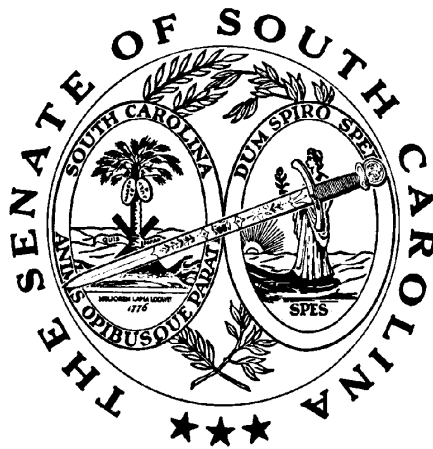


NO. 19

JOURNAL
OF THE
SENATE
OF THE
STATE OF SOUTH CAROLINA



REGULAR SESSION BEGINNING TUESDAY, JANUARY 10, 2023

THURSDAY, FEBRUARY 9, 2023

Thursday, February 9, 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:

Proverbs 16:3

The author of Proverbs declares: "Commit your work to the Lord, and your plans will be established."

Join your heart with mine as we pray: Glorious God, we know that it is Your desire for us to commit ourselves to laboring as Your servants in everything we undertake to accomplish. May it ever be so, dear Lord. So, to that end, we ask that You fill the hearts and minds of these Senators -- each and every one of them -- with a fervent desire to abide by Your teachings. And as a result of that zeal, may it be that each decision and every action these leaders and their aides pursue this year clearly reflects Your boundless love for absolutely every woman, man, and child here in South Carolina. In Your name do we pray this, blessed Lord. Amen.

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

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	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Garrett
Goldfinch	Grooms	Gustafson
Hutto	<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>
Kimbrell	Malloy	Martin
Massey	Matthews	Peeler
Rankin	Reichenbach	Rice
Sabb	Senn	Setzler
Shealy	Stephens	Talley

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Turner
Young

Verdin

Williams

A quorum being present, the Senate resumed.

Leave of Absence

On motion of Senator STEPHENS, at 11:12 A.M., Senator KIMPSON was granted a leave of absence for today.

Leave of Absence

On motion of Senator HUTTO, at 11:13 A.M., Senator HARPOOTLIAN was granted a leave of absence for today.

Leave of Absence

On motion of Senator FANNING, at 11:41 A.M., Senator McLEOD was granted a leave of absence until 12:40 P.M..

Leave of Absence

On motion of Senator HUTTO, at 1:12 P.M., Senator SETZLER was granted a leave of absence for the balance of the day.

Leave of Absence

On motion of Senator K. JOHNSON, at 2:19 P.M., Senator McELVEEN was granted a leave of absence until 3:15 P.M.

Leave of Absence

On motion of Senator SCOTT, at 2:47 P.M., Senator WILLIAMS was granted a leave of absence for the balance of the day.

Leave of Absence

On motion of Senator YOUNG, at 3:29 P.M., Senator TALLEY was granted a leave of absence for the balance of the day.

Expression of Personal Interest

Senator FANNING rose for an Expression of Personal Interest.

CO-SPONSORS ADDED

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

S. 134 Sen. Verdin
S. 483 Sen. Setzler
S. 518 Sen. Hutto

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S. 519 Sen. Kimbrell

RECALLED AND COMMITTED

S. 146 -- Senators Shealy and Goldfinch: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 44-48-30, RELATING TO DEFINITIONS, SO AS TO DEFINE A QUALIFIED EVALUATOR AND A RESIDENT, AS WELL AS TO CHANGE THE DEFINITION OF "LIKELY TO ENGAGE IN ACTS OF SEXUAL VIOLENCE" TO MEAN THAT A PERSON IS PREDISPOSED TO ENGAGE IN ACTS OF SEXUAL VIOLENCE AND MORE PROBABLY THAN NOT WILL ENGAGE IN SUCH ACTS; BY AMENDING SECTION 44-48-40, RELATING TO THE EFFECTIVE DATE OF PAROLE OR RELEASE, SO AS TO PROVIDE AN EFFECTIVE DATE FOR SUPERVISED REENTRY FOR A PERSON CONVICTED OF A SEXUALLY VIOLENT OFFENSE; BY AMENDING SECTION 44-48-50, RELATING TO THE MULTIDISCIPLINARY TEAM, APPOINTMENTS, THE REVIEW OF RECORDS, AND THE MEMBERSHIP OF THE MULTIDISCIPLINARY TEAM, SO AS TO PROVIDE FOR AN ASSESSMENT OF WHETHER OR NOT THERE IS PROBABLE CAUSE TO BELIEVE THAT A PERSON SATISFIES THE DEFINITION OF A SEXUALLY VIOLENT PREDATOR, TO PROVIDE REPORTING REQUIREMENTS, AND TO PROVIDE FOR THE MEMBERSHIP OF THE MULTIDISCIPLINARY TEAM; BY AMENDING SECTION 44-48-80, RELATING TO TAKING A PERSON INTO CUSTODY, HEARINGS, AND EVALUATIONS, SO AS TO PROVIDE FOR AN EVALUATION BY A COURT-APPOINTED QUALIFIED EVALUATOR WITHIN A CERTAIN TIME PERIOD, TO PROVIDE FOR AN INDEPENDENT EVALUATION BY AN INDEPENDENT QUALIFIED EVALUATOR WITHIN A CERTAIN TIME PERIOD, AND TO PROVIDE FOR AN EXTENSION IN EXTRAORDINARY CIRCUMSTANCES; BY AMENDING SECTION 44-48-90, RELATING TO A TRIER OF FACT, THE CONTINUATION OF A TRIAL, THE ASSISTANCE OF COUNSEL, THE ACCESS OF EXAMINERS TO A PERSON, AND THE PAYMENT OF EXPENSES, SO AS TO MAKE CONFORMING CHANGES, TO PROVIDE THAT CERTAIN CASES SHALL BE GIVEN PRIORITY STATUS, AND TO PROVIDE FOR COUNSEL AND THE PAYMENT AND COSTS FOR AN INDEPENDENT QUALIFIED EVALUATOR FOR AN INDIGENT PERSON; BY AMENDING SECTION 44-48-100, RELATING TO PERSONS

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INCOMPETENT TO STAND TRIAL, SO AS TO PROVIDE THAT A COURT SHALL CONDUCT A NON-JURY HEARING FOR A PERSON CHARGED WITH A SEXUALLY VIOLENT OFFENSE WHO HAS BEEN FOUND INCOMPETENT TO STAND TRIAL, WHO IS ABOUT TO BE RELEASED, AND WHOSE COMMITMENT IS SOUGHT; BY AMENDING SECTION 44-48-110, RELATING TO THE PERIODIC MENTAL EXAMINATION OF COMMITTED PERSONS, REPORTS, PETITIONS FOR RELEASE, HEARINGS, AND TRIALS TO CONSIDER RELEASE, SO AS TO MAKE CONFORMING CHANGES, TO PROVIDE FOR AN EVALUATION BY A DEPARTMENT OF MENTAL HEALTH-DESIGNATED QUALIFIED EVALUATOR WITHIN A CERTAIN TIME PERIOD AND UNDER CERTAIN CONDITIONS, AND TO PROVIDE FOR PERIODIC REVIEW HEARINGS AND THE PRESENCE OF THE RESIDENT AND THE DEPARTMENT OF MENTAL HEALTH-DESIGNATED QUALIFIED EVALUATOR AT HEARINGS; BY ADDING SECTION 44-48-115 SO AS TO PROVIDE THAT A RESIDENT SHALL HAVE THE RIGHT TO CHALLENGE COMMITMENT UNDER CERTAIN CIRCUMSTANCES AND TO PROVIDE CERTAIN CONDITIONS THEREOF; BY AMENDING SECTION 44-48-120, RELATING TO HEARING ORDERED BY COURT, EXAMINATION BY QUALIFIED EXPERT, AND THE BURDEN OF PROOF, SO AS TO MAKE CONFORMING CHANGES, TO PROVIDE FOR THE PRESENCE OF A DEPARTMENT OF MENTAL HEALTH-DESIGNATED QUALIFIED EVALUATOR AT A HEARING OR TRIAL, AND TO PROVIDE THAT A RESIDENT MAY SEEK ANOTHER EVALUATION AT HIS OWN EXPENSE; BY AMENDING SECTION 44-48-150, RELATING TO EVIDENTIARY RECORDS AND A COURT ORDER TO OPEN SEALED RECORDS, SO AS TO PROVIDE FOR THE RELEASE OF RECORDS TO THE ATTORNEY GENERAL AND COUNSEL OF RECORD; BY AMENDING SECTION 24-21-32, RELATING TO REENTRY SUPERVISION AND REVOCATION, SO AS TO PROVIDE THAT IF THE MULTIDISCIPLINARY TEAM FINDS PROBABLE CAUSE TO BELIEVE THAT AN INMATE IS A SEXUALLY VIOLENT PREDATOR, THEN THE INMATE IS NOT ELIGIBLE FOR THE SUPERVISED REENTRY PROGRAM; AND BY ADDING SECTION 44-48-180 SO AS TO ENSURE THAT CASES PURSUANT TO THIS CHAPTER SHALL BE GIVEN PRIORITY STATUS FOR THE PURPOSES OF SCHEDULING ANY HEARINGS OR TRIALS.

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

RECALLED

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.

Senator SHEALY asked unanimous consent to make a motion to recall the Concurrent Resolution from the Committee on Operations and Management.

The Concurrent Resolution was recalled from the Committee on Operations and Management and ordered placed on the Calendar for consideration tomorrow.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following were introduced:

S. 511 -- Senators Scott, Adams, Alexander, Allen, Bennett, Matthews, 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, McElveen, McLeod, Peeler, Rankin, Reichenbach, Rice, Sabb, Senn, Setzler, Shealy, Stephens, Talley, Turner, Verdin, Williams and Young: A SENATE RESOLUTION TO EXPRESS PROFOUND SORROW UPON THE PASSING OF DEACONESS BARBARA CAMPBELL MCLAWHORN AND TO EXTEND THE DEEPEST SYMPATHY TO HER FAMILY AND MANY FRIENDS.

sr-0269km-vc23.docx : 41b91abd-05c1-409a-acde-c3651e5a0196

The Senate Resolution was adopted.

S. 512 -- Senator Kimbrell: A SENATE RESOLUTION TO CONGRATULATE FORMER VICE PRESIDENT MIKE PENCE AND HIS WIFE, FORMER SECOND LADY KAREN PENCE, UPON THE BIRTH OF THEIR GRANDCHILD, AND TO WISH THEM MUCH JOY.

sr-0265km-hw23.docx : dd864151-b865-4d93-9753-5ddb3f1ce7fe

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The Senate Resolution was adopted.

S. 513 -- Senators Alexander and Davis: A SENATE RESOLUTION TO CONGRATULATE SOUTH CAROLINA OSHA UPON THE OCCASION OF ITS FIFTIETH ANNIVERSARY AND TO COMMEND SOUTH CAROLINA OSHA FOR ITS MANY YEARS OF DEDICATED SERVICE TO THE SOUTH CAROLINA COMMUNITY AND THE PEOPLE AND THE STATE OF SOUTH CAROLINA.

sr-0200km-hw23.docx : 9b8ca4e3-a4e9-407b-aa7b-d66aeff5cd17

The Senate Resolution was adopted.

S. 514 -- Senators Hutto, Jackson and Sabb: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTIONS 16-17-500, 16-17-501, 16-17-502, 16-17-503, 16-17-504, AND 16-17-506, RELATING TO THE PREVENTION OF YOUTH ACCESS TO TOBACCO AND OTHER NICOTINE PRODUCTS, SO AS TO CHANGE THE DEFINITION OF "TOBACCO PRODUCT" AND ADD DEFINITIONS FOR "TOBACCO RETAIL ESTABLISHMENT" AND "TOBACCO RETAILER"; TO PROHIBIT MINORS FROM ENTERING A TOBACCO RETAIL ESTABLISHMENT; TO CHANGE CERTAIN PENALTIES FOR TOBACCO RETAILER VIOLATIONS; TO REQUIRE TOBACCO RETAILERS TO SECURE AND DISPLAY A TOBACCO RETAIL SALES LICENSE FROM THE DEPARTMENT OF REVENUE AND TO ESTABLISH AN ASSOCIATED FEE AND A PENALTY FOR A VIOLATION; TO MAKE TECHNICAL CORRECTIONS; AND FOR OTHER PURPOSES; AND BY AMENDING SECTION 59-1-380, RELATING TO THE MANDATORY PUBLIC SCHOOL TOBACCO-FREE CAMPUS POLICY, SO AS TO MAKE CONFORMING CHANGES.

lc-0181vr23.docx : 970dec59-6abb-498d-a174-6f84cd83f2f4

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

S. 515 -- Senator Loftis: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 59-63-100, RELATING TO HOME SCHOOL STUDENT PARTICIPATION IN PUBLIC SCHOOL DISTRICT INTERSCHOLASTIC ACTIVITIES, SO AS TO REMOVE THE REQUIREMENT THAT SUCH STUDENTS BE HOME SCHOOLED FOR ONE FULL ACADEMIC YEAR BEFORE PARTICIPATING IN SUCH ACTIVITIES.

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lc-0218wab23.docx : 5e296583-5b64-4429-8f1c-c55530cea6d4

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

S. 516 -- Senator Loftis: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 59-10-10, RELATING TO STANDARDS FOR PHYSICAL ACTIVITY AND PHYSICAL EDUCATION IN KINDERGARTEN THROUGH FIFTH GRADE, SO AS TO PROVIDE MANDATORY, DAILY RECESS PERIODS TOTALING FORTY-FIVE TO SIXTY MINUTES FOR STUDENTS IN FOUR-YEAR-OLD KINDERGARTEN THROUGH FIFTH GRADE AND THIRTY TO FORTY-FIVE MINUTES FOR STUDENTS IN SIXTH THROUGH EIGHTH GRADE FOR UNSTRUCTURED, SELF-DIRECTED, OUTDOOR PHYSICAL ACTIVITY, TO PROVIDE THESE RECESS PERIODS ARE IN ADDITION TO EXISTING PHYSICAL EDUCATION OR OTHER CURRICULUM REQUIREMENTS, AND TO PROVIDE THE SAME UNSTRUCTURED, SELF-DIRECTED RECESS PERIODS MUST BE HELD INDOORS DURING TIMES OF INCLEMENT WEATHER WITHOUT THE USE OF INDIVIDUAL ELECTRONIC DEVICES BY STUDENTS; TO REDESIGNATE ARTICLE 1 OF CHAPTER 10, TITLE 59 AS "PHYSICAL EDUCATION AND ACTIVITY"; AND TO PROVIDE THE STATE BOARD OF EDUCATION AND STATE DEPARTMENT OF EDUCATION SHALL TAKE CERTAIN MEASURES TO CONFORM THEIR RESPECTIVE REGULATIONS AND RULES TO THE PROVISIONS OF THIS ACT, AND TO CLARIFY THAT THE PROVISIONS OF THIS ACT PREVAIL TO THE EXTENT THEY CONFLICT WITH ANY SUCH REGULATIONS AND RULES.

lc-0227wab23.docx : 72ed042f-f2f6-497c-a0d3-f93ffa01b570

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

S. 517 -- Senator Davis: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 40-33-20, RELATING TO DEFINITIONS, SO AS TO PROVIDE FULL PRACTICE AUTHORITY TO A LICENSED APRN, TO PROVIDE SCOPE OF PRACTICE OF MEDICAL ACTS FOR A LICENSED APRN, TO PROVIDE A MEANS FOR A CERTIFIED NURSE MIDWIFE TO OBTAIN AN APRN LICENSE, TO DEFINE FULL PRACTICE AUTHORITY, TO DEFINE GRADUATE REGISTERED NURSE-MIDWIFE, AND TO MAKE CONFORMING CHANGES; BY AMENDING SECTION 40-33-34, RELATING TO THE

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PERFORMANCE OF MEDICAL ACTS, QUALIFICATIONS, PRACTICE AGREEMENTS, PRESCRIPTIVE AUTHORIZATION, ANESTHESIA CARE, AND DEFINITIONS, SO AS TO PROVIDE FOR SCOPE OF PRACTICE TO INCLUDE PRESCRIBING MEDICATIONS AND CONTROLLED SUBSTANCES, AND TO MAKE CONFORMING CHANGES; BY AMENDING SECTION 40-33-42, RELATING TO THE DELEGATION OF TASKS TO UNLICENSED ASSISTIVE PERSONNEL, SO AS TO PROVIDE FOR THE ADMINISTRATION OF MEDICATIONS AS THE RESPONSIBILITY OF A LICENSED NURSE AS PRESCRIBED BY THE ADVANCED PRACTICE REGISTERED NURSE; BY AMENDING SECTION 40-33-110, RELATING TO GROUNDS FOR DISCIPLINE OF LICENSEES, SO AS TO MAKE CONFORMING CHANGES; BY AMENDING SECTION 40-47-37, RELATING TO THE PRACTICE OF TELEMEDICINE AND REQUIREMENTS, SO AS TO PROVIDE FOR THE SCOPE OF PRACTICE OF AN APRN TO INCLUDE TELEMEDICINE; BY AMENDING SECTION 40-47-20, RELATING TO DEFINITIONS, SO AS TO MAKE CONFORMING CHANGES; BY AMENDING SECTION 40-47-110, RELATING TO MISCONDUCT CONSTITUTING GROUNDS FOR DISCIPLINARY ACTION, TEMPORARY SUSPENSIONS, REVIEW OF FINAL ACTIONS, CONDUCT SUBVERTING SECURITY OR INTEGRITY OF MEDICAL LICENSING EXAMINATION PROCESS, SO AS TO MAKE CONFORMING CHANGES; BY AMENDING SECTION 40-47-113, RELATING TO THE ESTABLISHMENT OF A PHYSICIAN-PATIENT RELATIONSHIP AS A PREREQUISITE TO PRESCRIBING DRUGS, SO AS TO MAKE CONFORMING CHANGES; AND BY AMENDING SECTION 40-47-195, RELATING TO SUPERVISING PHYSICIANS AND SCOPE OF PRACTICE GUIDELINES, SO AS TO MAKE CONFORMING CHANGES.

sr-0043jg23.docx : 88717327-0f20-417c-8533-30253594998f

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

S. 518 -- Senators Shealy and Hutto: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 39-5-910 SO AS TO PROVIDE THAT IT IS AN UNFAIR TRADE PRACTICE FOR DEFERRED PRESENTMENT LENDERS, CONSUMER LENDERS, SUPERVISED LENDERS, SUPERVISED FINANCIAL ORGANIZATIONS, AND CONSUMER FINANCE COMPANIES TO CHARGE FEES OR INTEREST RATES THAT

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EXCEED THIRTY-SIX PERCENT ANNUAL PERCENTAGE RATE; BY ADDING SECTION 39-5-920 SO AS TO PROVIDE THAT THE AMOUNT OF THE CONSUMER'S RECOVERY IN AN ACTION PURSUANT TO THIS ARTICLE IS NOT CONTROLLING REGARDING AN AWARD OF ATTORNEY'S FEES; BY ADDING SECTION 39-5-930 SO AS TO PROVIDE THAT A LENDER CANNOT USE CERTAIN CORPORATE STRUCTURES TO CIRCUMVENT THE PROVISIONS CONTAINED IN THIS ARTICLE.

sr-0184km23.docx : 26f07d83-dca1-479f-8cee-618dd79e6590

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

S. 519 -- Senators Rice and Kimbrell: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS SO AS TO ENACT THE "TAX CREDITS FOR PARENTAL CHOICE IN EDUCATION ACT"; AND BY ADDING SECTION 12-6-3810 SO AS TO PROVIDE FOR AN INCOME TAX CREDIT FOR AN INDIVIDUAL WHO CHOOSES TO EDUCATE HIS CHILD OUTSIDE THE PUBLIC SCHOOL SYSTEM.

lc-0206sa23.docx : ee8cf62b-c7ba-4072-8c3e-21254e1b9f9c

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

S. 520 -- Senators Setzler, Cromer, Hembree, Jackson, K. Johnson, Alexander, Senn, Adams, Gustafson, Kimbrell, M. Johnson, Williams, Shealy, Garrett, Gambrell, Campsen, Grooms, Young, Turner, Rice, Talley, Rankin, Verdin, Scott and Sabb: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING ARTICLE 18 OF CHAPTER 71, TITLE 38, RELATING TO PHARMACY AUDIT RIGHTS, SO AS TO EXPAND THE RIGHTS AND DUTIES OF PHARMACIES DURING AUDITS; BY AMENDING ARTICLE 21 OF CHAPTER 71, TITLE 38, RELATING TO PHARMACY BENEFITS MANAGERS, SO AS TO DEFINE TERMS AND MAKE CONFORMING CHANGES; BY ADDING ARTICLE 23 TO CHAPTER 71, TITLE 38 SO AS TO DEFINE TERMS AND OUTLINE RESPONSIBILITIES AND DUTIES OF PHARMACY SERVICES ADMINISTRATIVE ORGANIZATIONS; AND BY REPEALING SECTION 38-71-147 RELATING TO FREEDOM OF SELECTION AND PARTICIPATION IN HEALTH INSURANCE POLICIES OR HEALTH MAINTENANCE ORGANIZATION PLANS.

lc-0179ph23.docx : d5ea5ced-9f10-44f7-8b05-b5a4b86bb063

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Senator CROMER spoke on the Bill.

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

S. 521 -- Senator Cromer: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 12-6-3530, RELATING TO COMMUNITY DEVELOPMENT TAX CREDITS, SO AS TO EXTEND THE CREDIT AND TO PROVIDE FOR AN INCREASE IN THE CREDIT AMOUNT.

lc-0227sa23.docx : 28cc3739-97b1-45a0-9ca8-07e21e67e35d

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

S. 522 -- Senators Jackson, McLeod, Scott, Setzler and Harpootlian: A SENATE RESOLUTION TO EXPRESS THE PROFOUND SORROW OF THE MEMBERS OF THE SOUTH CAROLINA SENATE UPON THE PASSING OF MRS. DORIS LEEVY JOHNSON OF COLUMBIA, TO CELEBRATE HER LIFE, AND TO EXTEND THE DEEPEST SYMPATHY TO HER FAMILY AND MANY FRIENDS.

lc-0223cm-gt23.docx : 1a85afdf-c5f4-4503-857e-5b5ee408f798

The Senate Resolution was adopted.

S. 523 -- Senators Rankin, Alexander, Peeler, Setzler and Hutto: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 58-37-40 SO AS TO PROVIDE THAT CENTRAL ELECTRIC POWER COOPERATIVE MUST SUBMIT ALL PROPOSED CONTRACTS OR OTHER PLANS FOR THE PROCUREMENT OF ELECTRIC GENERATION TO THE JOINT BOND REVIEW COMMITTEE, THE STATE REGULATION OF PUBLIC UTILITIES REVIEW COMMITTEE, AND THE PUBLIC SERVICE COMMISSION OF SOUTH CAROLINA PRIOR TO EXECUTION.

sj-0003bj23.docx : b32fe0f1-920f-4751-8f05-e3de5147adfc

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

S. 524 -- Senators Young and Massey: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 6-29-1625, RELATING TO FEDERAL DEFENSE FACILITIES DEFINITIONS, SO AS TO ADD FORT GORDON TO THE DEFINITION OF "FEDERAL MILITARY INSTALLATIONS".

lc-0224sa23.docx : 81526e5d-645f-4f54-b0f7-d07ad5988170

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

S. 525 -- Senator Turner: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 44-37-35, RELATING TO REQUIRED NEONATAL GENETIC TESTING, SO AS TO INCLUDE FABRY DISEASE TESTING.

sr-0052jg23.docx : 30a21159-6d34-45b6-8dcf-b627df299f3c

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

S. 526 -- Senators Goldfinch, Rankin, Young, Talley, Davis and Gambrell: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ENACTING THE "LIVABLE HOMES TAX CREDIT ACT"; AND BY ADDING SECTION 12-6-3810 SO AS TO PROVIDE FOR AN INDIVIDUAL INCOME TAX CREDIT TO AN INDIVIDUAL WHO PURCHASES A NEW RESIDENCE OR RETROFITS AN EXISTING RESIDENCE, PROVIDED THAT THE NEW RESIDENCE OR THE RETROFITTING OF THE EXISTING RESIDENCE IS DESIGNED TO IMPROVE ACCESSIBILITY, TO PROVIDE A CUMULATIVE TOTAL FOR WHICH THE CREDIT MAY NOT EXCEED, TO PROVIDE CERTAIN DESIGN ELEMENT REQUIREMENTS AND ELIGIBLE COSTS, AND TO PROVIDE A MAXIMUM AMOUNT OF TAX CREDITS THAT MAY BE GRANTED IN EACH INCOME TAX YEAR.

sr-0263km23.docx : fa5e0048-6fb9-4b36-909f-5bf074b1edd7

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

S. 527 -- Senator Verdin: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 10-1-165, RELATING TO THE PROTECTION OF CERTAIN MONUMENTS AND MEMORIALS, SO AS TO EXPAND THE TYPE OF MONUMENTS OR MEMORIALS THAT MAY NOT BE RELOCATED, REMOVED, OR DISTURBED, TO WITHHOLD DISBURSEMENTS FROM THE LOCAL GOVERNMENT FUND FOR ANY COUNTY OR MUNICIPALITY THAT VIOLATES THIS SECTION, TO PROVIDE FOR THE CARE AND PRESERVATION OF MONUMENTS AND MEMORIALS BY CERTAIN PEOPLE OR ORGANIZATIONS; TO PROVIDE STANDING TO CERTAIN PEOPLE OR ORGANIZATIONS TO BRING A CIVIL ACTION IN RESPONSE TO A VIOLATION OF THIS SECTION; AND TO PROVIDE FOR LIMITATIONS ON THE TRANSFER OF REAL PROPERTY UNDERNEATH A MONUMENT OR MEMORIAL OR

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THE TRANSFER OF REAL PROPERTY NECESSARY TO
MAINTAIN, ACCESS, OR VIEW A MONUMENT OR MEMORIAL.
sr-0230km23.docx : 64d8144e-b3a3-44af-a82b-55cad3458b49

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

H. 3728 -- Reps. Felder, A. M. Morgan, Leber, Magnuson, Haddon, Harris, Taylor, S. Jones, Landing, McCravy, Lowe, Jordan, Bradley, Herbkersman, Bannister, W. Newton, Elliott, B. J. Cox, Willis, Hewitt, West, Long, Burns and T. A. Morgan: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ENACTING THE "SOUTH CAROLINA TRANSPARENCY AND INTEGRITY IN EDUCATION ACT"; BY ADDING ARTICLE 5 TO CHAPTER 29, TITLE 59 SO AS TO EXPRESS RELATED INTENTIONS OF THE GENERAL ASSEMBLY, TO PROVIDE NECESSARY DEFINITIONS, TO PROHIBIT CERTAIN CONCEPTS FROM BEING INCLUDED IN PUBLIC SCHOOL INSTRUCTION AND PROFESSIONAL DEVELOPMENT, TO PROVIDE MEANS FOR ADDRESSING VIOLATIONS, AND TO PROVIDE PROCEDURES FOR PUBLIC REVIEW OF PUBLIC SCHOOL CURRICULUM AND INSTRUCTIONAL MATERIALS; AND BY AMENDING SECTION 59-28-180, RELATING TO PARENTAL EXPECTATIONS IN THE PARENTAL INVOLVEMENT IN THEIR CHILDREN'S EDUCATION ACT, SO AS TO PROVIDE PARENTS ARE EXPECTED TO BE THE PRIMARY SOURCE OF THE EDUCATION OF THEIR CHILDREN REGARDING MORALS, ETHICS, AND CIVIC RESPONSIBILITY, AND TO PROVIDE A PARENTAL PLEDGE OF EXPECTATIONS MUST BE PROVIDED TO PARENTS AS PART OF THE REGISTRATION AND ENROLLMENT PROCESS.

lc-0172wab23.docx : 5e3da121-5df2-4f9c-b218-8db34fb5ff99

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

H. 3921 -- Reps. Thayer, West, Gagnon, Beach, Chapman, Cromer, Alexander, Anderson, Atkinson, Bailey, Ballentine, Bamberg, Bannister, Bauer, Bernstein, Blackwell, Bradley, Brewer, Brittain, Burns, Bustos, Calhoon, Carter, Caskey, Chumley, Clyburn, Cobb-Hunter, Collins, Connell, B. J. Cox, B. L. Cox, Crawford, Davis, Dillard, Elliott, Erickson, Felder, Forrest, Garvin, Gatch, Gibson, Gilliam, Gilliard, Guest, Guffey, Haddon, Hager, Hardee, Harris, Hart, Hartnett, Hayes, Henderson-Myers, Henegan, Herbkersman, Hewitt, Hiott, Hixon, Hosey, Howard, Hyde, Jefferson, J. E. Johnson, J. L. Johnson, S.

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Jones, W. Jones, Jordan, Kilmartin, King, Kirby, Landing, Lawson, Leber, Ligon, Long, Lowe, Magnuson, May, McCabe, McCravy, McDaniel, McGinnis, Mitchell, J. Moore, T. Moore, A. M. Morgan, T. A. Morgan, Moss, Murphy, Neese, B. Newton, W. Newton, Nutt, O'Neal, Oremus, Ott, Pace, Pedalino, Pendarvis, Pope, Rivers, Robbins, Rose, Rutherford, Sandifer, Schuessler, Sessions, G. M. Smith, M. M. Smith, Stavrinakis, Taylor, Tedder, Thigpen, Trantham, Vaughan, Weeks, Wetmore, Wheeler, White, Whitmire, Williams, Willis, Wooten and Yow: A CONCURRENT RESOLUTION TO RECOGNIZE AND CONGRATULATE PAMELA CHRISTOPHER, PRESIDENT AND CEO OF THE ANDERSON AREA CHAMBER OF COMMERCE, ON BEING NAMED 2022 SOUTH CAROLINA CHAMBER EXECUTIVE OF THE YEAR BY THE CAROLINAS ASSOCIATION OF CHAMBER OF COMMERCE EXECUTIVES.

lc-0226wab-ar23.docx : 0179e9a4-f8a6-414e-ae68-b7ed01fac08e

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

H. 3922 -- Reps. Willis, Thayer, Alexander, Anderson, Atkinson, Bailey, Ballentine, Bamberg, Bannister, Bauer, Beach, Bernstein, Blackwell, Bradley, Brewer, Brittain, Burns, Bustos, Calhoon, Carter, Caskey, Chapman, Chumley, Clyburn, Cobb-Hunter, Collins, Connell, B. J. Cox, B. L. Cox, Crawford, Cromer, Davis, Dillard, Elliott, Erickson, Felder, Forrest, Gagnon, Garvin, Gatch, Gibson, Gilliam, Gilliard, Guest, Guffey, Haddon, Hager, Hardee, Harris, Hart, Hartnett, Hayes, Henderson-Myers, Henegan, Herbkersman, Hewitt, Hiott, Hixon, Hosey, Howard, Hyde, Jefferson, J. E. Johnson, J. L. Johnson, S. Jones, W. Jones, Jordan, Kilmartin, King, Kirby, Landing, Lawson, Leber, Ligon, Long, Lowe, Magnuson, May, McCabe, McCravy, McDaniel, McGinnis, Mitchell, J. Moore, T. Moore, A. M. Morgan, T. A. Morgan, Moss, Murphy, Neese, B. Newton, W. Newton, Nutt, O'Neal, Oremus, Ott, Pace, Pedalino, Pendarvis, Pope, Rivers, Robbins, Rose, Rutherford, Sandifer, Schuessler, Sessions, G. M. Smith, M. M. Smith, Stavrinakis, Taylor, Tedder, Thigpen, Trantham, Vaughan, Weeks, West, Wetmore, Wheeler, White, Whitmire, Williams, Wooten and Yow: A CONCURRENT RESOLUTION TO SALUTE MRS. DIANE WHITAKER, COORDINATOR OF EXTERNAL RELATIONS AND CAMPUS DESIGN AT ANDERSON UNIVERSITY, AT THE CELEBRATION OF HER TWENTIETH ANNIVERSARY AT ANDERSON AND TO EXTEND THE GRATITUDE OF THE SOUTH CAROLINA GENERAL ASSEMBLY

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FOR HER TWO DECADES OF COMMITTED SERVICE TO THE SCHOOL.

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

H. 3923 -- Reps. Willis, Thayer, Alexander, Anderson, Atkinson, Bailey, Ballentine, Bamberg, Bannister, Bauer, Beach, Bernstein, Blackwell, Bradley, Brewer, Brittain, Burns, Bustos, Calhoon, Carter, Caskey, Chapman, Chumley, Clyburn, Cobb-Hunter, Collins, Connell, B. J. Cox, B. L. Cox, Crawford, Cromer, Davis, Dillard, Elliott, Erickson, Felder, Forrest, Gagnon, Garvin, Gatch, Gibson, Gilliam, Gilliard, Guest, Guffey, Haddon, Hager, Hardee, Harris, Hart, Hartnett, Hayes, Henderson-Myers, Henegan, Herbkersman, Hewitt, Hiott, Hixon, Hosey, Howard, Hyde, Jefferson, J. E. Johnson, J. L. Johnson, S. Jones, W. Jones, Jordan, Kilmartin, King, Kirby, Landing, Lawson, Leber, Ligon, Long, Lowe, Magnuson, May, McCabe, McCravy, McDaniel, McGinnis, Mitchell, J. Moore, T. Moore, A. M. Morgan, T. A. Morgan, Moss, Murphy, Neese, B. Newton, W. Newton, Nutt, O'Neal, Oremus, Ott, Pace, Pedalino, Pendarvis, Pope, Rivers, Robbins, Rose, Rutherford, Sandifer, Schuessler, Sessions, G. M. Smith, M. M. Smith, Stavrinakis, Taylor, Tedder, Thigpen, Trantham, Vaughan, Weeks, West, Wetmore, Wheeler, White, Whitmire, Williams, Wooten and Yow: A CONCURRENT RESOLUTION TO CONGRATULATE DR. EVANS P. WHITAKER, PRESIDENT OF ANDERSON UNIVERSITY, ON THE OCCASION OF HIS TWENTIETH ANNIVERSARY AT THE HELM OF ANDERSON AND TO THANK HIM FOR HIS TWO DECADES OF DEDICATED SERVICE.

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

REPORTS OF STANDING COMMITTEE

Senator CLIMER from the Committee on Agriculture and Natural Resources submitted a favorable report on:

S. 173 -- Senator Climer: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 59-119-170 SO AS TO PROVIDE THAT ALL REGULATIONS PROMULGATED BY THE DIVISION OF REGULATORY AND PUBLIC SERVICE PROGRAMS MUST BE PROMULGATED IN ACCORDANCE WITH THE ADMINISTRATIVE PROCEDURES ACT; AND TO AMEND

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SECTIONS 46-1-140, 46-9-50, 46-10-30, 46-13-30, 46-23-90, 46-25-40, 46-25-45, 46-26-160, 46-35-10, 46-37-20, AND 46-37-25 TO CONFORM TO THE REQUIREMENT THAT ALL REGULATIONS PROMULGATED BY THE DIVISION OF REGULATORY AND PUBLIC SERVICE PROGRAMS MUST BE PROMULGATED IN ACCORDANCE WITH THE ADMINISTRATIVE PROCEDURES ACT.

Ordered for consideration tomorrow.

Senator CLIMER from the Committee on Agriculture and Natural Resources submitted a favorable report on:

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.

Ordered for consideration tomorrow.

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

THIRD READING BILL

S. 360 -- Senator Sabb: A BILL TO AMEND ACT 402 OF 2002, AS AMENDED, RELATING TO THE WILLIAMSBURG COUNTY SCHOOL DISTRICT BOARD OF TRUSTEES, SO AS TO REQUIRE CANDIDATES SEEKING ELECTION TO SUBMIT A STATEMENT OF CANDIDACY RATHER THAN SIGNED PETITIONS.

On motion of Senator SABB.

THIRD READING BILL

S. 487 -- Senator Gambrell: A BILL TO AMEND ACT 293 OF 2012, AS AMENDED, RELATING TO THE ELECTION DISTRICTS FOR THE ABBEVILLE COUNTY SCHOOL DISTRICT, SO AS TO REVISE THE REAPPORTIONED ELECTION DISTRICTS FROM WHICH THE MEMBERS OF THE GOVERNING BODY OF THE ABBEVILLE COUNTY SCHOOL DISTRICT MUST BE ELECTED BEGINNING WITH THE 2024 SCHOOL TRUSTEE ELECTIONS, AND TO PROVIDE DEMOGRAPHIC INFORMATION REGARDING THOSE REVISED ELECTION DISTRICTS.

On motion of Senator GAMBRELL.

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SECOND READING BILL

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.

The Senate proceeded to the consideration of the Bill.

Senator STEPHENS explained the Bill.

The Bill was read the second time, passed and ordered to a third reading.

S. 454 -- Ordered to a Third Reading

On motion of Senator STEPHENS, S. 454 was ordered to receive a third reading on Friday, February 10, 2023.

SECOND READING BILL

H. 3254 -- Reps. Jefferson, Murphy, Brewer, Robbins, Tedder, Cobb-Hunter and Gatch: A BILL TO AMEND ACT 593 OF 1992, AS AMENDED, 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 DISTRICTS 2 AND 4 IN FISCAL YEARS 2023-2024 AND 2024-2025.

The Senate proceeded to the consideration of the Bill.

Senator STEPHENS explained the Bill.

The Bill was read the second time, passed and ordered to a third reading.

H. 3254 -- Ordered to a Third Reading

On motion of Senator STEPHENS, H. 3254 was ordered to receive a third reading on Friday, February 10, 2023.

OBJECTION

S. 304 -- Senators Turner, Climer and Verdin: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING

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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.

Senator MASSEY objected to consideration of the Bill.

OBJECTION

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.

Senator MASSEY objected to consideration of the Bill.

OBJECTION

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.

Senator MASSEY objected to consideration of the Bill.

OBJECTION

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

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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.

Senator MASSEY objected to consideration of the Bill.

OBJECTION

S. 1 -- Senators Alexander, Turner, Senn, Young, Gustafson, Peeler, Setzler, Rankin, Adams, Bennett and Climer: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 16-3-80 SO AS TO CREATE THE OFFENSE OF DRUG-INDUCED HOMICIDE, TO PROVIDE A PENALTY FOR A VIOLATION, AND TO PROHIBIT AN AFFIRMATIVE DEFENSE; BY AMENDING SECTION 16-1-10, RELATING TO A LIST OF EXCEPTIONS FOR FELONIES AND MISDEMEANORS, SO AS TO ADD DRUG-INDUCED HOMICIDE; AND BY AMENDING SECTION 44-53-190, RELATING TO SCHEDULE I DRUGS, SO AS TO ADD FENTANYL-RELATED SUBSTANCES.

Senator MASSEY objected to consideration of the Bill.

OBJECTION

S. 153 -- Senators Young, Gustafson, Senn, Rankin, Adams and Climer: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS, BY AMENDING SECTIONS 44-53-190(B) AND 44-53-370(E), RELATING TO THE TRAFFICKING OFFENSES FOR CERTAIN CONTROLLED SUBSTANCES, SO AS TO ADD AN OFFENSE FOR "TRAFFICKING IN FENTANYL", TO DEFINE NECESSARY TERMS AND PROVIDE PENALTIES; AND BY AMENDING SECTION 44-53-370(D) TO PROVIDE FOR PRESUMPTIVE WEIGHTS FOR POSSESSION WITH INTENT TO DISTRIBUTE FENTANYL OR FENTANYL-RELATED SUBSTANCES.

Senator HEMBREE objected to consideration of the Bill.

OBJECTION

S. 96 -- Senators Campsen, Davis, McElveen, Cromer and Kimpson: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 50-21-10, RELATING TO DEFINITIONS FOR THE EQUIPMENT AND OPERATION OF WATERCRAFT, SO

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AS TO PROVIDE THE DEFINITION OF PERSONAL WATERCRAFT; BY AMENDING SECTION 50-21-90, RELATING TO THE BOATING SAFETY AND EDUCATIONAL PROGRAM, SO AS TO REQUIRE THE DEPARTMENT OF NATURAL RESOURCES TO ISSUE A BOATING SAFETY CERTIFICATE UPON THE COMPLETION OF CERTAIN REQUIREMENTS; TO AMEND ARTICLE 1, CHAPTER 21, TITLE 50, RELATING TO THE EQUIPMENT AND OPERATION OF WATERCRAFT, BY ADDING SECTION 50-21-95, SO AS TO PROVIDE THAT IT IS UNLAWFUL FOR A PERSON TO OPERATE CERTAIN WATERCRAFT ON THE WATERS OF THIS STATE WITHOUT HAVING POSSESSION OF A BOATING SAFETY CERTIFICATE, WITH CERTAIN EXCEPTIONS; TO REPEAL SECTION 50-21-870(A)(1), RELATING TO THE DEFINITION FOR THE TERM "PERSONAL WATERCRAFT"; AND TO REPEAL SECTION 50-21-870(B)(9), RELATING TO THE OPERATION OF CERTAIN WATERCRAFT BY PERSONS YOUNGER THAN SIXTEEN YEARS OF AGE.

Senator HEMBREE objected to consideration of the Bill.

OBJECTION

S. 488 -- Fish, Game and Forestry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF NATURAL RESOURCES, RELATING TO USE OF ELECTRIC-ASSISTED BICYCLES (E-BIKES) IN CERTAIN AREAS OF SCDNR-OWNED AND SCDNR-MANAGED LANDS, DESIGNATED AS REGULATION DOCUMENT NUMBER 5166, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE SOUTH CAROLINA CODE OF LAWS.

Senator HEMBREE objected to consideration of the Resolution.

OBJECTION

S. 489 -- Fish, Game and Forestry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF NATURAL RESOURCES, RELATING TO TERM AND CONDITIONS FOR THE PUBLIC'S USE OF STATE LAKES AND PONDS LEASED BY THE DEPARTMENT OF NATURAL RESOURCES, DESIGNATED AS REGULATION DOCUMENT NUMBER 5172, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE SOUTH CAROLINA CODE OF LAWS.

Senator HEMBREE objected to consideration of the Resolution.

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POINT OF ORDER

S. 134 -- Senators Hembree, Gustafson and Verdin: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 59-19-85 SO AS TO PROMOTE PUBLIC ACCESS TO SCHOOL BOARD MEETINGS BY REQUIRING SCHOOL BOARDS TO ADOPT AND IMPLEMENT POLICIES THAT PROVIDE LIVE ELECTRONIC TRANSMISSION OF SUCH MEETINGS, TO EXTEND APPLICABILITY OF THESE PROVISIONS TO THE GOVERNING BODIES OF CHARTER SCHOOLS AND SPECIAL SCHOOLS, TO PROVIDE FLEXIBILITY IN CERTAIN CIRCUMSTANCES, AND TO PROVIDE RELATED REQUIREMENTS OF THE STATE BOARD OF EDUCATION; AND TO PROVIDE THE PROVISIONS OF THIS ACT MUST BE IMPLEMENTED BEFORE JULY 1, 2024.

Point of Order

Senator MARTIN raised a Point of Order under Rule 39 that the Bill had not been on the desks of the members at least one day prior to second reading.

The PRESIDENT sustained the Point of Order.

POINT OF ORDER

S. 299 -- Senators Shealy and Goldfinch: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 63-1-50, RELATING TO JOINT CITIZENS AND LEGISLATIVE COMMITTEE ON CHILDREN, SO AS TO PROVIDE FOR THE INCLUSION OF THE STATE CHILD ADVOCATE TO THE COMMITTEE.

Point of Order

Senator MARTIN raised a Point of Order under Rule 39 that the Bill had not been on the desks of the members at least one day prior to second reading.

The PRESIDENT sustained the Point of Order.

POINT OF ORDER

S. 303 -- Senators Shealy and McElveen: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 52-5-300 SO AS TO ENACT THE SOUTH CAROLINA EQUINE ADVANCEMENT ACT TO ESTABLISH A GRANT PROGRAM TO ASSIST THE GROWTH AND DEVELOPMENT OF THE EQUINE

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INDUSTRY IN SOUTH CAROLINA; BY ADDING SECTION 52-5-310 SO AS TO PROVIDE DEFINITIONS; BY ADDING SECTION 52-5-320 SO AS TO ESTABLISH THE SOUTH CAROLINA EQUINE COMMISSION; BY ADDING SECTION 52-5-330 SO AS TO ESTABLISH THE POWERS OF THE SOUTH CAROLINA EQUINE COMMISSION; BY ADDING SECTION 52-5-340 SO AS TO PROVIDE ADMINISTRATIVE SUPPORT FOR THE SOUTH CAROLINA EQUINE COMMISSION; BY ADDING SECTION 52-5-350 SO AS TO PROVIDE GUIDELINES FOR PARI-MUTUEL WAGERING; BY ADDING SECTION 52-5-360 SO AS TO PROVIDE APPLICATION GUIDELINES FOR PARI-MUTUEL WAGERING; BY ADDING SECTION 52-5-370 SO AS TO PROVIDE FOR APPLICATION AND LICENSE FEES; BY ADDING SECTION 52-5-380 SO AS TO PROVIDE FOR THE EQUINE INDUSTRY DEVELOPMENT FUND; BY ADDING SECTION 52-5-390 AND SECTION 52-5-400 SO AS TO PROVIDE GUIDELINES AND PROTECTIONS FOR COMMITTEE MEMBERS; BY ADDING SECTION 52-5-410 SO AS TO REQUIRE THE COMMISSION TO SUBMIT AN ANNUAL REPORT.

Point of Order

Senator MARTIN raised a Point of Order under Rule 39 that the Bill had not been on the desks of the members at least one day prior to second reading.

The PRESIDENT sustained the Point of Order.

POINT OF ORDER

S. 317 -- Senator Shealy: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 25-21-20, RELATING TO ESTABLISHMENT OF BOARD OF TRUSTEES; MEMBERSHIP REQUIREMENTS, TERM AND COMPENSATION; ANNUAL REPORTS, SO AS TO REDUCE THE NUMBER OF BOARD MEMBERS FROM NINETEEN TO ELEVEN, PROVIDE FOR APPOINTMENT OF THOSE MEMBERS BY THE GOVERNOR WITH THE ADVICE AND CONSENT OF THE SENATE TO PROVIDE REQUIREMENTS FOR THE APPOINTMENT OF THE MEMBERS, AND TO ESTABLISH A FOUR-YEAR TERM.

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Point of Order

Senator MARTIN raised a Point of Order under Rule 39 that the Bill had not been on the desks of the members at least one day prior to second reading.

The PRESIDENT sustained the Point of Order.

POINT OF ORDER

S. 342 -- Senators Shealy, Jackson and Hutto: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 63-1-40, RELATING TO DEFINITIONS IN THE SOUTH CAROLINA CHILDREN'S CODE, SO AS TO DEFINE UNACCOMPANIED HOMELESS YOUTH, HOMELESS CHILD OR YOUTH, AND YOUTH AT RISK OF HOMELESSNESS.

Point of Order

Senator MARTIN raised a Point of Order under Rule 39 that the Bill had not been on the desks of the members at least one day prior to second reading.

The PRESIDENT sustained the Point of Order.

POINT OF ORDER

S. 380 -- Senators Shealy, McElveen, Hutto, Jackson, Gustafson and Young: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 63-7-20, RELATING TO DEFINITIONS, SO AS TO DEFINE LEGAL GUARDIANSHIP; BY AMENDING SECTION 63-7-20, RELATING TO DEFINITIONS, SO AS TO DEFINE LEGAL GUARDIAN; BY AMENDING SECTION 63-7-1700, RELATING TO PERMANENCY PLANNING, SO AS TO PROVIDE FOR PROCEDURES TO ESTABLISH LEGAL GUARDIANSHIP WITH SUPPLEMENTAL BENEFITS WHEN ADOPTION IS NOT AN OPTION; BY AMENDING SECTION 63-7-1700, RELATING TO PERMANENCY PLANNING, SO AS TO PROVIDE CONFORMING LANGUAGE; BY ADDING SECTION 63-7-1705 SO AS TO ESTABLISH PROCEDURES FOR INITIATING THE JUDICIAL ESTABLISHMENT OF LEGAL GUARDIANSHIP WITH SUPPLEMENTAL BENEFITS; BY ADDING SECTION 63-7-2810 SO AS TO PROVIDE THE PURPOSE OF THE SOUTH CAROLINA LEGAL GUARDIANSHIP WITH SUPPLEMENTAL BENEFITS; BY ADDING SECTION 63-7-2820 SO AS TO DEFINE THE TERMS; BY ADDING SECTION 63-7-2830 SO AS TO ESTABLISH AN ONGOING PROGRAM OF SUPPLEMENTAL

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BENEFITS FOR LEGAL GUARDIANSHIP; BY ADDING SECTION 63-7-2840 SO AS TO PROVIDE THE ELIGIBILITY REQUIREMENTS FOR LEGAL GUARDIANSHIP WITH SUPPLEMENTAL BENEFITS; BY ADDING SECTION 63-7-2850 SO AS TO PROVIDE REQUIREMENTS FOR WRITTEN AGREEMENTS BETWEEN THE DEPARTMENT OF SOCIAL SERVICES AND LEGAL GUARDIANS; BY ADDING SECTION 63-7-2860 SO AS TO PROVIDE A METHOD FOR REVIEW OF DECISIONS THAT ARE ADVERSE TO THE LEGAL GUARDIAN; BY ADDING SECTION 63-7-2870 SO AS TO PROMULGATE REGULATIONS; BY ADDING SECTION 63-7-2880; BY AMENDING SECTION 63-1-20, RELATING TO POLICY, SO AS TO INCLUDE LEGAL GUARDIANSHIP WHEN ADOPTION IS NOT APPROPRIATE; AND BY AMENDING SECTION 63-7-2350, RELATING TO RESTRICTIONS ON FOSTER CARE OR ADOPTION PLACEMENTS, SO AS TO INCLUDE PLACEMENT OF A CHILD IN A LEGAL GUARDIAN'S HOME.

Point of Order

Senator MARTIN raised a Point of Order under Rule 39 that the Bill had not been on the desks of the members at least one day prior to second reading.

The PRESIDENT sustained the Point of Order.

POINT OF ORDER

S. 418 -- Senators Hembree, Turner and Gustafson: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 59-155-180, RELATING TO PRE-SERVICE AND IN-SERVICE TEACHER EDUCATION PROGRAMS, SO AS TO UPDATE THE ENDORSEMENT REQUIREMENTS OF READ TO SUCCEED.

Point of Order

Senator MARTIN raised a Point of Order under Rule 39 that the Bill had not been on the desks of the members at least one day prior to second reading.

The PRESIDENT sustained the Point of Order.

POINT OF ORDER

S. 502 -- Family and Veterans' Services Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE

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DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL,
RELATING TO WIC VENDORS, DESIGNATED AS REGULATION
DOCUMENT NUMBER 5120, PURSUANT TO THE PROVISIONS
OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE SOUTH
CAROLINA CODE OF LAWS.

Point of Order

Senator MARTIN raised a Point of Order under Rule 39 that the Resolution had not been on the desks of the members at least one day prior to second reading.

The PRESIDENT sustained the Point of Order.

POINT OF ORDER

S. 503 -- Family and Veterans' Services Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF SOCIAL SERVICES, RELATING TO LICENSURE OF RESIDENTIAL GROUP CARE FACILITIES FOR CHILDREN, DESIGNATED AS REGULATION DOCUMENT NUMBER 5109, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE SOUTH CAROLINA CODE OF LAWS.

Point of Order

Senator MARTIN raised a Point of Order under Rule 39 that the Resolution had not been on the desks of the members at least one day prior to second reading.

The PRESIDENT sustained the Point of Order.

POINT OF ORDER

S. 509 -- Family and Veterans' Services Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF SOCIAL SERVICES, RELATING TO LICENSURE OF FAMILY FOSTER HOMES AND APPROVAL OF ADOPTIVE HOMES FOR CHILDREN IN FOSTER CARE, DESIGNATED AS REGULATION DOCUMENT NUMBER 5110, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE SOUTH CAROLINA CODE OF LAWS.

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Point of Order

Senator MARTIN raised a Point of Order under Rule 39 that the Resolution had not been on the desks of the members at least one day prior to second reading.

The PRESIDENT sustained the Point of Order.

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

MOTION ADOPTED

At 11:32 A.M., on motion of Senator MASSEY, the Senate agreed to dispense with the balance of the Motion Period.

Expression of Personal Interest

Senator RANKIN rose for an Expression of Personal Interest.

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

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

S. 474 -- Senators Grooms, Massey, Kimbrell and Adams: A BILL TO AMEND ARTICLE 6, CHAPTER 41, TITLE 44 OF THE SOUTH CAROLINA CODE OF LAWS, RELATING TO THE FETAL HEARTBEAT AND PROTECTION FROM ABORTION ACT, SO AS TO PROVIDE THAT ABORTIONS MAY NOT BE PERFORMED IN THIS STATE AFTER A FETAL HEARTBEAT HAS BEEN DETECTED EXCEPT IN CASES OF RAPE OR INCEST DURING THE FIRST TWELVE WEEKS OF PREGNANCY, IN MEDICAL EMERGENCIES, OR IN LIGHT OF A FATAL FETAL ANOMALY; TO DEFINE NECESSARY TERMS; TO REPEAL SECTION 2 OF ACT 1 OF 2021; TO REPEAL SECTIONS 44-41-10 AND 44-41-20 OF THE S.C. CODE; AND TO REPEAL ARTICLE 5, CHAPTER 41, TITLE 44 OF THE S.C. CODE SUBJECT TO CERTAIN CONDITIONS.

The Senate proceeded to the consideration of the Bill.

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Point of Order

Senator SENN raised the Point of Order that there was no fiscal impact statement on the Bill.

The PRESIDENT overruled the Point of Order stating that it came too late.

Motion Failed

Senator SENN moved to recommit the Bill to the Medical Affairs Committee.

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

Ayes 7; Nays 36

AYES

Fanning	Hutto	<i>Johnson, Kevin</i>
Matthews	Sabb	Scott
Senn		

Total--7

NAYS

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer
Davis	Gambrell	Garrett
Goldfinch	Grooms	Gustafson
Hembree	Jackson	<i>Johnson, Michael</i>
Kimbrell	Loftis	Malloy
Martin	Massey	McElveen
Peeler	Rankin	Reichenbach
Rice	Setzler	Shealy
Stephens	Talley	Turner
Verdin	Williams	Young

Total--36

The motion failed.

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Senator MATTHEWS proposed the following amendment (SMIN-474.AA0035S), which was carried over:

Amend the bill, as and if amended, SECTION 1, by striking Section 44-41-640(C) and inserting:

(C) A physician who performs or induces an abortion on a pregnant woman based on an exception contained in subsection (B) must report the allegation of rape or incest to the sheriff in the county in which the abortion was performed. The report must be made no later than twenty-four hours after performing or inducing the abortion, may be made orally or otherwise, and shall include the name and contact information of the pregnant woman making the allegation. Prior to performing or inducing an abortion, the physician who performs or induces an abortion based on an allegation of rape or incest must notify the pregnant woman that the physician will report the allegation of rape or incest to the sheriff. The physician shall make written notations in the pregnant woman's medical records that the abortion was performed pursuant to the applicable exception, that the doctor notified the sheriff of the allegation of rape or incest in a timely manner, and that the woman was notified prior to the abortion that the physician would notify the sheriff of the allegation of rape or incest. However, nothing in this section shall be construed to violate any right enshrined in the Victims Bill of Rights as contained in Article I, Section 24 of the South Carolina Constitution or be construed to require a victim to cooperate in any related investigation by law enforcement.

Renumber sections to conform.

Amend title to conform.

Senator MALLOY spoke on the Bill.

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

Appeal of the Ruling by the PRESIDENT

Senator MATTHEWS appealed the Ruling by the PRESIDENT on the Point of Order that there was no fiscal impact statement on the Bill.

With unanimous consent, Senator MATTHEWS withdrew the appeal.

Appeal of the Ruling by the PRESIDENT

Senator SENN appealed the Ruling by the PRESIDENT on the Point of Order that there was no fiscal impact statement on the Bill.

With unanimous consent, Senator SENN withdrew the appeal.

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RECESS

At 11:49 A.M., on motion of Senator MALLOY, the Senate recessed from business subject to the Call of the Chair.

At 11:55 A.M., the Senate resumed.

Senator SENN proposed the following amendment (SR-474.JG0010S), which was carried over:

Amend the bill, as and if amended, SECTION 1, by striking Section 44-41-630(3)(B) and inserting:

(B) Except as provided in Section 44-41-650 or 44-41-660, no physician shall perform, induce, or attempt to perform or induce an abortion on a pregnant woman before the determination is made pursuant to subsection (A) whether the unborn child the pregnant woman is carrying has a detectable heartbeat. It is not a violation of this subsection if the requirements contained in subsection (A) have been satisfied and the method used to test for the presence of a fetal heartbeat does not reveal a fetal heartbeat. A physician who violates this subsection is guilty of a felony and, upon conviction, must be fined ten thousand dollars, imprisoned for not more than two years, or both.

Amend the bill further, SECTION 1, by striking Section 44-41-640 and inserting:

Section 44-41-640. ~~If a pregnancy is at least eight weeks after fertilization, then the abortion provider who is to perform or induce an abortion, or an agent of the abortion provider, shall tell the woman that it may be possible to make the embryonic or fetal heartbeat of the unborn child audible for the pregnant woman to hear and shall ask the woman if she would like to hear the heartbeat. If the woman would like to hear the heartbeat, then the abortion provider shall, using whichever method the physician and patient agree is best under the circumstances, make the fetal heartbeat of the unborn child audible for the pregnant woman to hear.~~(A) Except as provided in subsection (B), Section 44-41-650, and Section 44-41-660, no physician shall perform or induce an abortion on a pregnant woman with the specific intent of causing or abetting the termination of the life of the unborn child the pregnant woman is carrying if the unborn child's fetal heartbeat has been detected in accordance with Section 44-41-630.

(B) A physician may perform, induce, or attempt to perform or induce an abortion on a pregnant woman after the fetal heartbeat has been detected in accordance with Section 44-41-630 if:

(1) the pregnancy is the result of rape, and the probable gestational age of the unborn child is fewer than twelve weeks; or

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(2) the pregnancy is the result of incest, and the probable gestational age of the unborn child is fewer than twelve weeks.

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

(D) A physician who violates this section is guilty of a felony and, upon conviction, must be fined ten thousand dollars, imprisoned for not more than two years, or both.

Renumber sections to conform.

Amend title to conform.

Senator SENN explained the amendment.

Senator MASSEY spoke on the amendment.

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

Senator HUTTO proposed the following amendment (SMIN-474.MW0022S), which was carried over:

Amend the bill, as and if amended, by adding an appropriately numbered SECTION to read:

SECTION X. From Article 1, Chapter 41, Title 44, related to Abortions Generally, Section 44-41-80(b) is repealed.

Renumber sections to conform.

Amend title to conform.

Senator HUTTO explained the amendment.

On motion of Senator HUTTO, the amendment was carried over.

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Senators CAMPSER, GROOMS and MASSEY proposed the following amendment (SFGF-474.BC0036S):

Amend the bill, as and if amended, SECTION 1, by striking Section 44-41-610(8) and inserting:

(8) “Medical emergency” means ~~a condition that, by any~~ in reasonable medical judgment, a condition exists that has complicated the pregnant woman’s medical condition and necessitates an abortion to prevent death or a so complicates the medical condition of a pregnant woman that it necessitates the immediate abortion of her pregnancy to avert her death without first determining whether there is a detectable fetal heartbeat or for which the delay necessary to determine whether there is a detectable fetal heartbeat will create serious risk of a substantial and irreversible physical impairment of a major bodily function, not including psychological or emotional conditions. A condition must not be considered a medical emergency if based on a claim or diagnosis that a woman will engage in conduct that she intends to result in her death or in a substantial and irreversible physical impairment of a major bodily function.

Amend the bill further, SECTION 1, by striking Section 44-41-620(A) and inserting:

~~(A) A court judgment or order suspending enforcement of any provision of this chapter is not to be regarded as tantamount to repeal of that provision. Nothing in this article prohibits the sale, use, prescription, or administration of a contraceptive.~~

Amend the bill further, SECTION 1, by striking Section 44-41-650(C) and (D) and inserting:

(C) For at least seven years from the date the notations are made in the woman’s medical records, the owner of the pregnant woman’s medical records shall maintain a copy of the notations.

(D) A person, if he is the owner of the pregnant woman’s medical records, who violates subsection (B) or (C) is guilty of a felony and, upon conviction, must be fined up to ten thousand dollars, imprisoned for not more than two years, or both.

(E) An entity with ownership of the pregnant woman’s medical records that violates subsection (C) must be fined up to fifty thousand dollars.

Amend the bill further, SECTION 1, by striking Section 44-41-660(B)(3) and inserting:

~~(3) the medical rationale to support the physician's conclusion that the pregnant woman's medical condition necessitated the immediate~~

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~~abortion of her pregnancy to avert her death~~ a medical emergency necessitating the abortion existed.

Amend the bill further, SECTION 1, by striking Section 44-41-660(C) and (D) and inserting:

(C) For at least seven years from the date the notations are made in the pregnant woman's medical records, the ~~physician~~ owner of the pregnant woman's medical records shall maintain a copy of the notations ~~in his own records~~ a copy of the notations.

(D) A person, if he is the owner of the pregnant woman's medical records, who violates subsection (B) or (C) is guilty of a felony and must be fined up to ten thousand dollars, imprisoned for not more than two years, or both.

(E) An entity with ownership of the pregnant woman's medical records that violates subsection (C) must be fined up to fifty thousand dollars.

Amend the bill further, SECTION 1, by striking Section 44-41-690(A) and inserting:

(A) Section ~~44-41-680~~ 44-41-640 does not apply to a physician who performs a medical procedure that, ~~by any~~ in reasonable medical judgment, is designed or intended to prevent the death of the pregnant woman or to prevent the serious risk of a substantial and irreversible impairment of a major bodily function of the pregnant woman.

Amend the bill further, SECTION 1, by striking Section 44-41-690(C) and (D) and inserting:

(C) A physician who performs a medical procedure as described in subsection (A) shall place the written document required by subsection (B) in the pregnant woman's medical records. For at least seven years from the date the document is created, the ~~physician~~ owner of the pregnant woman's medical records shall maintain a copy of the document ~~in his own records~~.

(D) A person, if he is the owner of the pregnant woman's medical records, who violates subsection (B) or (C) is guilty of a felony and must be fined up to ten thousand dollars, imprisoned for not more than two years, or both.

(E) An entity with ownership of the pregnant woman's medical records that violates subsection (C) must be fined up to fifty thousand dollars.

Amend the bill further, by adding appropriately numbered SECTIONS to read:

SECTION X.A. Chapter 41, Title 44 of the S.C. Code is amended by adding:

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Section 44-41-695. (A) Any abortion performed in this State must be reported by the licensed facility on the standard form for reporting abortions to the state registrar, Department of Health and Environmental Control, within seven days after the abortion is performed. The names of the patient and physician may not be reported on the form or otherwise disclosed to the state registrar. The form must indicate from whom consent was obtained, or circumstances waiving consent, and must include:

- (1) Gestational age;
- (2) Method of abortion, of which the following was employed:
 - (a) medication abortion such as, but not limited to, mifepristone/misoprostol or methotrexate/misoprostol;
 - (b) manual vacuum aspiration;
 - (c) electrical vacuum aspiration;
 - (d) dilation and evacuation;
 - (e) combined induction abortion and dilation and evacuation;
 - (f) induction abortion with prostaglandins;
 - (g) induction abortion with intra-amniotic instillation such as, but not limited to, saline or urea;
 - (h) induction abortion; and
 - (i) intact dilation and extraction (partial-birth);
- (3) Whether an intrafetal injection was used in an attempt to induce fetal demise such as, but not limited to, intrafetal potassium chloride or digoxin;
- (4) Age of the patient; and
- (5) If an exception under this article applies, the applicable exception.

(B) Reports required by this section shall not contain the name or the address of the patient whose pregnancy was terminated, nor shall the report contain any other information identifying the patient, except that each report shall contain a unique medical record identifying number, to enable matching the report to the patient's medical records. Such reports must be maintained in strict confidence by the department, must not be available for public inspection, and must not be made available except:

- (1) to the Attorney General or solicitor with appropriate jurisdiction pursuant to a criminal investigation; or
- (2) pursuant to court order in an action under 44-41-690.

(C) By June thirtieth of each year, the department shall issue a public report providing statistics for the previous calendar year compiled from all of the reports covering that year submitted in accordance with this section for each of the items listed in subsection (A). Each such report

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also shall provide the statistics for all previous calendar years during which this section was in effect, adjusted to reflect any additional information from late or corrected reports. The department shall take care to ensure that none of the information included in the public reports could reasonably lead to the identification of any pregnant woman upon whom an abortion was performed, induced, or attempted.

(D) Any facility that fails to submit a report by the end of thirty days following the due date must be subject to a late fee of one thousand dollars for each additional thirty-day period or portion of a thirty-day period the report is overdue. Any facility required to report in accordance with this article that has not submitted a report, or has submitted only an incomplete report, more than six months following the due date, may, in an action brought by the department, be directed by a court of competent jurisdiction to submit a complete report within a period stated by court order or be subject to civil contempt. Intentional or reckless falsification of any report required under this section is a misdemeanor punishable by not more than one year in prison.

B. The department must update the standard form for reporting abortions in accordance with Section 44-41-695, as added in this act, within ninety days of the effective date of this act. Until the standard form is updated, the standard form in use immediately preceding the effective date of this act must continue to be used.

SECTION X. Section 44-41-10 of the S.C. Code is amended to read:

Section 44-41-10. As used in this chapter:

(a) "Abortion" means the use of an instrument, medicine, drug, or other substance or device with intent to terminate the pregnancy of a woman known to be pregnant for reasons other than to increase the probability of a live birth, to preserve the life or health of the child after live birth, or to remove a dead fetus.

(b) "Physician" means ~~any~~ any person licensed to practice medicine and surgery, or osteopathic medicine and surgery, in this State.

(c) "Department" means the South Carolina Department of Health and Environmental Control.

(d) "Hospital" means those institutions licensed for hospital operation by the department in accordance with Article 3, Chapter 7 of this title and which have also been certified by the department to be suitable facilities for the performance of abortions.

(e) "Clinic" shall mean any facility other than a hospital as defined in subsection (d) which has been licensed by the department, and which has also been certified by the department to be suitable for the performance of abortions.

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(f) ~~“PregnancyPregnant”~~ means the condition of a woman after conception until the termination of gestation. Pregnancy begins when a fertilized ovum implants in a woman’s uterine wall~~-carrying a fetus or embryo within her body as the result of conception.~~

(g) ~~“Conception” means the fecundation of the~~fertilization of an ovum by ~~the spermatozoasperm.~~

(h) “Consent” means a signed and witnessed voluntary agreement to the performance of an abortion.

(i) “First trimester of pregnancy” means the first twelve weeks of pregnancy commencing with conception rather than computed on the basis of the menstrual cycle.

(j) “Second trimester of pregnancy” means that portion of a pregnancy following the twelfth week and extending through the twenty-fourth week of gestation.

(k) “Third trimester of pregnancy” means that portion of a pregnancy beginning with the twenty-fifth week of gestation.

~~(l) “Viability” means that stage of human development when the fetus is potentially able to live outside of the mother's womb with or without the aid of artificial life support systems. For the purposes of this chapter, a legal presumption is hereby created that viability occurs no sooner than the twenty-fourth week of pregnancy.~~

~~(m)~~ “Minor” means a female under the age of seventeen.

~~(n)~~(m) “Emancipated minor” means a minor who is or has been married or has by court order been freed from the care, custody, and control of her parents.

~~(o)~~(n) “In loco parentis” means any person over the age of eighteen who has placed himself or herself in the position of a lawful parent by assuming obligations which are incidental to the parental relationship and has so served for a period of sixty days.

SECTION X. Section 44-41-70(b) of the S.C. Code is amended to read:

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

Amend the bill further, by striking SECTION 6 and inserting:

SECTION 6. From Article 1, Chapter 41, Title 44, related to Abortions Generally, Section 44-41-20 and Section 44-41-60 are repealed.

Renumber sections to conform.

Amend title to conform.

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Senator CAMPSEN explained the amendment.

On motion of Senator CAMPSEN, the amendment was carried over.

RECESS

At 12:20 P.M., on motion of Senator MALLOY, the Senate recessed from business subject to the Call of the Chair.

At 1:06 P.M., the Senate resumed.

Rule 26B Motion Failed

Senator SENN proposed the following amendment (SR-474.JG0042S):

Amend the bill, as and if amended, SECTION 1, by striking Section 44-41-610(10) and inserting:

(10) "Pregnant" means the condition of a woman after a fertilized ovum implants in the woman's uterine wall until the termination of gestation.

Renumber sections to conform.

Amend title to conform.

Senator SENN explained the amendment.

Senator SENN moved to take up a further amendment on third reading in accordance with Rule 26B.

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

Ayes 17; Nays 25

AYES

Allen	Davis	Fanning
Gustafson	Hutto	Jackson
<i>Johnson, Kevin</i>	Malloy	Matthews
McElveen	McLeod	Sabb
Scott	Senn	Shealy
Stephens	Williams	

Total--17

NAYS

Adams	Alexander	Bennett
Campsen	Cash	Climer

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Corbin	Cromer	Gambrell
Garrett	Goldfinch	Grooms
Hembree	<i>Johnson, Michael</i>	Kimbrell
Loftis	Martin	Massey
Peeler	Rankin	Reichenbach
Rice	Talley	Verdin
Young		

Total--25

The motion failed.

Rule 26B Motion Failed

Senator SENN proposed the following amendment (SR-474.JG0045S):

Amend the bill, as and if amended, SECTION 1, Section 44-41-610, by adding a subsection to read:

(13) "Selective reduction" means, in the context of assisted reproductive technology, a procedure to stop the development of one or more unborn children in utero to preserve the well-being of another unborn child or the mother.

Amend the bill further, SECTION 1, by striking Section 44-41-620(A) and inserting:

~~(A) A court judgment or order suspending enforcement of any provision of this chapter is not to be regarded as tantamount to repeal of that provision.~~ (A) Nothing in this article prohibits the sale, use, prescription, or administration of a drug, device, or chemical that is designed for contraceptive purposes.

(B) Selective reduction is not a violation of this article.

Renumber sections to conform.

Amend title to conform.

Senator SENN explained the amendment.

Senator SENN moved to take up a further amendment on third reading in accordance with Rule 26B.

The motion failed.

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Senator MATTHEWS proposed the following amendment (SMIN-474.AA0035S), which was tabled:

Amend the bill, as and if amended, SECTION 1, by striking Section 44-41-640(C) and inserting:

(C) A physician who performs or induces an abortion on a pregnant woman based on an exception contained in subsection (B) must report the allegation of rape or incest to the sheriff in the county in which the abortion was performed. The report must be made no later than twenty-four hours after performing or inducing the abortion, may be made orally or otherwise, and shall include the name and contact information of the pregnant woman making the allegation. Prior to performing or inducing an abortion, the physician who performs or induces an abortion based on an allegation of rape or incest must notify the pregnant woman that the physician will report the allegation of rape or incest to the sheriff. The physician shall make written notations in the pregnant woman's medical records that the abortion was performed pursuant to the applicable exception, that the doctor notified the sheriff of the allegation of rape or incest in a timely manner, and that the woman was notified prior to the abortion that the physician would notify the sheriff of the allegation of rape or incest. However, nothing in this section shall be construed to violate any right enshrined in the Victims Bill of Rights as contained in Article I, Section 24 of the South Carolina Constitution or be construed to require a victim to cooperate in any related investigation by law enforcement.

Renumber sections to conform.

Amend title to conform.

Senator MATTHEWS explained the amendment.

The question being the adoption of the amendment.

Senator GROOMS moved to lay the amendment on the table.

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

Ayes 24; Nays 17

AYES

Adams	Alexander	Bennett
Campsen	Cash	Climer
Corbin	Cromer	Gambrell
Garrett	Goldfinch	Grooms

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Hembree	<i>Johnson, Michael</i>	Kimbrell
Loftis	Martin	Massey
Peeler	Reichenbach	Rice
Talley	Verdin	Young

Total--24

NAYS

Allen	Davis	Fanning
Gustafson	Hutto	Jackson
<i>Johnson, Kevin</i>	Malloy	Matthews
McElveen	McLeod	Sabb
Scott	Senn	Shealy
Stephens	Williams	

Total--17

The amendment was laid on the table.

Senator SENN proposed the following amendment (SR-474.JG0010S), which was carried over:

Amend the bill, as and if amended, SECTION 1, by striking Section 44-41-630(3)(B) and inserting:

(B) Except as provided in Section 44-41-650 or 44-41-660, no physician shall perform, induce, or attempt to perform or induce an abortion on a pregnant woman before the determination is made pursuant to subsection (A) whether the unborn child the pregnant woman is carrying has a detectable heartbeat. It is not a violation of this subsection if the requirements contained in subsection (A) have been satisfied and the method used to test for the presence of a fetal heartbeat does not reveal a fetal heartbeat. A physician who violates this subsection is guilty of a felony and, upon conviction, must be fined ten thousand dollars, imprisoned for not more than two years, or both.

Amend the bill further, SECTION 1, by striking Section 44-41-640 and inserting:

~~Section 44-41-640. If a pregnancy is at least eight weeks after fertilization, then the abortion provider who is to perform or induce an abortion, or an agent of the abortion provider, shall tell the woman that it may be possible to make the embryonic or fetal heartbeat of the unborn child audible for the pregnant woman to hear and shall ask the woman if she would like to hear the heartbeat. If the woman would like to hear the~~

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heartbeat, then the abortion provider shall, using whichever method the physician and patient agree is best under the circumstances, make the fetal heartbeat of the unborn child audible for the pregnant woman to hear. (A) Except as provided in subsection (B), Section 44-41-650, and Section 44-41-660, no physician shall perform or induce an abortion on a pregnant woman with the specific intent of causing or abetting the termination of the life of the unborn child the pregnant woman is carrying if the unborn child's fetal heartbeat has been detected in accordance with Section 44-41-630.

(B) A physician may perform, induce, or attempt to perform or induce an abortion on a pregnant woman after the fetal heartbeat has been detected in accordance with Section 44-41-630 if:

(1) the pregnancy is the result of rape, and the probable gestational age of the unborn child is fewer than twelve weeks; or

(2) the pregnancy is the result of incest, and the probable gestational age of the unborn child is fewer than twelve weeks.

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

(D) A physician who violates this section is guilty of a felony and, upon conviction, must be fined ten thousand dollars, imprisoned for not more than two years, or both.

Renumber sections to conform.

Amend title to conform.

On motion of Senator SENN, the amendment was carried over.

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Senator HUTTO proposed the following amendment (SMIN-474.MW0022S), which was adopted:

Amend the bill, as and if amended, by adding an appropriately numbered SECTION to read:

SECTION X. From Article 1, Chapter 41, Title 44, related to Abortions Generally, Section 44-41-80(b) is repealed.

Renumber sections to conform.

Amend title to conform.

Senator HUTTO explained the amendment.

Senator CASH spoke on the amendment.

Senator JACKSON spoke on the amendment.

The question being the adoption of the amendment.

Senator CASH moved to lay the amendment on the table.

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

Ayes 3; Nays 39

AYES

Adams	Cash	Garrett
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Total--3

NAYS

Alexander	Allen	Bennett
Campsen	Climer	Corbin
Cromer	Davis	Fanning
Gambrell	Goldfinch	Grooms
Gustafson	Hembree	Hutto
Jackson	<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>
Kimbrell	Loftis	Malloy
Martin	Massey	Matthews
McElveen	McLeod	Peeler
Reichenbach	Rice	Sabb
Scott	Senn	Shealy
Stephens	Talley	Turner
Verdin	Williams	Young

Total—39

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The Senate refused to lay the amendment on the table.

The question then being the adoption of the amendment.

The amendment was adopted.

Senators CAMPSER, GROOMS and MASSEY proposed the following amendment (SFGF-474.BC0041S), which was adopted:

Amend the bill, as and if amended, SECTION 1, by striking Section 44-41-610(8) and (9) and inserting:

(8) "Medical emergency" means ~~a condition that, by any~~in reasonable medical judgment, a condition exists that has complicated the pregnant woman's medical condition and necessitates an abortion to prevent death or a so complicates the medical condition of a pregnant woman that it necessitates the immediate abortion of her pregnancy to avert her death without first determining whether there is a detectable fetal heartbeat or for which the delay necessary to determine whether there is a detectable fetal heartbeat will create serious risk of a substantial and irreversible physical impairment of a major bodily function, not including psychological or emotional conditions. A condition must not be considered a medical emergency if based on a claim or diagnosis that a woman will engage in conduct that she intends to result in her death or in a substantial and irreversible physical impairment of a major bodily function.

(9) "Physician" means ~~any a person licensed to practice medicine and surgery, or osteopathic medicine and surgery,~~ in this State.

Amend the bill further, SECTION 1, by striking Section 44-41-620(A) and inserting:

~~(A) A court judgment or order suspending enforcement of any provision of this chapter is not to be regarded as tantamount to repeal of that provision. Nothing in this article prohibits the sale, use, prescription, or administration of a contraceptive.~~

Amend the bill further, SECTION 1, by striking Section 44-41-630(1) and inserting:

(1) perform an obstetric ultrasound on the pregnant woman, using whichever method the physician or person and pregnant woman agree is best under the circumstances;

Amend the bill further, SECTION 1, by striking Section 44-41-650(A), (B), (C), and (D) and inserting:

~~(A) Except as provided in Section 44-41-660, no person shall perform, induce, or attempt to perform or induce an abortion on a pregnant woman~~

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~~before a physician determines in accordance with Section 44-41-630 whether the human fetus the pregnant woman is carrying has a detectable fetal heartbeat. It is not a violation of Section 44-41-640 if an abortion is performed or induced on a pregnant woman due to the existence of a fatal fetal anomaly. Section 44-41-630(B) does not apply to a physician or person who performs or induces an abortion if the physician or person determines according to standard medical practice that there exists a fatal fetal anomaly.~~

~~(B) A person who violates subsection (A) is guilty of a felony and, upon conviction, must be fined ten thousand dollars, imprisoned not more than two years, or both. A physician or person who performs or induces an abortion based upon the existence of a fatal fetal anomaly shall make written notations in the pregnant woman's medical records of:~~

~~(1) the presence of a fatal fetal anomaly;~~

~~(2) the nature of the fatal fetal anomaly;~~

~~(3) the medical rationale for making the determination that with or without the provision of life-preserving treatment life after birth would be unsustainable.~~

~~(C) For at least seven years from the date the notations are made in the woman's medical records, the owner of the pregnant woman's medical records shall maintain a record of the notations.~~

~~(D) A person, if he is the owner of the pregnant woman's medical records, who violates subsection (B) or (C) is guilty of a felony and, upon conviction, must be fined up to ten thousand dollars, imprisoned for not more than two years, or both.~~

~~(E) An entity with ownership of the pregnant woman's medical records that violates subsection (C) must be fined up to fifty thousand dollars.~~

Amend the bill further, SECTION 1, by striking Section 44-41-660(A), (B), (C), and (D) and inserting:

(A) It is not a violation of Section 44-41-640 if an abortion is performed or induced on a pregnant woman due to a medical emergency. Section 44-41-65044-41-630(B) does not apply to a physician or person who performs or induces an abortion if the physician or person determines according to standard medical practice that a medical emergency exists that prevents compliance with the section.

(B) A physician or person who performs or induces an abortion on a pregnant woman based on the exception in subsection (A) shall make written notations in the pregnant woman's medical records of the following:

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(1) the physician's or person's belief that a medical emergency necessitating the abortion existed;

(2) the medical condition of the pregnant woman that assertedly prevented compliance with Section ~~44-41-650~~44-41-630(B); and

(3) the medical rationale to support the physician's or person's conclusion that ~~the pregnant woman's medical condition necessitated the immediate abortion of her pregnancy to avert her death~~ a medical emergency necessitating the abortion existed.

(C) For at least seven years from the date the notations are made in the pregnant woman's medical records, the ~~physician~~owner of the pregnant woman's medical records shall maintain a record of the notations~~in his own records a copy of the notations.~~

(D) A person, if he is the owner of the pregnant woman's medical records, who violates subsection (B) or (C) is guilty of a felony and must be fined up to ten thousand dollars, imprisoned for not more than two years, or both.

(E) An entity with ownership of the pregnant woman's medical records that violates subsection (C) must be fined up to fifty thousand dollars.

Amend the bill further, SECTION 1, by striking Section 44-41-690(A) and inserting:

(A) Section ~~44-41-680~~44-41-640 does not apply to a physician who performs a medical procedure that, ~~by any~~in reasonable medical judgment, is designed or intended to prevent the death of the pregnant woman or to prevent the serious risk of a substantial and irreversible impairment of a major bodily function of the pregnant woman.

Amend the bill further, SECTION 1, by striking Section 44-41-690(C) and (D) and inserting:

(C) A physician who performs a medical procedure as described in subsection (A) shall place the written document required by subsection (B) in the pregnant woman's medical records. For at least seven years from the date the document is created, the ~~physician~~owner of the pregnant woman's medical records shall maintain a copy~~record~~ of the document~~in his own records.~~

(D) A person, if he is the owner of the pregnant woman's medical records, who violates subsection (B) or (C) is guilty of a felony and must be fined up to ten thousand dollars, imprisoned for not more than two years, or both.

(E) An entity with ownership of the pregnant woman's medical records that violates subsection (C) must be fined up to fifty thousand dollars.

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Amend the bill further, by adding appropriately numbered SECTIONS to read:

SECTION X.A. Chapter 41, Title 44 of the S.C. Code is amended by adding:

Section 44-41-695. (A) Any abortion performed in this State must be reported by the licensed facility on the standard form for reporting abortions to the state registrar, Department of Health and Environmental Control, within seven days after the abortion is performed. The names of the patient and physician may not be reported on the form or otherwise disclosed to the state registrar. The form must indicate from whom consent was obtained, or circumstances waiving consent, and must include:

- (1) Gestational age;
- (2) Method of abortion, of which the following was employed:
 - (a) medication abortion such as, but not limited to, mifepristone/misoprostol or methotrexate/misoprostol;
 - (b) manual vacuum aspiration;
 - (c) electrical vacuum aspiration;
 - (d) dilation and evacuation;
 - (e) combined induction abortion and dilation and evacuation;
 - (f) induction abortion with prostaglandins;
 - (g) induction abortion with intra-amniotic instillation such as, but not limited to, saline or urea;
 - (h) induction abortion; and
 - (i) intact dilation and extraction (partial-birth);
- (3) Whether an intrafetal injection was used in an attempt to induce fetal demise such as, but not limited to, intrafetal potassium chloride or digoxin;
- (4) Age of the patient; and
- (5) If an exception under this article applies, the applicable exception.

(B) Reports required by this section shall not contain the name or the address of the patient whose pregnancy was terminated, nor shall the report contain any other information identifying the patient, except that each report shall contain a unique medical record identifying number, to enable matching the report to the patient's medical records. Such reports must be maintained in strict confidence by the department, must not be available for public inspection, and must not be made available except:

- (1) to the Attorney General or solicitor with appropriate jurisdiction pursuant to a criminal investigation; or
- (2) pursuant to court order in an action under 44-41-690.

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(C) By June thirtieth of each year, the department shall issue a public report providing statistics for the previous calendar year compiled from all of the reports covering that year submitted in accordance with this section for each of the items listed in subsection (A). Each such report also shall provide the statistics for all previous calendar years during which this section was in effect, adjusted to reflect any additional information from late or corrected reports. The department shall take care to ensure that none of the information included in the public reports could reasonably lead to the identification of any pregnant woman upon whom an abortion was performed, induced, or attempted.

(D) Any facility that fails to submit a report by the end of thirty days following the due date must be subject to a late fee of one thousand dollars for each additional thirty-day period or portion of a thirty-day period the report is overdue. Any facility required to report in accordance with this article that has not submitted a report, or has submitted only an incomplete report, more than six months following the due date, may, in an action brought by the department, be directed by a court of competent jurisdiction to submit a complete report within a period stated by court order or be subject to civil contempt. Intentional or reckless falsification of any report required under this section is a misdemeanor punishable by not more than one year in prison.

B. The department must update the standard form for reporting abortions in accordance with Section 44-41-695, as added in this act, within ninety days of the effective date of this act. Until the standard form is updated, the standard form in use immediately preceding the effective date of this act must continue to be used.

SECTION X. Section 44-41-10 of the S.C. Code is amended to read:

Section 44-41-10. As used in this chapter:

(a) "Abortion" means the use of an instrument, medicine, drug, or other substance or device with intent to terminate the pregnancy of a woman known to be pregnant for reasons other than to increase the probability of a live birth, to preserve the life or health of the child after live birth, or to remove a dead fetus.

(b) "Physician" means a person licensed to practice medicine in this State.

(c) "Department" means the South Carolina Department of Health and Environmental Control.

(d) "Hospital" means those institutions licensed for hospital operation by the department in accordance with Article 3, Chapter 7 of this title and which have also been certified by the department to be suitable facilities for the performance of abortions.

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(e) “Clinic” shall mean any facility other than a hospital as defined in subsection (d) which has been licensed by the department, and which has also been certified by the department to be suitable for the performance of abortions.

(f) ~~“Pregnancy~~“Pregnant” means the condition of a woman after conception until the termination of gestation. Pregnancy begins when a fertilized ovum implants in a woman’s uterine wall~~carrying a fetus or embryo within her body as the result of conception.~~

(g) “Conception” means ~~the fecundation of the~~fertilization of an ovum by ~~the spermatozoa~~sperm.

(h) “Consent” means a signed and witnessed voluntary agreement to the performance of an abortion.

(i) “First trimester of pregnancy” means the first twelve weeks of pregnancy commencing with conception rather than computed on the basis of the menstrual cycle.

(j) “Second trimester of pregnancy” means that portion of a pregnancy following the twelfth week and extending through the twenty-fourth week of gestation.

(k) “Third trimester of pregnancy” means that portion of a pregnancy beginning with the twenty-fifth week of gestation.

(l) ~~“Viability” means that stage of human development when the fetus is potentially able to live outside of the mother's womb with or without the aid of artificial life support systems. For the purposes of this chapter, a legal presumption is hereby created that viability occurs no sooner than the twenty-fourth week of pregnancy.~~

~~(m)~~ “Minor” means a female under the age of seventeen.

~~(n)~~(m) “Emancipated minor” means a minor who is or has been married or has by court order been freed from the care, custody, and control of her parents.

~~(o)~~(n) “In loco parentis” means any person over the age of eighteen who has placed himself or herself in the position of a lawful parent by assuming obligations which are incidental to the parental relationship and has so served for a period of sixty days.

SECTION X. Section 44-41-70(b) of the S.C. Code is amended to read:

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

Amend the bill further, by striking SECTION 6 and inserting:

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SECTION 6. From Article 1, Chapter 41, Title 44, related to Abortions Generally, Section 44-41-20 and Section 44-41-60 are repealed.

Renumber sections to conform.

Amend title to conform.

Senator CAMPSSEN explained the amendment.

The amendment was adopted.

Senator SENN proposed the following amendment (SR-474.JG0010S), which was withdrawn:

Amend the bill, as and if amended, SECTION 1, by striking Section 44-41-630(3)(B) and inserting:

(B) Except as provided in Section 44-41-650 or Section 44-41-660, no physician shall perform, induce, or attempt to perform or induce an abortion on a pregnant woman before the determination is made pursuant to subsection (A) whether the unborn child the pregnant woman is carrying has a detectable heartbeat. It is not a violation of this subsection if the requirements contained in subsection (A) have been satisfied and the method used to test for the presence of a fetal heartbeat does not reveal a fetal heartbeat. A physician who violates this subsection is guilty of a felony and, upon conviction, must be fined ten thousand dollars, imprisoned for not more than two years, or both.

Amend the bill further, SECTION 1, by striking Section 44-41-640 and inserting:

~~Section 44-41-640. If a pregnancy is at least eight weeks after fertilization, then the abortion provider who is to perform or induce an abortion, or an agent of the abortion provider, shall tell the woman that it may be possible to make the embryonic or fetal heartbeat of the unborn child audible for the pregnant woman to hear and shall ask the woman if she would like to hear the heartbeat. If the woman would like to hear the heartbeat, then the abortion provider shall, using whichever method the physician and patient agree is best under the circumstances, make the fetal heartbeat of the unborn child audible for the pregnant woman to hear.~~(A) Except as provided in subsection (B), Section 44-41-650, and Section 44-41-660, no physician shall perform or induce an abortion on a pregnant woman with the specific intent of causing or abetting the termination of the life of the unborn child the pregnant woman is carrying if the unborn child's fetal heartbeat has been detected in accordance with Section 44-41-630.

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(B) A physician may perform, induce, or attempt to perform or induce an abortion on a pregnant woman after the fetal heartbeat has been detected in accordance with Section 44-41-630 if:

(1) the pregnancy is the result of rape, and the probable gestational age of the unborn child is fewer than twelve weeks; or

(2) the pregnancy is the result of incest, and the probable gestational age of the unborn child is fewer than twelve weeks.

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

(D) A physician who violates this section is guilty of a felony and, upon conviction, must be fined ten thousand dollars, imprisoned for not more than two years, or both.

Renumber sections to conform.

Amend title to conform.

Senator SENN explained the amendment.

Senator MASSEY spoke on the amendment.

The amendment was withdrawn.

Senator GUSTAFSON spoke on the Bill.

Remarks to be Printed

On motion of Senator DAVIS, with unanimous consent, the remarks of Senator GUSTAFSON, when reduced to writing and made available to the Desk, would be printed in the Journal.

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Senator MATTHEWS spoke on the Bill.

Motion to Recommit Failed

Senator MATTHEWS moved to recommit the Bill to Committee on Medical Affairs.

Senator MATTHEWS spoke on the motion to recommit the Bill.

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

Ayes 11; Nays 31

AYES

Allen	Fanning	Hutto
Jackson	<i>Johnson, Kevin</i>	Matthews
McLeod	Sabb	Scott
Senn	Stephens	

Total--11

NAYS

Adams	Alexander	Bennett
Campsen	Cash	Climer
Corbin	Cromer	Davis
Gambrell	Garrett	Goldfinch
Grooms	Gustafson	Hembree
<i>Johnson, Michael</i>	Kimbrell	Loftis
Malloy	Martin	Massey
Peeler	Rankin	Reichenbach
Rice	Shealy	Talley
Turner	Verdin	Williams
Young		

Total--31

The motion failed.

Remarks to be Printed

On motion of Senator STEPHENS, with unanimous consent, the remarks of Senator MATTHEWS, when reduced to writing and made available to the Desk, would be printed in the Journal.

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Senator GARRETT spoke on the Bill.

Remarks to be Printed

On motion of Senator MARTIN, with unanimous consent, the remarks of Senator GARRETT, when reduced to writing and made available to the Desk, would be printed in the Journal.

Senator SENN spoke on the Bill.

Motion to Recommit Failed

Senator SENN moved to recommit the Bill to Committee on Medical Affairs.

Senator SENN spoke on the motion to recommit the Bill.

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

Ayes 10; Nays 29

AYES

Allen	Fanning	Hutto
<i>Johnson, Kevin</i>	Matthews	McLeod
Sabb	Scott	Senn
Stephens		

Total--10

NAYS

Adams	Alexander	Bennett
Campsen	Cash	Climer
Corbin	Cromer	Davis
Gambrell	Garrett	Goldfinch
Grooms	Gustafson	Hembree
<i>Johnson, Michael</i>	Kimbrell	Loftis
Malloy	Martin	Massey
Peeler	Rankin	Reichenbach
Rice	Talley	Turner
Verdin	Young	

Total—29

The motion failed.

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Senator SENN spoke on the Bill.

Remarks to be Printed

On motion of Senator JACKSON, with unanimous consent, the remarks of Senator SENN, when reduced to writing and made available to the Desk, would be printed in the Journal.

Call of the Senate

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

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Gambrell
Garrett	Goldfinch	Grooms
Gustafson	Hembree	Hutto
Jackson	<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>
Kimbrell	Loftis	Malloy
Martin	Massey	Matthews
McLeod	Peeler	Rankin
Reichenbach	Rice	Sabb
Scott	Senn	Shealy
Stephens	Talley	Turner
Verdin	Young	

A quorum being present, the Senate resumed.

Motion Under Rule 15A Adopted

At 3:17 P. M., Senator MARTIN moved under the provisions of Rule 15A that the debate on the entire matter S. 474 be brought to a close.

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

Ayes 27; Nays 13

AYES

Adams	Alexander	Bennett
Campsen	Cash	Climer
Corbin	Cromer	Davis
Gambrell	Garrett	Goldfinch

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Grooms	Gustafson	Hembree
<i>Johnson, Michael</i>	Kimbrell	Loftis
Martin	Massey	Peeler
Reichenbach	Rice	Talley
Turner	Verdin	Young

Total--27

NAYS

Allen	Fanning	Hutto
Jackson	<i>Johnson, Kevin</i>	Malloy
Matthews	McLeod	Rankin
Sabb	Scott	Senn
Stephens		

Total--13

The motion was adopted.

Remarks to be Printed

On motion of Senator FANNING, with unanimous consent, the remarks of Senator SHEALY, when reduced to writing and made available to the Desk, would be printed in the Journal.

The question then being third reading of the Bill, as amended.

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

Ayes 28; Nays 12

AYES

Adams	Alexander	Bennett
Campsen	Cash	Climer
Corbin	Cromer	Davis
Gambrell	Garrett	Goldfinch
Grooms	Gustafson	Hembree
<i>Johnson, Michael</i>	Kimbrell	Loftis
Martin	Massey	Peeler
Rankin	Reichenbach	Rice
Shealy	Turner	Verdin
Young		

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Total--28

NAYS

Allen	Fanning	Hutto
Jackson	<i>Johnson, Kevin</i>	Malloy
Matthews	McLeod	Sabb
Scott	Senn	Stephens

Total--12

There being no further amendments, the Bill, as amended, was read the third time, passed and ordered to a third reading.

Statement by Senators MASSEY, CAMPSER and GROOMS

The South Carolina Supreme Court struck down the Fetal Heartbeat and Protection from Abortion Act in a rambling 3-2 decision in January. The court's decision in that case left the General Assembly with no choice but to take action to correct the misguided decision and reestablish the ban on abortions after a fetal heartbeat is detected. That is why we voted in favor of S. 474. The Bill that is leaving the Senate prohibits abortion on demand after a fetal heartbeat is detected unless the pregnancy is the result of rape or incest, in which case the abortion must be performed prior to the twelfth week of pregnancy, or in instances where the abortion terminates a pregnancy to preserve the life or health of the mother or if a fatal fetal anomaly exists.

The court's decision in Planned Parenthood of the South Atlantic v. the State of South Carolina struck down the Fetal Heartbeat Act but it did not establish that Article I, Section 10 of our state's Constitution contains a right to an abortion. Justices Kittridge and James are very clear on this point. In his controlling (and swing) opinion, Justice Few unequivocally stated that "there is no constitutional right to an abortion." Nevertheless, Justice Few provided the crucial third vote to hold the Fetal Heartbeat Act unconstitutional because of "the General Assembly's failure to consider the necessary factual question (of when a woman can know she is pregnant) as a necessary predicate to its policy judgement was arbitrary." We strongly disagree with that statement and further believe that the decision and analysis undertaken by Justice Few violated the separation of powers.

The Senate's debate during consideration of S. 474 very clearly established that there is nothing arbitrary about banning abortions after a fetal heartbeat is detected with certain limited exceptions. In fact, we

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very clearly articulated the basis for making that determination and specifically addressed the fact that a pregnant woman can know within 10 to 14 days after conception whether she is pregnant. According to the Cleveland Clinic, as early as 10 days after conception (but within 14 days) a home pregnancy test will detect the presence of human chorionic gonadotropin, a special hormone that developed only upon implantation. A blood test can confirm the presence of that hormone as early as 7 to 10 days after conception. According to the American Pregnancy Association the heartbeat of an unborn child can be detected between 6 ½ to 7 weeks of pregnancy though it is possible, though much less likely, that a heartbeat can be detected a week earlier -- about 5 ½ weeks. That means that a woman can find out that she is pregnant two weeks after conception and has another 4 ½ to 5 weeks to make her decision and have an abortion. It is our reasoned judgement that a month is enough time for a pregnant woman to decide whether to have an abortion and undertake the procedure to follow through with her decision.

The Senate took into consideration the interests of the pregnant woman and balanced them against the legitimate interest of the State to protect the life of the unborn. The Senate looked to experts in the field -- such as the Cleveland Clinic and the American Pregnancy Association (among others) -- for guidance concerning the scientific understanding of the development of the unborn early in pregnancy. Finally, the Senate decided that the proper balance should be struck at the point of a fetal heartbeat -- that is, at the point where a fetal heartbeat is detectable a woman could have known that she was pregnant for a little more than a month and that she had ample time to make a decision about whether to terminate her pregnancy. There is nothing arbitrary about that. Far from it. In fact, DHEC's statistics demonstrate that a "substantial number of women" (using Justice Few's standard) know that they are pregnant and have an abortion within the first six weeks of pregnancy: in 2021 47.9% of abortions occurred during the first six weeks of pregnancy, in 2020 it was 44.5% and in 2019 it was 45.5%. Enacting S. 474 will advance the General Assembly's legitimate interest in protecting life by reducing the number of abortions in this State by a little more than half. There is nothing arbitrary about that -- there is nothing unconstitutional about that.

Statement by Senator SENN

I and others plan to submit more information that would have been shared publicly with my colleagues and by the public for inclusion in the

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journal. Our submissions need to be in the journal in the event there is another appeal so that they can hear our concerns as well. We are thankful that we have until next Tuesday for the submissions and that the journal will be updated at that time.

Statement by Senator McLEOD

If allowed the time on 3rd reading, I would have talked about procedural due process so that the concerns of my constituents could have been heard and included on this extremely important issue. Their voices were silenced by the rules and procedures that this Body strategically invoked to push this Bill through quickly and bypass the committee process. Consequently, there was very little deliberation. The time allowed for the floor debate was cut considerably and therefore, grossly inadequate.

Statement by Senator HUTTO

Women in South Carolina have a statutory right to an abortion that has been embodied in our Code of Laws for decades. On several occasions, a woman's right to an abortion in South Carolina has been limited by actions of the legislature. Such limitations have included the establishment of a waiting period, the requirement for an ultrasound, and the requirement to be advised of certain information. However, every attempt by the General Assembly to eliminate this right has failed.

Today the Senate again recognized that women in South Carolina have a statutory right to an abortion. Today's action attempts to arbitrarily limit this statutory right of South Carolina women to have an abortion. This newest attempt to impede the privacy rights of over half of our state's citizens will most assuredly be found unconstitutional once again. The Bill that passed the Senate today is not grounded in facts or law. No medical testimony was received and no legislative findings were expressed in the Bill. The Bill had no subcommittee or full committee hearing. In fact, the Bill, in unprecedented fashion, passed the Senate a mere seven days after being introduced. The speed with which the majority forced this Bill through exhibits the arbitrariness of the restrictions attempted in the Bill.

Despite the efforts of the majority to wish the untrue true, our State Supreme Court has clearly stated that there is a right to have an abortion in this State. This is not surprising as the General Assembly has repeatedly voted to recognize this right over the past several decades.

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Once a right such as a woman's right to an abortion is established and recognized in law, such a right belongs to the persons to whom it is granted. For a person to exercise a right, the ability to exercise her right must be meaningful and allow a woman to take the steps necessary to pursue the object of the right extended to her. Under the rule of law, the power granted to lawmakers by the people is limited to making laws that are not capricious. Furthermore, statutes are to apply uniformly to all including those who enact and enforce the law. S. 474 fails those standards by attempting to set some random temporal limit on the right to abortion without any evidence to support such a limit. Such an arbitrarily set limitation effectively takes the right completely away from some citizens who by no fault of their own may not have had the opportunity to access medical information or other input to assist in making an informed decision to have an abortion. In fact, because of the setting of this unconstitutional time limit on abortion, some women will not even recognize that they are pregnant before their right to an abortion is extinguished.

The court correctly cites their preference for deferring to the actions of the legislature, again with appropriate limits. But in this case, as Justice Few stated, "If the General Assembly's factual determinations are clearly erroneous, or if there is no evidence to support them, then the policy determinations and statutory enactments based on those factual determinations are not entitled to the deference we ordinarily give them." These fatal flaws exist in this Bill just as they did in prior attempts to undermine our State Constitution.

The truncated legislative process -- filing a Bill one day, polling it out of its assigned committee the next and undertaking the debate the following day obviated any opportunity to consider any evidence or engage in further fact-finding in support of this edict to the women of our State. There was absolutely no due diligence or careful deliberation given to this piece of legislation, which would render the statutory right to an abortion meaningless.

This Bill has the effect of unreasonably limiting a woman in this State from enjoying one of the most significant rights of a person: to have bodily autonomy and privacy from intrusion into medical decision-making. The Senate has completely ignored the balancing required between this right to an abortion with other state interests. S. 474 gives all authority to the State to set arbitrary time limits and no autonomy to the women to make an informed choice about her own body. Finally, debate and the opportunity to offer amendments was so truncated as to deprive the Senate from performing its duty to avoid passing arbitrary

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and capricious statutes. Individually Senators are required to take an oath to preserve, protect, and defend the Constitution of our State as well as that of the U.S. Constitution. My statement here for the written record reflects my commitment to that oath.

Statement by Senator FANNING

Ladies and gentlemen of the Senate, I rise before you today to share my disappointment with the lack of willingness to debate this Bill. This is a critical issue of great concern to the citizens of South Carolina. Yet, our South Carolina Senate repeatedly refused to respect the deliberative process. A body which prides itself in not rushing Bills through; instead, being willing to debate, listen, offer amendments, deliberate -- to insure that we listened to the public -- and presented their concerns to the Body. To make sure that we only pass something of this magnitude after careful, thoughtful debate.

Yet, at every single turn, we did the opposite on this Bill. Bypassing our very own rules and processes -- designed to insure an inclusive, thoughtful deliberative process.

The beginning point of any Bill is the subcommittee hearing. This is the only time -- yes, I said the only time -- that the public is allowed to participate in the process. At our Senate subcommittee hearings, we allow anyone and everyone with a concern or who is interested in a Bill -- to come before us and share their views. It is at these subcommittee hearings that we come together -- listen together -- all in the same room with the interested South Carolina citizens -- telling all of us, at the same time, what they want us to know about the Bill. Often times, when a Bill might be controversial, our Senate holds multiple subcommittee hearings on a Bill.

This is the fundamental process of our representative democracy that I taught in my 12th grade American Government class, when I taught High School Social Studies. Yet, the South Carolina Senate held zero subcommittee hearings on the Bill.

The next step in our own Senate process is the full committee meeting. At this meeting, we take the public's input from the subcommittee hearing and debate the merits of the Bill. Members offer and debate possible amendments. Errors are caught in this process. Consensus and/or compromise is reached. And the full committee then reports the full Bill out favorably, with amendments to the Senate floor. This historic committee process is fundamental to ensuring a Bill has been properly

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vetted, mistakes addressed, compromise reached, public heard -- before it reaches the Senate floor.

Yet, this entire Senate committee process was bypassed on this Bill. Instead, we “polled out” the Bill directly to the Senate floor with no debate nor public input. None at all.

Once a Bill hits the floor, our Senate Rules require that a Bill sit on the Senate Calendar for twenty-four hours before a Bill can be taken up for debate. This is to ensure that every Senator (especially those not on the committee) get a chance to read the Bill -- talk to their constituents - - and come ready for debate with possible amendments.

Since the Senate bypassed the entire subcommittee and committee process on this Bill, this twenty-four hour rule is even more critical -- to allow for Senators to conduct research before debate occurs on the Bill.

Yet, the Senate created a make-believe day -- “going perfunctory” on an off-day -- specifically in order to get around the twenty-four hour rule.

The very next day that the Senate was physically in the body we began debate on the Bill.

And the Senate debated this Bill (a Bill that skipped both the subcommittee hearings and full committee processes) in just ten hours on February 7, 8, and 9, 2023.

Forget the topic of the Bill for a second. Who is the Senate? Are we truly a deliberative body anymore? A body that really respects and adheres to the spirit and letter of the rules. A body that listens to the public -- listens to each other. Debates and amends -- taking our time to get it right?

Or are we the House? In the Senate it used to be “better to do it right, than to do it right now.”

Have we now become a body that will run things through right now -- rather than taking the time to do it right?

And it is not like we are nearing the end of a session and are rushing to get things done in the closing days. Today is February 9, 2023, just five weeks into the session. There is plenty of time. Time to hold hearings and listen to the public -- a public that cares passionately on BOTH sides of this issue. Time to listen to each other -- debate and amend. Instead, we move to cloture debate after only ten hours of debate on a critical issue of this magnitude.

Are we no longer the safe harbor for our Democracy? Are we no longer the deliberative body? Or are we the House?

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Statement by Senator GUSTAFSON

As I stated on the South Carolina Senate floor, I support S. 474 and want to pass it. Based on the most recent data, South Carolina is quickly becoming an “abortion destination state.” The U.S. Supreme Court returned our state sovereignty, and our job is to determine restrictions on abortion in South Carolina.

Whereas there were committee and subcommittee meetings on this topic in 2021 when the S. 1, Fetal Heartbeat Bill was established as law, this current legislative session has not held similar hearings. There were no medical committee meetings to my knowledge and no opportunity for medical professionals or women to testify about additional exceptions. The few days available for floor debate in the past week were not sufficient to cover additional medical issues that might have arisen since 2021. The brevity of the debate and the swiftness of procedure did not fully allow me to bring an amendment to the Body regarding selective multifetal reduction. S. 474 does not seem to cover this specific exception, and we had a second opportunity to refine the original Heartbeat Bill. Furthermore, the set number of amendments presented a problem for me, as I sought outside sources for medical information and came to additional conclusions.

Fertility treatments have contributed significantly to the increase of multifetal pregnancies. Selective multifetal reductions are sometimes necessary to protect the lives of other fetuses in the uterus. The need for this procedure arises during the first or second trimester, but the lack of language in S. 474 may put fertility treatments and subsequent procedures in jeopardy. Traveling to another state for IVF would be practically impossible for many women seeking to be pregnant. The medical risks of multifetal pregnancies and complex ethical issues ingrained in the related decision making require us to closely scrutinize S. 474. Decisions to selectively reduce a twin or higher-order multifetal pregnancies should be between the obstetrician-gynecologist and the patient.

Statement by Senator SENN

S. 474 is another six-week ban on abortion Bill. This one is aimed at getting a new and differing decision from the Supreme Court of South Carolina than the one handed down barely five weeks ago in a 3-2 split decision. See *Planned Parenthood v. The State of South Carolina et al.* Op. 28127 (Jan. 5, 2023).

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By way of background, South Carolina enjoys a nearly all-male and nearly all Republican Legislature. Outraged that the Supreme Court dared to strike down an unconstitutional abortion law, the Legislature flexed its muscle and made short work of changing the membership on the Supreme Court in a little over a month. Now, South Carolina enjoys being the only State in the Nation with an all-male Supreme Court as well.

In addition, the South Carolina Senate advanced a hastily prepared, a flawed six-week abortion Bill the same week the new judge was elected. The House of Representatives is now chasing the Senate hoping to pass an even more restrictive abortion ban. Should either be signed into law, another appeal will undoubtedly be taken. Yet the same issues that were presented in the first six-week ban on abortion case will also need to be addressed in the second.

The new six-week abortion ban is S. 474. It was filed on February 1, 2023, read over the desk and referred to the Senate Medical Affairs Committee. The Bill contained significant differences from any other abortion Bill that the Senate had previously confronted, to include new medical definitions. It also excluded factual findings or stated interests of state, although that omission does make sense considering that the Senate never had a fact-finding session with doctors and experts on the new Bill. Instead, the Senate Medical Affairs Chairman exercised his authority to not require a fact-finding subcommittee. The Senate received no medical evidence at all. A full Medical Affairs Committee was likewise avoided because the Bill was polled out of the full committee placing this controversial Bill on the floor and in a position to be debated with no evidence in record time.

Once the Bill was on the floor of the Senate for debate, it was insufficiently “explained” to the Senate Body by the Senate Majority Leader, who was a co-author of the Bill. That Senator took the well and spent most of his thirty-nine minutes on stage lambasting the Supreme Court’s decision in the first six-week ban case. He gave little or no medical explanation of the new Bill itself. Rather, he conducted a “hit” by slamming Supreme Court Justices on their decisions then he “ran” from answering questions by his colleagues. No sponsor or Senator ever fully explained the Bill which screamed for medical support, but they also were not in a position to adequately explain the Bill due to the Senate’s failure to seek medical advice.

Because of what I see as procedural violations and the need for the court to take up whether South Carolina Senate Rule 15 has become defunct and is unconstitutionally applied, I will also file an attachment

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containing a detailed timeline spent by the Senate regarding S. 474 as well as caselaw allowing this court to examine South Carolina Senate Rule 15. Suffice it to say that the new six-week abortion ban flew through the Senate in a mere six hours, seventeen minutes and twenty seconds. Most of that time was spent on necessary amendments. By way of comparison, the state's Bill allowing public funds to go to private schools lasted eight legislative days.

Therefore, Senate members could not possibly attempt to relay to the Body what their constituents wanted when two hours as defined in the Senate Rule 15 means that each Senator would get only two point six minutes of talk time should forty-six Senators want to be heard on behalf of their constituents. That amount of time should be deemed insufficient as a matter of law since it gave Senators very little time debating the Bill itself.

A cloture vote was made and passed after I had spoken only twenty-nine point five minutes. I was thus silenced on the Senate floor and other Senate members who also wanted to be heard on the new abortion Bill were silenced as well. We all had to file journal entries to set the record straight. Inasmuch as I was not able to finish my prepared remarks, and because I refuse to be silenced, I now write.

During the short S. 474 debate, Senators were left without any explanation of how the rights of the embryo were outweighed by the rights of a pregnant woman at week six of "pregnancy." In addition, the term pregnancy is facially flawed because the first sentence conflicts with the second. Finally, neither the Bill nor the definitions were supported with medical evidence.

It is true that Senator MASSEY and others attempted to explain the Bill, but they did so too late and only in a journal filing after the Senate had passed the Bill. In his journal entry Senator MASSEY and others admitted that according to the medical articles, a heartbeat can sometimes be detected at week five. That late admission, while appreciated, was also not supported by medical evidence. If true, it certainly should have been presented to the full Senate because some of my colleagues might have been convinced that denying some women an abortion at week five goes even further against the rights of the mother vs. the embryo. It also presents an equal protection argument because some women would be allowed an abortion up to six weeks, while other women would be denied an abortion at week five.

As a non-physician, Senator MASSEY went outside the scope of his qualifications during his short speech on the Senate floor and again in this Senate Journal. He belatedly cited to certain hospital journals on

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pregnancy while giving not a single salute to the true OBGYN standards set forth by the American College of Obstetricians and Gynecologists (ACOG). Written authorities aside, had medical testimony been taken, the Senators and then the court could then more easily make an informed decision, but the Senate chose a shortcut.

I was unable to ask Senator MASSEY if anyone spent the time necessary to consult with live medical professionals and not just online journals about the language in the Bill. If so, did they learn of any implications or possible everyday concerns the new law may cause for both the doctor and patient in actual practice. If so, with whom did they consult?

If passed, S. 474 will dramatically change the law in South Carolina regarding a woman's right to privacy in her health care decisions. Yet the pivotal questions will remain unanswered as they were when the Supreme Court revealed its first opinion striking down the six-week ban just five weeks ago. Those questions are -- Does a woman have a constitutional right to privacy in her health care decisions? Is an abortion considered health care, and if it is, whether a woman's medical decisions can be adequately made in a mere six weeks (or week five) if she does not even know she is pregnant? When should a woman reasonably *know* she is pregnant?

The Senate heard no evidence of why week six (or five) is not arbitrary in the new Bill when what the woman carries in her body is not even considered a fetus by medical experts at that time. Nor did the Senate address what the Bill and the politicians call a "heartbeat" may not be. Doctors in prior Bills did contest that what can be heard at week six (or five) is not a true heartbeat. These questions and others need to be weighed, balanced, and answered against state action giving the embryo a superior right of existence as compared to the pregnant woman -- and that is before the court even gets to the clearly arbitrary provisions in regarding disclosure of the woman's abortion and medical records to third parties. These issues should be decided under South Carolina's Article I, Section 10 or even Article I, Section 3 of the South Carolina Constitution as well as other federal and state constitutional provisions discussed *infra*.

I wanted to bring to the Senate's attention what I learned through reading the full January 5th Planned Parenthood opinion (twice) but was unable to do so. I learned that the State refused to provide the court the data it requested. Justices wanted to know approximately how many women actually *know* that they are pregnant by week six (or five) in order to make an informed decision and act on their decision. I was

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unable to ask that question and get an answer to that question during the proceedings or why the State objected to providing the requested data being sent to the court. I thought ignoring the state's highest court's request for medical evidence was arrogant given that one hundred seventy legislators equal five Supreme Court Justices as far as a balance of power is concerned.

Given that the Legislature is a co-equal branch of government, do not we owe it to the court to provide what at least three justices expressed they needed just five weeks ago before wasting their time and the state's money again?

As for wasting the state's resources, I am unable to advise my colleagues of the cost to the State as related to recent abortion legislation and the Planned Parenthood case. My request for a cost breakdown paid by agencies and prior defendants revealed that in the past two years South Carolina has spent:

- Senate PRESIDENT Thomas Alexander - \$144,564.01
- House of Representatives, Former Speaker Jay Lucas, Speaker Murrell Smith and Dr. Maureen L. Condit - \$153,874.83
- SC Board of Medical Examiners (SC LLR) - Reported use of in-house lawyers, no extra costs
- Director Edward Simmer (SC DHEC) - Reported use of in-house lawyers, no extra costs
- Solicitor Scarlett Wilson - Reported no expenditures
- Solicitor Gipson - \$12,833
- Solicitor William W. Wilkins III - Reported costs absorbed by Attorney General
- Attorney General - Reported use of in-house lawyers, \$63.74 court filing fees
- Governor's Office - \$182,000 outside legal fees plus \$84,289.61 court filing fees, printing costs and attorney's fees
- Special Sessions House and Senate 2022 - \$175,000
- Senate costs February 7-9, 2023 related to S. 474 - \$34,802.42
- House of Representatives costs February 14-16, 2023, related to H. 3774 - \$96,362.23
- South Carolina Law Enforcement Division (security) - \$34,502.91
- SC Department of Natural Resources (security) - \$31,688
- SC Department of Public Safety (security) - \$240,260.24
- SC Department of Probation, Parole and Pardon (security) - Report pending

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Total: \$1,190,240.24

Some expenditures have not been reported yet. This list will soon be updated and amended and made available for inspection to anyone asking for the final tally.

Because of the costs related to abortion matters (which has the Legislature obsessed) the current Bill should have been made to go through proper legislative channels and vetting. Rather, we have set up yet another costly appeal which is, of course, NOT fiscally conservative.

Only in this journal and written after the Bill had passed did Senator MASSEY and others reveal that DHEC records show that *less than* half of the women who get an abortion in South Carolina do so before six weeks. I find the DHEC data useful, and I wish it had been adequately relayed during debate and not just in this journal because the flip side of the data is that *MOST* women do not get abortions before six weeks. This data supports that most women do not know they are pregnant at week six (or five) or if they do, they have not had time to arrange the medical procedure. In fact, the DHEC data shows that in 2019, 53.9% of abortions were performed between 7-13 weeks. In 2020, the results in the 7-13 week category was that 55% of abortions were conducted and again in 2021, where 51.3% of abortions were performed between weeks 7-13. Therefore, if data presented outside of the Senate floor and after debate is considered, this DHEC data weighs in favor of a determination that MOST women need more time to determine that they are pregnant and then reasonable time to make life-altering decisions thereafter.

I now cry foul that Senator MASSEY's journal filings are too late and still do not contain reliable medical evidence. But aren't I doing the same? The addition of "evidence" not considered by the full Senate falls outside of materials that should be considered by a court upon review. This problem of haste and neglect will remain so even if the House takes up the Bill and provides at least *some* medical evidence to its' body because the Senate has already voted without having sufficient information to do so.

Before being seated, I was able to briefly discuss the West Committee Report and why a mere study committee should not be even *reflected* upon much less *relied* upon by the court. The language in Article I, Section 10 itself (both in the title and in the body of the Resolution) was clear. Yet I was not allowed due to time constraints to point out to the Senate that the two dissenting justices were misguided in concluding that the West Report was reliable evidence as to what the voters *thought* in the early 1970's. According to the dissent, the voters likely believed they

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were passing only a right to privacy, only in electronics a half century ago. We *know* that dissenting judges were wrong, because if true, their conclusions would lead to the absurd result that a woman would have more privacy rights to the data in her cell phone than the data in her medical records. A female would have more privacy rights to what is contained in her computer than to what is contained within her own body.

Moreover, despite Senator GARRETT's statement to the contrary, we simply cannot dig up fifty years' worth of dead voters and ask what they *really* thought they were passing via referendum a half century ago. What those voters might have thought they were voting on is wholly irrelevant in 2023 as is the West "study" Committee Report. We must now look to the actual language in the Constitutional Amendment as passed and that language is clear, despite every justice presenting arguments on punctuation. In reality the court needed to have looked no further than the word "and" which is a coordinating conjunction connecting statements or clauses of equal import. It is well-settled what "and" means in our jurisprudence. *See e.g.* the Oxford Dictionary, which defines a coordinating conjunction thus: "a conjunction placed between words, phrases, clauses or sentences of equal rank."

I was able to partially express concerns that as drafted, the new Supreme Court would necessarily have to go outside of the scant Senate record to piece together fact from fiction. I explained to my colleagues how even after reading the latest six-week ban Bill, I was confused as to the definitions and implications. I had to call an ACOG certified OBGYN, who is not an abortion doctor, but a practicing OBGYN. She told me of her concerns that the definition of pregnancy in the new Bill is conflicting and we cannot have it both ways. The first sentence is contrary to the second. We discussed other definitional problems and probable life-threatening issues that will likely arise in her practice as a result of the latest language in the Bill. One thing the doctor told me was crystal clear. She said, "Most women I deal with in my busy practice do not know they are pregnant until the 8th week." I should not have had to call a medical professional to ask her to explain the Bill and the definitions and how the Bill will impact her quite typical OBGYN practice (not abortion practice). Thus, a reviewing court will necessarily have to go on a similar fact-finding mission or will need to send the case back down for proper consideration by all of the elected officials.

I raised the point that there was not a fiscal impact statement attached to the Bill and the ruling of timeliness was incorrect. The request for a fiscal impact study was timely and needed both then and now because citizens and Legislators deserve answers to the questions of how much

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the abortion ban will cost if it is upheld. For instance, how many investigators will be needed for DHEC to verify that the law is followed? How many local dollars will need to be spent in law enforcement hours to investigate alleged rapes? How many state dollars or private dollars will medical professionals have to spend to comply with reporting requirements in both state and privately owned hospitals and practices?

Also left not fully debated due to Rule 15's unduly harsh halt to amendments during the debate was the issue of selective reduction options for a woman who is heavily pregnant with many babies which often happens as a result of *in vitro* fertilization (IVF). This Bill would disallow women needing to have some of the embryos reduced in order to preserve the health and safety of at least some of her babies. This issue is clearly a problem and was not amended. By the time I thought about it, I was not allowed any more amendments. Should the House take up the Bill, I hope they will fix the Senate's error lest every woman who is pregnant with multiple babies as a result of IVF risks losing them all and risks her own life as well.

Turning to women who claim to be raped, I was not able to argue that the Bill demands that doctors not only provide information about an alleged rape to the sheriff, but demands that doctors scare the pregnant woman by telling her that law enforcement will be called in to investigate. That provision is in the Bill only because my colleagues think that women may lie to get an abortion and I do not doubt that a few desperate women will do just that. Any woman determined to have an abortion will get one, even if it is an unsavory way to get herself out of what she perceives is not tenable in her current life situation. A woman who feels a desperate need to have an abortion cannot be understood by forty-one male Senators or any of the members of the current Supreme Court. But surely no one believes that *all* women lie, do they? I can think of no state interest in forcing a doctor to commit a federal and state privacy violation by calling in police. Said provision should be stricken from the Bill.

Rape is another reality that the forty-one of my male colleagues cannot fully understand because rape is far less common on men than on women. Because men have no womb, even when raped, men cannot get pregnant. Regardless, would a raped man appreciate the insinuation that he was lying about an assault and then being told via legislation that the sheriff will be called even if the man wanted no one to know what had happened to him and was only seeking medical aid?

A rape victim would know and realize that providing such personal information to third parties indeed discloses the very personal and often

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humiliating circumstances of precisely how she or he got raped. As for females, they often get pregnant by date rape. If men are date raped, their secrets can stay safe with their doctors but the same does not hold true for a pregnant woman should this Bill stand. How does such disparate treatment comport with equal protection of the laws?

If law enforcement were to truly investigate whether a pregnant patient was raped by someone she knows, the investigation would necessarily involve disclosure to the offending male whom the female accused of raping even if she wanted no legal action taken, even if she just wanted to be left alone. The fact that a woman who dated the wrong guy and who raped her causing her to become pregnant could then be made known to the assailant according to S. 474. Her abortion would then be discovered by her assailant/acquaintance after-the-fact so what is the point and what is the state interest?

S. 474 forces doctors to disclose a rape and forces the criminalization of doctors if they do not follow the law which conflicts with other federal privacy laws. If a woman does not have a right to tell only whomever she is comfortable telling about her rape, how is that any privacy at all? Moreover, how does telling the police, and by extension the rapist, help "save babies?" And exactly how far are law enforcement officers allowed to go when investigating rapes and date rapes? How many witnesses can be interviewed about the woman's most intimate secrets of the assault?

Regarding investigating and researching medical records of the doctors, it is not far-fetched that the state's only abortion provider, Planned Parenthood, will be under heavy scrutiny from those who would prefer they leave the State. Abortion foes frequently demonstrate in front of abortion facilities. There is no doubt heavy surveillance and scrutiny of abortion providers will continue even if/when this ill-conceived Bill becomes law. The call for regular examination of abortion providers' records will no doubt be made and be made often. Investigative requests will be arbitrary and harassing.

So, the question becomes: Who, then, gets to look at the patient's medical records during an investigation of the doctor's record-keeping practices? How far can the investigation into just a records violation go? How will it be limited only to what the law prohibits? If a records violation is suspected, won't the patient's abortion records be confiscated as evidence and reviewed? By whom? Can abortion patients be called as a witness to disclose their secrets because her doctor may have made documentary errors?

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I wish men could imagine having been violently raped, and after seeking medical treatment, he learns that his deepest darkest secret must be revealed by his own doctor to the police even if he does not want the disclosure. Worse yet, imagine that the records are to be kept for up to seven years lest the doctors can be forced to defend felony charges. Thus, his rape may be discoverable up to seven years later. And what if the sad secret is discovered by an officer whom he knows personally or who knows him by reputation? How terrible would it be for anyone who is raped, male or female, to learn that seven years later the embarrassing details of one of the worst nights of his or her life have been outed by his or her own doctor pursuant to over-reaching legislation with no adequate state interest in such revelation? In that instance, would the men think their privacy had been breached?

I was not able to ask for the co-sponsors of the Bill to explain why there had been no attempt to appeal the three or four state cases cited by the Supreme Court wherein Article I, Section 10 was examined. All five justices dissected those cases and came to differing conclusions on all but one wherein Article I, Section 10 was utilized to have upheld a privacy right. Again, Rule 15 as well as the author's own refusal to answer questions about the intent of their Bill was denied. This denial, if upheld, could easily be repeated forcing guesswork on both Senators who are needing information on the Bill and any reviewing court as well.

My sister Senators and I know that it is NOT true that if we object to language in abortion Bills that we should be considered "pro-abortion" rather than "pro-life." All five females in the Senate are what people have termed pro-life. I have said before and will say again, I believe that I can be pro-life, yet also give a woman through first trimester to determine her own fate. I hope she finds the strength and the necessary support to have the baby.

On the other hand, I support shutting down abortion options after the first trimester (with exceptions) and that is a full eight weeks shorter than the law currently allows. That DOES NOT make me pro-abortion. That makes me have common sense.

Interestingly, post the Senate's vote, a constituent told me that her college professor stated that people who define abortion with only two words are ignorant of the issues. I agree with the professor.

Finally, when my own colleagues try to turn social and religious issues into state issues, it always ends up violating the separation between church and state. One colleague has already publicly said that "alphabet soup" will be addressed another day (referencing the LGBTQ+)

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community issues). No doubt some anti-gay Bill will be considered soon and will take less than a week before debate ends.

This Bill is arbitrary, not supported by medical evidence and violative of a pregnant female's constitutional rights.

Enclosure: Rule 15 1997-2021 and timeline/caselaw.

The court can and should take up whether the Senate's Rules are unconstitutional as applied -- a link of rule changes over the years to South Carolina Senate Rule 15. Rule 15 is akin to United States Senate Rule 22 and is commonly known as the cloture rule. The list represents the period of time since Democrats lost power in the South Carolina Senate from 2001 to present. It was not until 2021, however, that the rules were amended by the overwhelmingly Republican Legislature to the point that elected officials could not be heard and relay the concerns of their constituency and where minority party members have no voice at all.

To be sure, the Senate is entitled to create its own rules, yet when those rules violate the constitution, it is the court's responsibility to review whether the application of the rules should be stricken.

See e.g. *Citizens United v. Federal Election Comm'n*, 558 U.S. 310 (2010); *Yellin v. United States*, 374 U.S. 109 (1963); *Christoffel v. United States*, 338 U.S. 84 (1949); *United States v. Ballin*, 144 U.S. 1 (1892).

Citizens United v. Federal Election Commission, 558 U.S. 310 (2010), was a 5-4 split decision of the United States Supreme Court involving the first amendment and election laws. Chief Justice Roberts and Justice Alito wrote separately "to address the important principles of judicial restraint and stare decisis implicated in this case." C.J. Roberts explained that "there is a difference between judicial restraint and judicial abdication." Roberts opined that it was necessary for the court to sometimes overrule prior precedent because in years past, if they had not re-examined the law: "segregation would be legal, minimum wage laws would be unconstitutional, and the Government could wiretap ordinary criminal suspects without first obtaining warrants." Roberts' concurrence argued that "stare decisis ... counsels deference to past mistakes, but

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provides no justification for making new ones.” The same wisdom should apply here.

A timeline of the Senate’s short work in handling S. 474 is as follows:

February 1, 2023, S. 474 was read over the desk. It was an all-new and evidently hastily prepared Bill with unusual and unexplained medical definitions and no findings of fact.

On February 2, 2023, the Chair of Medical Affairs exercised his authority not to refer the new Bill to a subcommittee and he polled this controversial abortion Bill out of full committee as well. In addition, the Senate majority leader moved for perfunctory session to be held on Friday, February 3, 2023, and the contested motion carried. This parliamentary move was made to get S. 474 onto the Senate Calendar when no one was present on Friday, February 3rd and thus, it would avoid Senate Rule 39 (known as the 24-hour Rule). The rule requires Bills to be placed on the Senate Calendar a minimum of 24 legislative hours before debate so that Senators know what will be before them. It is often invoked to prevent the body from taking up a Bill that had just reached the calendar.

On February 3, 2024, S. 474 was indeed placed on the Senate Calendar, though it was not timely filed with the Clerk, rendering it violative of the 24-hour Rule.

On February 7, 2023, the 24-hour motion was made by the minority leader, which he lost when it was argued that the 24-hour Rule meant only that a “vote” could not be had, but debate could begin. To my recollection, which could be flawed, the Bill proceeded to debate over the Rule 39 objection. This has rarely, if ever, happened without unanimous consent since my election in 2016. Therefore, on February 7, 2023, debate began over the Rule 39 objection.

On February 7th, we were in session from 12:00 P.M.-3:39 P.M. total which included time not spent on Bill S. 474. S. 474 at 1:16 P.M. started when the Bill’s co-sponsor, Senator MASSEY, ostensibly rose to explain the Bill from 1:16 P.M.-1:53 P.M. He spoke for approximately thirty-seven minutes. The Senator devoted most of the time to further berating the judicial decision in the overruled Bill, while exalting the dissenting opinions. Senator MASSEY then proceeded to be seated without taking questions on anything, to include the Bill itself and the medical questions it presented. After the Senator was seated, the Senate began the debate on the amendments. After subtracting time for court recesses, the full

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amount of time spent on S. 474 on February 7th was one hour, twenty-six minutes, forty-seven seconds.

On Wednesday, February 8th -- caucus meetings -- judicial elections and session debates were conducted on S. 474. After Justice Hill's election, the Senate convened from 3:50-7:12 P.M. and continued debating amendments to S. 474, although breaks were taken. The full time spent on S. 474 on February 8th was two hours, fifty-four minutes forty-six seconds.

On Thursday, February 9th, debate on S. 474 began for the final day. Amendments were argued from 11:32 A.M. until approximately 1:55 P.M. There were only sixteen total amendments, and none were dilatory. Of those amendments, six passed, three were withdrawn, and seven were tabled. Those amendments were necessary, as the Bill was hastily presented and in need of amendment. S. 474 was not truly debated apart from amendments from 1:55 P.M. until 3:17 P.M., whereupon cloture was invoked, ending the debate. I made a parliamentary inquiry about allowing the journal to be updated by any Senator who did not get time to speak or who had concerns. Said journal updates were allowed. Thereafter, the measure passed twenty-eight to twelve. The total time spent in true debate on S. 474 on February 9th was one hour, fifty-five minutes, forty-seven seconds.

Thus, as applied, the people could not be heard through their elected representatives in such a short amount of time. This application of the rules not only is capable of repeating itself, it most definitely will repeat itself with such a supermajority of Republicans in the Senate. It operates to silence the minority too quickly so as to violate the First Amendment as well as Due Process.

2001

RULE 15.

Fixing a Time Certain to Vote

A.

Except for any Reapportionment Bill, the debate on any Bill, motion, or other matter which has been pending before the Senate for a minimum of four (4) hours and the time such Bill, motion, or other matter pending shall be voted upon may be fixed by a vote of twenty-eight (28) members of the Senate. Notwithstanding the provisions of Rule 14 or any other rule, such motion may be made after the time period provided for herein has elapsed and may be made by any member and shall not be subject to amendment or debate.

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Except as otherwise provided by a motion adopted under the provisions of Section C of this rule, when the time for a vote arrives, as set under this rule, the Senate shall proceed to a consideration (*seriatim*) of the amendments on the desk and upon disposition of all amendments, proceed immediately to a vote on the main question. Opponents and proponents of an amendment shall be granted an equal amount of time in the discretion of the presiding officer, not to exceed twenty (20) minutes.

Except as otherwise provided by a motion adopted under the provisions of Section C of this rule, when a motion to fix a date or time certain has been agreed to, the Clerk of the Senate, at that time, is prohibited from receiving any future or further amendments to the pending matter unless the Clerk certifies that an amendment is necessary to correct some technical error or omission or conform the language of an amendment to an action of the Senate taken previous to the consideration of the amendment.

2005 RULE 15.

A.

Fixing a Time Certain to Vote

Except for any Reapportionment Bill, the debate on the question of third reading of a Bill or Resolution may be brought to a close by the lesser of twenty-six (26) Senators or three-fifths (3/5) of the Senators present and voting, if such Bill or Resolution has been under debate for two (2) hours on the current legislative day. The debate on any other matter pending before the Senate, except as otherwise provided in these Rules, may be brought to a close by a majority of the membership of the Senate after one (1) hour of debate on the current legislative day.

Notwithstanding the provisions of Rule 14 or any other rule, such motion may be made after the time period provided for herein has elapsed and may be made by any member and shall not be subject to amendment or debate. Such motion shall include a fixed time for the vote that must be at least fifteen (15) minutes after the motion is made. However, notwithstanding the provisions of Rule 14, during the final three (3) statewide legislative days prior to the date set for *sine die* adjournment, the time periods provided above may be waived by three-fifths (3/5) of the Senators present and voting.

Except as otherwise provided by a motion adopted under the provisions of Section C of this rule, when the time for a vote arrives, as set under this rule, the Senate shall proceed to a consideration (*seriatim*)

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2009

RULE 15.

A.

Fixing a Time Certain to Vote

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Notwithstanding the provisions of Rule 14 or any other rule, such motion may be made after the time period provided for herein has elapsed and may be made by any member and shall not be subject to amendment or debate. Such motion shall include a fixed time for the vote. Any Senator may request a call of the Senate prior to the vote being ordered.

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proponents of an amendment shall be granted an equal amount of time in the discretion of the presiding officer, not to exceed twenty (20) minutes.

Except as otherwise provided by a motion adopted under the provisions of Section C of this rule, when a motion to fix a date or time certain has been agreed to, the Clerk of the Senate, at that time, is prohibited from receiving any future or further amendments to the pending matter unless the Clerk certifies that an amendment is necessary to correct some technical error or omission or conform the language of an amendment to an action of the Senate taken previous to the consideration of the amendment.

2016 RULE 15.

A.

Fixing a Time Certain to Vote

Except for any Reapportionment Bill, the debate on the question of third reading of a Bill or Resolution may be brought to a close by the lesser of twenty-six (26) Senators or three-fifths (3/5) of the Senators present and voting, if such Bill or Resolution has been under debate for two (2) hours on the current legislative day. The debate on any other matter pending before the Senate, except as otherwise provided in these Rules, may be brought to a close by a majority of the membership of the Senate after one (1) hour of debate on the current legislative day.

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in the discretion of the presiding officer, not to exceed twenty (20) minutes.

Except as otherwise provided by a motion adopted under the provisions of Section C of this rule, when a motion to fix a date or time certain has been agreed to, the Clerk of the Senate, at that time, is prohibited from receiving any future or further amendments to the pending matter unless the Clerk certifies that an amendment is necessary to correct some technical error or omission or conform the language of an amendment to an action of the Senate taken previous to the consideration of the amendment. Any question to which the Senate has agreed to fix a date or time certain shall become the unfinished business of the Senate and shall be considered on each subsequent legislative day immediately after the call of the uncontested local calendar.

2019

RULE 15.

A.

Fixing a Time Certain to Vote

Except for any Reapportionment Bill, the debate on the question of third reading of a Bill or Resolution may be brought to a close by the lesser of twenty-six (26) Senators or three-fifths (3/5) of the Senators present and voting, if such Bill or Resolution has been under debate for two (2) hours on the current legislative day. The debate on any other matter pending before the Senate, except as otherwise provided in these Rules, may be brought to a close by a majority of the membership of the Senate after one (1) hour of debate on the current legislative day.

Notwithstanding the provisions of Rule 14 or any other rule, such motion may be made after the time period provided for herein has elapsed and may be made by any member and shall not be subject to amendment or debate. Such motion shall include a fixed time for the vote. Any Senator may request a call of the Senate prior to the vote being ordered.

However, notwithstanding the provisions of Rule 14, during the final three (3) statewide legislative days prior to the date set for sine die adjournment, the time periods provided above may be waived by three-fifths (3/5) of the Senators present and voting.

Except as otherwise provided by a motion adopted under the provisions of Section C of this rule, when the time for a vote arrives, as set under this rule, the Senate shall proceed to a consideration (seriatim) of the amendments on the desk and upon disposition of all amendments, proceed immediately to a vote on the main question. Opponents and

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proponents of an amendment shall be granted an equal amount of time in the discretion of the presiding officer, not to exceed twenty (20) minutes.

Except as otherwise provided by a motion adopted under the provisions of Section C of this rule, when a motion to fix a date or time certain has been agreed to, the Clerk of the Senate, at that time, is prohibited from receiving any future or further amendments to the pending matter unless the Clerk certifies that an amendment is necessary to correct some technical error or omission or conform the language of an amendment to an action of the Senate taken previous to the consideration of the amendment. Any question to which the Senate has agreed to fix a date or time certain shall become the unfinished business of the Senate and shall be considered on each subsequent legislative day immediately after the call of the uncontested local calendar.

2021

RULE 15.

A.

Fixing a Time Certain to Vote

Except for any Reapportionment Bill, the debate on the question of third reading of a Bill or Resolution may be brought to a close by the lesser of twenty-six (26) Senators or three-fifths (3/5) of the Senators present and voting, if such Bill or Resolution has been under debate for two (2) hours on the current legislative day. The debate on any other matter pending before the Senate, except as otherwise provided in these Rules, may be brought to a close by a majority of the membership of the Senate after two (2) hours of debate on the current legislative day.

However, notwithstanding the provisions of Rule 14, during the final three (3) statewide legislative days prior to the date set for *sine die* adjournment, the time periods provided above may be waived by three-fifths (3/5) of the Senators present and voting.

Notwithstanding the provisions of Rule 14 or any other rule, such motion may be made after the time period provided for herein has elapsed and may be made by any member and shall not be subject to amendment or debate. Such motion shall include a fixed time for the vote, a time when no further amendments may be placed on the desk, the limitations on amendments sponsored by each Senator, and/or the limitations on consideration and debate of each amendment and the main question. Any Senator may request a call of the Senate prior to the vote being ordered.

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When the time arrives, the Senate shall proceed to a consideration (*seriatim*) of the amendments and the main question as provided by the motion adopted under the provisions of the rule.

When a motion is adopted under the provisions of this rule, no further amendments may be received unless provided by the motion, except that the Majority Leader and the Minority Leader may each offer one additional amendment and the Clerk may authorize an amendment necessary to correct some technical error or omission or to conform the language of an amendment to a previous action of the Senate.

Any question to which the Senate has agreed to fix a date or time certain shall become the unfinished business of the Senate and shall be considered on each subsequent legislative day immediately after the call of the Uncontested Local Calendar.

Expression of Personal Interest

Senator PEELER rose for an Expression of Personal Interest.

Expression of Personal Interest

Senator STEPHENS rose for an Expression of Personal Interest.

Motion Adopted

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

MOTION ADOPTED

On motion of Senator MATTHEWS, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mr. Arthur Arnold Murphy of Estill, S.C. Arthur was the owner and operator of Repo Graphics Printing for over twenty years. He was a civic leader who was a member of the NAACP and served as Chairman of the Jasper County Democratic Party. Arthur received the Dr. Martin Luther King, Jr. Garden of Light Award, the NAACP Service Award, and a dedicated service award at Bethel Baptist Church where he was a faithful member. Arthur was a loving husband, devoted father and doting grandfather who will be dearly missed.

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ADJOURNMENT

At 3:39 P.M., on motion of Senator MASSEY, the Senate adjourned to meet tomorrow at 11:00 A.M. under the provisions of Rule 1 for the purpose of taking up local matters and uncontested matters which have previously received unanimous consent to be taken up.

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