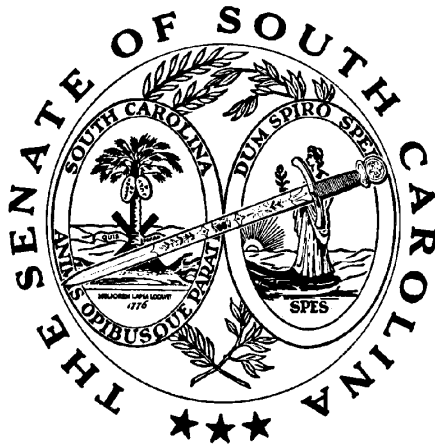


NO. 52

JOURNAL
OF THE
SENATE
OF THE
STATE OF SOUTH CAROLINA



REGULAR SESSION BEGINNING TUESDAY, JANUARY 10, 2023

MONDAY, APRIL 10, 2023

Monday, April 10, 2023
(Local Session)

~~Indicates Matter Stricken~~

Indicates New Matter

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

ADDENDUM TO THE JOURNAL

The following remarks by Senator MATTHEWS were ordered printed in the Journal of February 9, 2023:

Remarks by Senator MATTHEWS

If you'll give me a little bit of leeway, as I sometimes do, I asked the Reverend Doctor James St. John to give me a copy of his scripture. I just want to say this scripture for you. I've had to read it myself several times today "as God's chosen ones, holy and beloved, clothe yourself with compassion, kindness, humility, gentleness and patience" Colossians 3:12.

And God knows I need to read that and adhere to it. But I think it's important that we think about this now. We're here on what you call legislative Friday. Every one of us wants to go home. We do not have a lot of patience and I think we should at least consider compassion, kindness, and humility. On Tuesday at the beginning of the legislative week, I made a Point of Personal Privilege that I want to apologize to the Body for if that Point of Personal Privilege was not necessarily understood. And maybe, Senator GUSTAFSON, I am guilty of the same thing in reading Rule 13.

Let me tell you a little bit of what I was going through. When I left the Chamber last Wednesday, I had a sinking feeling because of the Bill that had just been read across the desk. I inquired about why we were having a perfunctory session on Friday. That's when I figured out that there were some shenanigans -- and that's how I felt -- to get this Bill read across the desk on Wednesday, to fast track it, and have it heard. Quite frankly, I didn't think that was possible because it hadn't happened before in my time here in the Senate. I know a lot of you -- who sit in front of me and have been here longer -- have seen it happen. But I didn't even know it was possible. I didn't realize that the intention from the beginning was to read this Bill across the desk -- a Bill that could have been pre-filed a long time ago -- and to have it fast tracked for this week in front of the

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other matters that have already come out of committee. Well, here it is. And so, I thought about this over the weekend and about how I felt. I read the rule book and I found Rule 13. I thought I was adhering to this rule where it says, Point of Personal Privilege, provided that a Point of Personal Privilege shall be defined as questions affecting *rights*, reputation, and conduct of members of the Body in their representative capacity.

If you recall, Senator MASSEY was very gracious in allowing me to continue to talk. Specifically, I was only responding to what I considered to be the cavalier shenanigans and how this was bungled. Being the deliberative Body it's supposed to be, I got further flabbergasted because this Body sat and listened while the Bill was explained. This is an issue so critical to more than half of South Carolina's women and men. When Senator MASSEY said, "I'm not going to answer any questions about the Bill," we accepted it and were okay with it. I felt that was an affront to me and to the other fifty percent of women in the State of South Carolina. If nothing else, if we can't agree on something, we should at least ask for explanation when you're the author of a Bill. There were four authors on that Bill and none of them asked questions. Yet, my sister Senator from Charleston, Senator SENN, who studied this Bill and proposed amendment after amendment, was regaled with many questions. She accepted questions and allowed people to question her. What is wrong with us? What are you afraid of? After asking Senator MASSEY whether or not this Bill will affect victim's rights, I specifically put up an amendment. He responded, "No, nothing in here would violate the Constitution," that it would not affect a victim's rights. So, what did staff do? Prepared an amendment for me that said nothing in this Bill will affect the victims' rights. And just like cattle walking in line, this Body ignored everything that was said and went straight along the lines of the votes. Same thing with this vote in reference to what Senator GUSTAFSON was talking about.

We have not done what we're supposed to on this vote. I know you have a national agenda -- I know -- I get that. But the women of South Carolina, the people of South Carolina, the doctors and everybody, deserve better. I don't understand why it is so important to do a knee jerk. This Body should not do that. If this Bill is good now, it will be good when it comes out of committee after we've heard doctors' testimony. If this Bill is good, we need to hear the other side of this story from women. We need to hear about the fertility IVF. We need to hear from normal people. You said you have heard it, but this Bill is not the same Bill that

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was in committee before. So that's an unfair propagation. We talk about heavy-handed government -- well, it's a heavy hand of a bunch of men and that's not fair. I know you don't want to hear it and you think I am just a woman complaining -- I'm not. I get it from all sides of the aisle. Most Republicans and most women are calling and they're saying, thank you for speaking up, because you won't listen. You won't hear anything. It's just like me trying to tell my husband to do a chore -- he doesn't even hear it. Listen, there are things that people have brought to my attention, Republicans and Democrats, men and women. This Bill doesn't even talk about the rights of midwives and what happens if they do an abortion. What happens? Nobody even wants to talk about ectopic pregnancies -- things like that. With that, Mr. PRESIDENT, I move to recommit.

The reasons why I am asking that this Bill be recommitted are because we have debated the amendments, but the sponsor has failed to explain and accept questions on the Bill. That was specifically said on Tuesday. There's no explanation. None of the Senators who sponsored this Bill have allowed questions from the floor. I also believe that the Bill needs to be recommitted because there are no specifics on whether a woman who reports a rape will have to divulge the perpetrator with no testimony or statements from her. In addition, the reason why I seek to recommit this Bill is that we have not heard from the Sheriff's Association on the impact of this Bill, the reporting of it, and how it will affect their workload. Another reason I wish to recommit this Bill, it impacts rule record holders without any reference to intent. This Bill doesn't even talk about whether or not we have jurisdiction over those folks that are out-of-state. Every time my office seeks records from hospitals it's usually some out-of-state entity. We still need to recommit so that we can study poverty. How will these women who are forced to have children -- what happens to them when they carry these children into an impoverished household? Few decisions in life are more private than the decision on whether to terminate a pregnancy. So, if our Supreme Court has said that this is one of the most important rights, shouldn't we deliberate and give this due consideration in the committee process? Our privacy rights deserve this to be heard in committee. Those are my reasons. Thank you.

ADDENDUM TO THE JOURNAL

The following remarks by Senator SABB were ordered printed in the Journal of March 8, 2023:

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Remarks by Senator SABB

Thank you, Mr. PRESIDENT. Thank you, members. I really want to follow up just for few minutes on a conversation that we began to have yesterday related to what some are classifying as being the new trial of the century. We had the good fortune of listening to one of the best lawyers, I think, in the United States, who just happens to be a member of this Body, come and share some valuable information with us about some of his experience. Yesterday, I thought that I was going to have to leave the Chamber early because I had to go and do a special presentation to someone who we discussed yesterday. I think most of you may know that Judge Newman is from Greeleyville, just as I am, and he was being recognized by Williamsburg County yesterday and given the Lifetime Achievement Award. I thought what was interesting about it was that he was chosen in early February before the actual trial that garnered national attention. I really enjoyed the experience and enjoyed presenting the award to him. I would like to piggyback on some of the comments that Senator MALLOY made yesterday if you all will bear with me for a moment or two.

I think it is important that we use this moment to highlight our judge situation. I had the good fortune of being a part of a conversation with a group from Georgetown yesterday and a good friend of mine who is a member of this Body, and I had the opportunity to talk with them. The conversation came up about judges and how they're selected in South Carolina. I think, for me, I have got to say this because I believe it is true. I think that the manner in which we select judges in South Carolina has to be reexamined. I think it must be reexamined because I came into the Legislature in 2010 and in 2010, I felt good about the system. I mean, I thought that the system was open. I thought that folks had a chance, but candidly in my humble opinion it has changed. There is more of a Litmus test now as it relates to judges and how they are elected and if it doesn't change, I think that a lot of good judges will be excluded as a result of it.

For two reasons, I don't think Judge Newman would be elected right now. One of the reasons is because he is an at-large judge, and right now at-large judges typically serve in the area where they don't have resident judges. That's no longer the way it is, when Judge Newman's seat comes up, or came up, for election, there was no consideration given to the fact that he held what many of us considered to be a resident seat in Williamsburg. All the at-large seats are going to go to the larger counties. Smaller counties aren't going to have any resident judges anymore. I think that's wrong. I think it is a wrong direction for us to go. I think two

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things must happen. One is, that we can convert a lot of the at-large seats to resident seats to make sure that rural South Carolina maintains a resident judge. I think if we fail to look at that, then we're saying in essence we want the larger counties to have all the judges. Some counties have five, six and seven judges -- others have none and it is because they have resident seats along with at-large seats and we're unwilling to look at that. I think we fundamentally change how judges are spread out in our State and quite frankly, I think that's wrong. I am asking us to just take another peak at that and see if we can't be a little fairer as it relates to all our counties in our State and not just some. I think the latter point that I made with regard that any time we've got a system whereby if that judge issues an opinion, where the opinion is not in keeping with what we believe the law is, or ought to be, based upon the interpretation, and a new member of the Legislature and the House can walk up to that jurist and say I just read your resignation. I think that when a freshman Legislator can come before a jurist and say I just read your resignation because you wrote an opinion that I disagree with, and my whole effort is going to be to make sure that you're not reelected when the time comes. I think that when we are bold in such a way, that we feel comfortable and confident in saying that to a judge -- I think something is wrong with that. Back in the day, when I was in law school, we said that there were certain things that could have a chilling effect on other things. I think that if this Body maintains the notion that any time a jurist makes a decision that we don't agree with, we're going to get rid of him. Then guess what happens, the General Assembly now -- not only are we the Senate, not only are we the House, the Legislative Branch of the Government, we are now taking over the Judicial Branch of the Government. I just waited quite frankly -- one of the other debates for some of our scholars, who fundamentally believe in separation of powers -- to address an issue like that because it is huge. Quite frankly, those kinds of issues are bigger than we are as Senators in the State of South Carolina.

So, I'm just hopeful that we use this moment to analyze, well, on the one hand to express appreciation for a system that we're proud of and on the other hand look at the possibilities of weakening a system and figure out how we can in fact strengthen it.

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ADDENDUM TO THE JOURNAL

The following remarks by Senator VERDIN were ordered printed in the Journal of March 23, 2023:

Remarks by Senator VERDIN

Thank you, Mr. PRESIDENT and members of the Senate. Senator DAVIS, as I spent my time here, you're not replaceable. The service that you bring to us in our little point in time is immeasurable. As it relates to the Medical Affairs Committee, your service is incalculable. We all come here with certain abilities and certain skill sets and yours are -- I can't think of superlatives to describe your service to us -- your service to South Carolina. And as it relates to all these hard issues that we are dealing with in Medical Affairs -- the reason I come to you so much is because I don't have others in the committee coming and begging for this work. And I'm sure there are other committees that have the same regard for your work product. I do want to just acknowledge the fact that we have polled Bills. We have polled a lot of hard Bills -- we polled a lot of nine to eight votes out of this committee. And as it's been represented to the members of the committee on the poll, those substantive changes, a lot of language changes, but I'm going to confess there were only two members of the committee that actually saw the work and analysis of the staff -- others that may have looked at it very briefly there on the floor as the poll sheet was going around. But for the work of the drafting and the work of coming to the conclusion that we needed the poll -- it was just you and Senator CASH. There may have been a member on the committee that asked for material relating to the Bill and it was provided to them on a side-by-side basis. That document is available to anyone now. We're all sensitive about what we put out here because our time is valuable. But it was that valuable time in trying to cooperate with the consensus on both sides of this aisle to try to put some work product together for the consideration of the Senate knowing there was much more hard work coming down the pike. And there still is. Probably all are aware that Gressette 105 was occupied by an incredibly painful debate this morning for a couple hours, painful regardless of your perspective -- pro or con -- for the Bills. For those of you working on that -- thank you, I appreciate you.

But Senator, whether it is further committee work on that subject or it remains here, whatever the will of this Body is, I'm committed to you. I've done a lot of things differently here in the last year that I hope will be of service to you. As you well know, I'm like Senator MASSEY,

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Senator RICE and Senator GARRETT -- I like to sleep in my own bed at night, but I've only slept in my own bed twice this year on session days because I want to be of better service to you. So, whatever needs to be done in regard to the Senate's obligation, I'm committed to it. I just want to say -- I hope I'm not running out of time -- but I do want to take a minute or two to discuss this very subject of compassionate care. I don't think there are any of us -- and there's different membership now -- but I don't think there's anyone here when this subject was first introduced to us who was more diametrically opposed to the concept than I -- maybe someone, some equally and some that are still. Now my perspective might not have been driven by the same interest groups or stakeholders. I'll say my ear was not as attuned to law enforcement as some others, but I certainly wasn't neglectful of it. My ear was attuned, primarily, to medicine. And I'm conservative by nature, and I'm not wanting to get ahead of medical science and research but the overarching issue of compassion, as related to the inculcation of our faith, started me down the path of reconsidering my position; then giving heed and attention to discern as best I can the medical science. And that's how I've come to the position of following your leadership and trying to be of assistance. And I don't like to even contemplate the crass political environment -- who's interested in what seats. I love serving here. I'm more hopeful of my service here than I've been in a while. So, for me, on a subject like this, based on the votes we've taken, in God's providence, it may just be that I have more opportunities to demonstrate for my constituents, who are still coming to my understanding. But that process is taking place with our electorate just as it has for many of us in here. So, as I've hit a stage in life with children, grandchildren and business, it's more and more borne upon me that we are not weathervanes. The day and age we're living in -- if I can be proud of anything -- and I hate to even use the word "pride" but I tell you I'm not on a phone calling a political consultant every time a hard vote comes down through here. I've never done it. And I would encourage all of us to do it less. Thank you for the opportunity to come behind my colleague and hopefully bring some clarification and the opportunity to lay out before you my commitment to build consensus and build better quality of life for all of the people that we represent, our family, our friends and our neighbors.

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ADDENDUM TO THE JOURNAL

The following remarks by Senator SABB were ordered printed in the Journal of March 30, 2023:

Remarks by Senator SABB

Members, I won't be long, but did I want to have a quick conversation this morning about a Bill that was heard in subcommittee, full committee, and was read across the desk yesterday. It's a Bill that we're all familiar with. One that I think we've all given some thought and perhaps some conversation to. It's a Bill that's commonly referred to as the Hate Crime Bill.

I would like to share a thought or two this morning. I had the privilege of being the chairperson of the subcommittee, and I will tell you all that the testimony that came before us was compelling for several reasons. What became clear to me after listening to the testimony in subcommittee, witnessing the votes, then going to full committee, having a discussion, and witnessing the votes -- what became clear to me is that there is not a unanimous consensus on the Bill and its contents. I've got nothing but respect and appreciation for that because the reality is, all of us don't see everything the same way.

The other take away I had was that there is the kind of work on the legislation that the Senate has performed marvelously, time after time after time. Therefore, what I'm asking is those of you who may have differing opinions as to what the final production would look like -- let's give the Senate an opportunity to do its work. Let's give the Senate a channel to weigh in -- a chance to weigh in on the legislation and see whether we can't perfect it in such a way that allows us to walk away from the discussion and the vote feeling like we've accomplished something. Someone said, years ago, don't allow the perfect to get in the way of the good. I don't believe that we will end up with a perfect product, but I believe we will end up with a good product. However, it can only happen if we all decide that we will allow the process to work.

I've had what I consider to be candid conversations with many of you in the Body, and I note where you stand, based on what you've said to me. Again, I embrace what you say with a deep appreciation because I know that you would not be here if you didn't represent something special in the State. I'll never forget in my early years of being in the Senate and I can't remember who it was, but somebody said, "You know, we are forty-six and we represent five million." You know I love this series called the Matrix, and the star is referred to as what? The one. I

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think in a lot of ways, the forty-six of us represent, guess what? The one. Together we make up the South Carolina Senate, an institution that I believe every single one of us have an incredible amount of appreciation for. Although, I will tell you all and I'm going to mention one thing in specifics that came up in the full judiciary discussion.

The question was raised, what about our elderly? Should we add additional protection for our elderly in the Hate Crime Bill? Those I believe are discussions that we need to have while the legislation is being debated. As I slept on our discussion -- and I take what is said in committee meetings and subcommittee meetings, I mean I take it to heart. I said to myself I don't know the answer to that, but what I do know is that there was no testimony in the subcommittee that hate is being spewed towards our elderly. I mean there was zero testimony along those lines. That doesn't mean it's not an issue that is worthy of debate, it just means that's one that wasn't fleshed out in the subcommittee hearing. What was fleshed out in the subcommittee hearing was that the Jewish Federation does a study every year, and they measure hate as it relates to that -- as it relates to that specific portion of our community. It's telling that in the last year, there's been a 191% increase in what is happening in that community along the lines of hate. What is interesting to me, and I believe Senator GOLDFINCH, although he is not here, he is aware of this -- in the Pawley's Island community, there are some subdivisions where hate mail -- just like in the olden days where you throw the newspaper on people's doorsteps. There are members of the Jewish community that have been identified in those communities and they throw hate mail on their doorsteps. The gentleman who testified, and I apologize for not remembering his name, but he identified the groups that are in South Carolina that are promoting it. My second point, and Ms. Polly Shepherd made this one -- she said, "The United States of America is a great Nation, and that the State of South Carolina is a great state." She gave riveting testimony about her experience that night although I'm not going to go into that. She said something else that struck me. You know Ms. Polly is like my grandma used to say -- she is not a spring chicken. I mean she has lived a number of years and has acquired a lot of wisdom as a result of her walk in life. She said that there are eighty-four militia groups in our State that are promoting that kind of divisive behavior. Her call to us was, as great as we are -- we ought to be able to do this.

Nonetheless, I conclude with this point, I've heard from this well several of our members who represent the leadership of this institution

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who said that the Senate can do big things, that we have the capacity to do big things. I submit to you all, at this point in our history where we are one of only two states that does not have a Hate Crime Bill -- I submit there are few things bigger that we ought to challenge ourselves to do. I intend to personally have conversations with members of this Body. I'd ask that you would please ma'ams and sirs give me the courtesy of at least a conversation in order that we might talk about bringing the Bill to the floor. I believe that my colleagues who have taken the well before and have talked emphatically about our ability to do big things -- I believe what they said is true. I would just ask that we view this as being one of the big things that we are capable of doing. Will it be perfect? No. I don't know that much that we do is. Nevertheless, I would implore us to not allow the perfect to get in the way of the good. Thank you, members, and thank you, Mr. PRESIDENT.

ADJOURNMENT

At 11:04 A.M., on motion of Senator SETZLER, the Senate adjourned to meet tomorrow, April 11, 2023, at 12:00 P.M.

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