. He participated in the full-day 4K program last year and is now enrolled in five-year-old kindergarten at St. Martin. According to his mother and teachers, Jonathan has been saved from further struggle and challenge by staying at St. Martin. “He had challenges upon his arrival. He had different social skills that required the intentionality of our educational team. Jonathan is not shy; he is brilliant and a determined leader.” His teacher, Ms. Hare, says that her goal is to help him find his light so he can brightly shine to the world around him. Jonathan is here tonight accompanied by his mother Ms. Djenabou along with the principal of St. Martin, Ms. Delores Gilliard. Ms. Gilliard has served as principal for five years. She completed a 40-year career in the public schools in Richland One school district, spending 22 years as a principal. Jonathan and ladies, please stand and be recognized.

My Executive Budget also provides $25 million in lottery dollars for the creation of education scholarship accounts, or ESAs, pending a change in the law by the General Assembly. These funds will allow lower-income parents to choose the type of education environment and instruction that best suits their child’s unique needs.

My Executive Budget also proposes to continue the remarkable progress we have made in raising teacher pay.  And we must do more.  New teaching positions are being created every year at new schools constructed to keep up with our growing population.

Six years ago, the minimum starting salary of a teacher in South Carolina was $30,113 and the average teacher salary was below the southeastern average.  Today, the minimum starting salary of a teacher in South Carolina is $40,000 and the average teacher salary now exceeds the southeastern average.  My Executive Budget proposes increasing teacher salaries by $2,500 at every step of the state salary schedule, making the new minimum starting teacher salary $42,500. My goal by 2026 is a minimum starting salary of at least -- at least -- $50,000. In addition, my Executive Budget provides every eligible public-school teacher for the upcoming school year, with a one-time $2,500 retention supplement, half in December and the other half in May.

Miss MyKenna Blankenship is a first-year teacher at Bay Road Elementary School in the Darlington County School District. She teaches first grade. Miss Blankenship was a Teaching Fellow at Francis Marion University where she completed her bachelor’s degree. She is the daughter of Ms. Jennifer Blankenship, also a teacher in the Darlington County School District. She teaches English and the Teacher Cadet Program at the Mayo High School for Math, Science and Technology. The Teacher Cadet Program is a high school course which encourages academically talented high school students to consider teaching as a career. MyKenna always wanted to be a teacher. As she said, “my mom was a lot of inspiration for my journey. . . I enjoy seeing students make connections with their life and what they are learning in school, but also the ‘Ah-Ha’ moment when they truly understand a concept. My first year is going awesome and I could not have been more blessed with the community I chose. These students are bright and always begin the day with a surprise. I learn more as a teacher and person every day. This career and opportunity with the students fulfill my life in more than one way.” MyKenna and her mother are here with us tonight. Ladies, please stand and be recognized.

Placing an armed, certified school resource officer -- SRO -- in every school, in every county, all day, every day, has been one of my top priorities.  At my request, the General Assembly began funding a grant program administered by the Department of Public Safety (DPS) to provide school districts with funds to hire more resource officers for our 1,283 public schools.

The grant program has been very successful and has more than doubled the number of officers assigned to a school, going from 406 to 982 in just four years. This year I am recommending an additional $27.3 million to provide an additional 188 schools with an SRO. With this appropriation, 90 percent of South Carolina’s public schools will have an SRO assigned to their campus.

In July of 2021 Michael Tucker was named Program Manager for the School Resource Officer (SRO) Program at DPS. During Mr. Tucker’s first year as the SRO Program Manager, working with school districts and local law enforcement agencies, the number of state-funded School Resource Officers increased by 74 percent. For his exemplary work to improve school safety in our State, Mr. Tucker was recognized in October as the DPS’s Public Servant of the Year. Joining Michael tonight is the Director of the Department of Public Safety Rob Woods and Chief of Staff Michael Oliver. Gentlemen, please stand and be recognized.

To train our state’s SROs, I recommend providing the State Law Enforcement Division with $3.5 million to create the *Center for School Safety and Targeted Violence*.  Located at the old Gilbert Elementary School, this partnership with Lexington School District One will provide a state-of-the-art training center in a real life setting for law enforcement and school personnel.

Last year, we expanded the investigative jurisdiction of the state Inspector General to reflect concerns that South Carolinians have regarding the management of our public schools, especially the management of taxpayer funds by school boards. It was a good first step toward restoring the public’s confidence in the actions of school boards. We should expand this transparency.

To this end, the public should also know who is getting paid to influence decisions made by county, municipal, or school board officials.  These “lobbyists” should be required to register with the State Ethics Commission, just like those who are paid to lobby the legislature.  What’s good for the State House -- is good for the Schoolhouse. Members of the General Assembly, send me this legislation and I will sign it into law.

We know that access to an affordable degree or skilled trade certificate is essential to ensure that our State has the trained and educated workforce to compete for jobs and investment in the future. Manufacturers in particular view the availability of skilled labor as critical to their decision to invest here.

To address the critical labor shortage affecting key sectors of our economy, I am asking the General Assembly to invest an additional $78 million in lottery funds to expand Workforce Scholarships for the Future through the South Carolina Technical College System.

In the last two years, this highly successful program has empowered over 10,000 South Carolinians to earn an industry credential in high-demand careers like manufacturing, healthcare, computer science, information technology, transportation, logistics, or construction.

Geena Rocanella, a graduate of Airport High School in Lexington School District Two, is pursuing an Associate Degree in Early Childhood and Elementary Education from Midlands Technical College.  In the afternoons, she works in an after-school program, caring for preschool and elementary-age students. After-school programs provide activities for students and allow mothers and fathers to work. After completing her Associate Degree, Ms. Rocanella plans to transfer to a four-year college to complete her teacher certification requirements and become a teacher. She received a Workforce Scholarship to attend Midlands Technical College because all regions of our State face a critical shortage of child-care workers. According to the U.S. Bureau of Labor Statistics, there are 100,000 fewer child-care workers today in America than before the pandemic.  They are in high demand. Ms. Rocanella is joining us tonight, and with her is Dr. Ron Rhames, President of Midlands Technical College. And this would not have been possible without the tremendous leadership of Dr. Tim Hardee, President of the State Technical College System, who is also here tonight. Will you all please stand and be recognized.

My Executive Budget marks the fourth consecutive year that I have asked the General Assembly to freeze college tuition for in-state students, with an appropriation to our institutions of higher education of $43 million. This represents the 5.2 percent increase in the Higher Education Price Index for 2022 and is based on the number of in-state students enrolled at each public institution.

We are also providing a record amount of financial aid and scholarships for students in need.  I propose providing $80 million so that every South Carolinian who qualifies for federal need-based financial aid -- as measured by federal Pell Grants -- receives sufficient state financial assistance to attend any in-state public college, university, or technical college.

And students at private, independent, and historically black colleges and universities will receive an additional $20 million for tuition grants and assistance.

In just two years, the University of South Carolina (USC) has almost doubled the number of in-state students receiving need-based grants from 2,000 students to more than 3,900 students from every county in the state.

With us tonight is Jazmine Lara Guerrero, a junior at the University of South Carolina majoring in Political Science.  Upon graduating, she plans to pursue a Ph.D. in Political Science. For the past three years, she has received a need-based grant. Miss Guerrero is a first-generation college student.  She is an Opportunity Scholar, a Ronald E. McNair Scholar, and a Magellan Scholar. She is part of the Gamecock Guarantee Program, which provides financial and academic support to first-generation college students. And she will graduate having no student loan debt. Before entering USC, Miss Guerrero attended the Academy for the Arts, Science and Technology, a public magnet high school in Myrtle Beach. Jazmine, please stand and be recognized.

We must continue to address the repairs needed at the aging, state-owned buildings, and infrastructure on the campuses of our four-year colleges, technical colleges, and universities. I ask the General Assembly to join me in paying down the state’s deferred maintenance liability with $209 million in Capital Reserve funds to be distributed pro-rata based on each institution’s in-state enrollment. Let’s pay for this right now, rather than borrowing it and creating more debt.

In addition, I ask that the General Assembly complete the funding of the Battelle Alliance, a collaborative nuclear sciences research partnership between the University of South Carolina, Clemson University, South Carolina State University, and the Savannah River National Laboratory.  With an appropriation of $100 million in addition to the $20 million appropriated last year, the alliance will develop workforce training programs designed to develop a pipeline of new talent to fill engineering, science, research, and management positions for private industry and nuclear facilities, including those operated by the Department of Energy. The impact on our research campuses will be far-reaching and dramatic.

It’s clear that a mental health crisis exists in South Carolina following the COVID-19 pandemic, especially among our young people. Many are still struggling with the effects of disruptions, virtual instruction, isolation, and constant changes to normal routines. South Carolinians in crisis must have access to professional mental health counseling and services. To meet the growing demand for mental and behavioral health services, I am recommending an allocation of nearly $45 million to the Department of Mental Health. These funds will support the agency’s ability to recruit and retain mental health professionals, provide inpatient services, increase access to crisis services such as suicide prevention hotlines -- including one specifically for veterans -- and community-based treatment services.

Last year, I directed Health and Human Services Director Robbie Kerr to initiate an immediate review of our state’s behavioral health funding and delivery system.  It became clear from Director Kerr’s efforts that the time has come to modernize and restructure South Carolina’s siloed healthcare delivery agencies: the Department of Mental Health, the Department of Health and Human Services, the Department of Health, and Environmental Control, among others.

My Executive Budget includes a $5 million appropriation to the Department of Administration for the purpose of procuring the professional expertise necessary to analyze and provide the General Assembly, by June 30, 2024, with a comprehensive plan to restructure these agencies, consolidating and privatizing services where possible.

Our booming economy sometimes puts our state agencies at a disadvantage with the private sector in recruiting and retaining good employees.  My Executive Budget provides $78 million for recruitment and retention salary increases for state employees; $2 million for a one-time $2,500 “sign on bonus” for new, first-time state government hires; and $2 million to the Department of Administration so they may assist smaller state agencies with marketing and advertising efforts to fill those “hard to hire” positions.

I am also recommending there be no increase in employee-paid premiums for State Health Plan participants and that we add -- at no cost to state employees -- an annual OBGYN exam for all females, similar to the existing no-cost adult wellness visit which was added two years ago.

Finally, the South Carolina Retirement System, often called the “state pension plan,” has one of the largest unfunded liabilities in the Nation, at nearly $24 billion. The system only has assets equal to 64 percent of what is required to pay beneficiaries, which places our pension system fifth worst in the Nation. Once again, I ask that the state plan be closed to new beneficiaries as of December 31, 2023, and that new state employees prospectively enrolled in the State Optional Retirement Program, which is a defined contribution 401(k) plan. Another year of inaction is another year in which the unfunded liability in the pension plan will increase. We cannot “kick this can down the road” any further.

To keep South Carolinians safe, we must maintain a robust law enforcement presence -- and properly “fund the police.”  Our state law enforcement agencies continue to lose valuable and experienced people because they are unable to remain competitive with pay and benefits.

Thanks to the compensation review conducted by Ms. Marcia Adams, Director of the Department of Administration, our state law enforcement, and criminal justice agencies have begun to stem the tide of personnel loss with $40 million in recruitment and retention pay raises provided in last year’s General Appropriations Act.

I am proposing that we continue to build on this momentum, by providing an additional $21.5 million for recruitment and retention pay raises this year with the understanding that we will continue doing it. I am also proposing a $2,000 state income tax credit for every active-duty law enforcement officer, firefighter, first responder, and emergency medical technician.  This nonrefundable tax credit will provide a total of $38.4 million in income tax relief for those who put their lives on the line each day to protect and serve our people.

Additionally, I recommend that we maintain a proviso suspending the $10,000 retirement cap for anyone enrolled in the Police Officers Retirement System. This will allow retired officers to return to work and fill existing vacancies and make our State safer.

Our law enforcement officers know who the repeat criminals are.  They commit over 80 percent of the crimes. Sixteenth Solicitor Kevin Brackett shared a shocking example of how bad this problem has become. On September 30, 2018, a repeat criminal, whose name I shall not repeat, who had a prior record of drugs, assault and battery, burglary, and illegal gun possession, was arrested and charged with possession of two stolen pistols, possession with intent to distribute crack and fentanyl -- and to distribute it near a park or school - resisting arrest and possession of a stolen M16A4 machine gun. He was released on a $10,000 bond.  Less than four months later, he was charged with domestic violence of a high and aggravated nature for violently assaulting his pregnant girlfriend.  Once again, he was released on bond.

Then, a few weeks after that, this repeat criminal, out on bond, shot two people, killing one. The surviving gunshot victim was the same pregnant girlfriend he assaulted weeks earlier. He also held four people at gunpoint, assaulting three of them with a hammer. He fled and then shot a third victim later that same day.  She survived. After all that, he was finally arrested, convicted, and was eventually sentenced to life in prison. Unfortunately, this is happening every day. How long are we going to let this happen?

Law enforcement needs our help. They need stronger laws to keep illegal guns out of the hands of criminals and juveniles, and new laws to “close the revolving door” and keep career criminals behind bars and not out on bond. That means no bond for repeat criminals.  Those who commit a crime while out on bond will receive an automatic mandatory five-year felony sentence with no early release or parole -- on top of the sentence for their previous crimes.

Currently, there are no graduated criminal penalties for illegal gun possession in state law.  That means the penalty is the same no matter how many times the criminal gets caught, which provides no deterrent. Graduated felony penalties, with no bond, will help keep repeat criminals behind bars and not out on bail where they can commit more crimes.

We also need to stop on shady bail bond practices.  Last October, I directed the Department of Insurance to crack down on these practices within its authority.  Today I propose the establishment of minimum standards for court-ordered GPS or electronic monitoring, and the imposition of penalties on bondsmen who fail to maintain electronic monitoring or fail report to violations of bond conditions to court.

We have no means to carry out a death sentence in South Carolina -- and the murderers know it.  The families and loved ones of these murderers’ victims know it, too.

The Department of Corrections has been unable to carry out the death penalty by lethal injection since 2011 because the companies which make the drugs will not sell them unless their identities are shielded by state law from anti-death penalty activists.  Fourteen states have enacted such a shield law. Director Bryan Stirling and I have asked the General Assembly to address this for over five years.  In an effort to solve this problem, we amended the death penalty law to make the electric chair the default method if lethal injection was unavailable and added the firing squad as a new means of execution. It was immediately challenged in court, scheduled executions were halted, and we now -- once again -- await a decision by our state Supreme Court.

Ladies and gentlemen, we cannot keep waiting. I ask the General Assembly again: pass a shield law. We must give these grieving families and loved ones the justice and closure they are owed by law and tell the people of South Carolina that their government believes in the rule of law -- just like they do.

We must also re-examine those issues, practices, and laws that make our State less competitive and make it difficult for families, businesses, and entrepreneurs to invest, grow, and thrive. One issue in need of re-examination is in the area of civil litigation known as “joint and several liability.” Nobody, including business owners should be penalized for the actions of others, simply because they have more money.  Nor should anyone be absolved of responsibility for their own actions. I am confident that we can find a commonsense formula which will provide accountability and just compensation without damaging our economy.

In addition, I suggest that it’s time for members of the General Assembly who are attorneys -- to stop suing the bodies in which they serve, stop suing state agencies in plaintiff actions, and stop suing elected officials. This is absurd. It diminishes the public’s confidence not only in the lawyer legislators -- but the rest of state government as well.

We must also ensure that the public has confidence in whom and how all our state’s judges are selected, by making the processes more transparent and accountable.  South Carolina is one of two states in which the General Assembly selects the members of the judiciary.  It appears that the public’s confidence in this arrangement is waning. Too often, the people’s business is unattended.  “Justice delayed is justice denied.” I suggest that our Founding Fathers prescribed a method for judicial selection that has served our federal government well and with which the public is quite familiar. Gubernatorial appointment of all judges, with the advice and consent of the state Senate, requires no “re-invention of the wheel,” will inspire the confidence of our people, and will encourage more excellent attorneys to seek public service.

Last year, the U.S. Supreme Court’s ruling in Dobbs v. Jackson Women’s Health Organization gave us cause for confidence when it recognized that Roe v. Wade was “egregiously wrong” on “the day it was decided” and that the U.S. Constitution does not prohibit states from regulating or prohibiting abortion.  Unfortunately, the South Carolina Supreme Court delivered a temporary setback earlier this month.  In a 3-2 decision, the court struck down the Fetal Heartbeat and Protection from Abortion Act, concluding that it violated a constitutional provision that was proposed and adopted before Roe v. Wade, at a time when nearly all abortions were illegal in South Carolina.  Respectfully, the court’s decision is at odds with the law and the facts, and the lead opinion’s results-oriented reasoning threatens to disrupt our constitutional separation of powers.

When I signed the Heartbeat Act into law, I was confident that it was constitutional. I still am.  Therefore, I will be filing a petition for rehearing next week, along with other state officials, and I remain optimistic that we will prevail in our historic fight to protect and defend the right to, and the sanctity of life.

Finally, our shared cultural and natural heritage, abundant natural resources and prosperous economy make us the envy of others and attractive to all. Explorers for kings and queens marveled at our mountains, beaches, sea islands, and marshes. They reported back that the land was lush, fertile, and brimming with abundance. And I have no doubt that they would have the same reaction today. When the French, Spanish, and English settlers began arriving in South Carolina over 450 years ago, there were around two dozen groups or “tribes” of indigenous peoples, or Native Americans, residing in the Lowcountry.

The Ashepoo, Bohicket, Combahee, Edisto, Kiawah, Sewee, St. Helena, Wando, among others lived and thrived here and their names live on today as majestic rivers, sea islands, towns, and entities. Currently, a number of tribes are officially recognized. The Catawba Indian Nation, the Beaver Creek Indians, the Edisto Natchez-Kusso Tribe of South Carolina, the Pee Dee Indian Nation of Upper South Carolina, the Pee Dee Indian Tribe, the Piedmont American Indian Association, the Santee Indian Organization, the Sumter Tribe of Cheraw Indians, the Waccamaw Indian People, and the Wassamasaw Tribe of Varnertown Indians. Many of the leaders of South Carolina’s tribes are here with us tonight.  Please stand and be recognized.

By the time the English established the permanent settlement of Charles Towne on the banks of the Ashley River in 1670, a global network for trading and selling West Africans into slavery was well established by European nations, sending enslaved people to Brazil, the West Indies, and the American colonies. Between 1700 and 1775, forty percent of enslaved West Africans entering the colonies did so through Gadsden’s Warf in Charleston, which today is the location of the new International African American Museum.

They came from the Winward Coast, the Ivory Coast, and the Gold Coast areas of Western Africa, known today as Senegal, Sierra Leone, the Republic of Congo, and Ghana. The importation of enslaved persons was criminalized in the United States in 1808. Descendants of these people are proudly represented today by the Gullah Geechee Nation, some living on the sea island properties owned by their ancestors. The Penn Center, on St. Helena Island, with its national landmark designation, serves as the cultural “capitol” and historical repository for the preservation of our Gullah heritage. Queen Quet Marquetta L. Goodwine, Chieftess of the Gullah Geechee Nation, is with us tonight.  Please stand and be recognized.

It is believed that the first European Jewish settlers arrived in Charleston around 1700 to take advantage of the civil and religious liberty afforded in the colony of South Carolina. The congregation Kahal Kadosh Beth Elohim has the oldest synagogue in continuous use in North America and is known as the cornerstone of American Reform Judaism.  By 1800, South Carolina had the largest Jewish population of any state in the United States.

More battles and skirmishes were fought during the Revolutionary War in South Carolina than in any other state. The victory at Cowpens over the British Army turned the tide of the American Revolution and secured life, liberty, and the pursuit of happiness for a new Nation. And the term “Sandlapper” was born as a colloquial nickname bestowed upon South Carolinians by retreating British troops. Efforts are underway now to preserve the stories and places of these historic events.

Clearly, South Carolina has an incomparable cultural and natural heritage which distinguishes our State and people from all others.  We must honor, preserve and be good stewards of that which we have been given.

Economic growth and the preservation of our shared heritage are not opposing objectives which must be balanced as in a competition, one against the other. Instead, they are complementary, intertwined, and inseparable, each dependent on the other. To strengthen one is to strengthen the other.

The question today is: Will anyone recognize South Carolina in 100 years? Will we allow our state’s culturally and environmentally significant structures, monuments, lands, islands, and waters to be   
lost -- to over-development, mismanagement, flooding, erosion, or storm damage?  Or will we preserve and protect our history, our culture and our environment, and the public’s access to them, before they are lost forever.  This is our moment to act while we still can. To that end, I am recommending that a total of $266 million be appropriated to the Conservation Land Bank, the Department of Natural Resources, and the Office of Resilience, for the purpose of identifying and preserving culturally or environmentally significant properties and tracts in which public access is in jeopardy of being lost forever.

In closing, to the members of the General Assembly, I say let us continue our successful partnership, one that has been based on communication, collaboration, and cooperation.

Let us embrace civility and comity through our thoughts, our actions, and our words -- and urge our people, especially the young people, to be proud of their State.

And let us set our State on a course that will provide the opportunity for prosperity, success, and happiness for generations of South Carolinians. The best is yet to come. May God continue to bless America, and our great State of South Carolina.

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**MOTION ADOPTED**

On motion of Senator GROOMS, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mr. Ronald “Ron” Calhoun Fulmer, Sr. of Columbia, S.C. Ron served in the Army as first lieutenant in the Vietnam War. He was a Citadel graduate and loved his home church St. John’s Lutheran Church. Ron served in the House of Representatives in the late 1980s representing District 119 in Charleston County. He started Fulmer Public Relations, Inc. and later worked with State Capitol Group, LLC. Ron received many awards and accolades including the Order of the Palmetto. Ron was a loving husband, devoted father and doting grandfather who will be dearly missed.

**ADJOURNMENT**

At 8:07 P.M., on motion of Senator MASSEY, the Senate adjourned to meet tomorrow at 11:00 A.M.

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