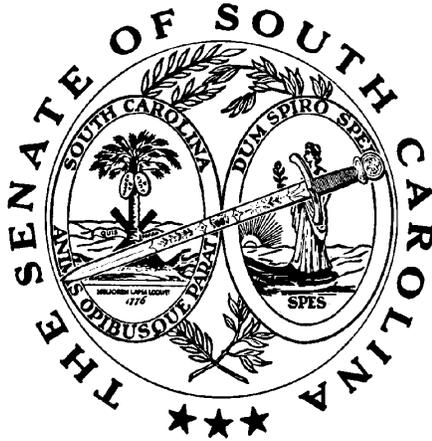


NO. 68

JOURNAL
OF THE
SENATE
OF THE
STATE OF SOUTH CAROLINA



REGULAR SESSION BEGINNING TUESDAY, JANUARY 10, 2023

FRIDAY, MAY 5, 2023

Friday, May 5, 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 JACKSON.

ADDENDUM TO THE JOURNAL

The following remarks by Senator SCOTT were ordered printed in the Journal of February 28, 2023:

Remarks by Senator SCOTT

Mr. PRESIDENT, members of the Senate, before we exit for the day, I wanted to make sure at the end of the session we at least shared some real facts as relates to Black History Month. They say facts come from U.S.A. Facts published on Wednesday, February 9, 2023, which indicate that more than 12% of the American population identified as black or African American in 2022. The data showed from five government entities that on average, black Americans are more likely to be in unions than the general U.S. population -- voted higher in rates in 2020 than in 2016, making up the greatest share of congress than ever before. Black or African American population in 2020 was 39.9 million people. That's 12.1% of the 331.4 million people living in the United States. People identify as black or African American were 11.9% of the veteran population between 2015 and 2019. They were the second largest racial group of veterans after white Americans. Another 2% of veterans identified as two or more races. Third, the voting race for African Americans during the 2020 Presidential Election was 62.6%, up in 2016, but down from 66.2% in 2012. 66% of black women who were public school teachers reported having at least a Master's degree. Asian women at public schools reported advanced degrees at a higher rate. Since at least 2000, black workers have been more likely to belong to labor unions than U.S. workers overall. In 2019, 11.2% of black workers were unionized compared to 10.3% of workers overall. The state having the largest portion of blacks and African Americans, of course, is Mississippi. 82% employed black women worked full-time in 2019 compared to 77% of overall full-time employed women. In 2019, 77.9% of black people with advanced degrees and 77.4% with bachelor's degree participated in the labor force. 58% of black people with high school

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diplomas as black or African American and 37.7 -- 37.3% without a high school diploma. Black high school attendance or African American high school attendance was at a record in 2019 -- 87.9%. The 117th Congress had sixty-two members, which is a record high for Congress -- coming from twenty-eight states, including the Virgin Islands and Washington, D.C. In 2021, 19.5% of black people who lived in the United States were living below the poverty guideline, and that's the point I want us to pay very close attention to in South Carolina. How many folks do we have still living below the poverty guideline? This is compared to 8.2% of white people and 8.1% of Asian people. Within our rural counties, and we have many, many rural counties in this State, and that's where I've spent the last four years dealing with rural and special rural issues. 24.1% of African American residents versus 10.4% of white residents lived below the federal poverty guidelines in 2016. Some proportion of rural and urban African American, when combined together, is about 26.7%. I want to say this has been a great time to continue to celebrate Black History Month. We've still got a lot of work to do. I did not share with you South Carolina statistics because I know what they are and folks in South Carolina compared to the rest of the Nation -- we've got a long way to go. Thank you, and for those who participate in black history across the State of South Carolina, I say keep the good work up, let's continue to work hard to make South Carolina great.

ADDENDUM TO THE JOURNAL

The following remarks by Senator McLEOD were ordered printed in the Journal of April 27, 2023:

Remarks by Senator McLEOD

Thank you, Mr. PRESIDENT. This is day three of the debate on a total abortion ban. And I want to take a minute before I get started to thank the women of the Senate -- my sister Senators who have always led and continue to lead on this extremely important issue. I also want to thank our male colleagues on both sides of the isle who have supported us every single time, as well as those who take time off from their jobs and time away from their families just to come to the State House year after year, time after time to let us know that they stand in solidarity with us.

You have already heard from my sister Senators SHEALY, GUSTAFSON and SENN. And while our approaches and experiences and deliveries may be different, all five of us are united on this issue. Maybe that's because only five of us in this Chamber are capable of

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giving birth. You have already heard some statistics so I won't reiterate. You have heard some constitutional arguments and a proposed constitutional amendment. We have talked briefly about the fiscal impact of this war on women. So, you should question those who describe themselves as fiscally conservative in one breath while still demanding that we debate and pass Bills like this and the other, knowing that we'll expend an extraordinary amount of time, money, energy and resources on the legal challenges.

You've heard a very detailed account of a colleague's childbirth experience, some of you probably wondered why she chose to disclose intimate details and I certainly can't speak for her. But as she was sharing, I was reminded of a special session during the height of the pandemic before vaccines were available. When we reconvened to debate yet another abortion Bill, it was my first time back in this Chamber after the pandemic began and I was wearing a mask. I was suited up. I had gloves -- the whole nine yards. But I was still nervous about putting my life and health on the line just to be here. It was then that I stood at this well and disclosed for the first time publicly that I was raped. My seatmate Senator SABB, yesterday leaned over and shared with me how unfortunate it is that the women of this Body often feel that we have to share intimate details of our lived experiences to enlighten and engage our male colleagues on issues that are unique to us. And he is right, it is unfortunate! But to sit idly by while forty-one men determine what is right for us, and our constituents, is not an option. The reason I chose to disclose that then, and to talk about it now here, wasn't because I believed my disclosure would change any of my male colleagues' minds. And it didn't. I shared my truth for the first time publicly so that women and girls across our State would know and understand that they have someone in this Chamber who sees them, who hears them, who gets them, who understands their plight and their pain and will continue to fight for them.

Despite what we heard and saw yesterday, this issue is not about rubber babies or any other offensive props. It is about real people with real lives who face real challenges that require them to make real decisions that are best for them and their families. Reproductive rights are human rights and are deserving of equal protection.

The total ban that is being debated here today clearly places the rights of a fetus over the rights of the women and girls who will be forced by our male-dominated Legislature to carry that fetus to term. There is no concern, no compassion and obviously no protection for women like me

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who live with a chronic health condition and are considered high risk for life threatening complications during pregnancy and beyond pregnancy. No equal protections for sexual assault survivors like me who will be forced by politicians to carry the seed of their rapist to term regardless of whether she has the means, the resources or the support to care for herself or a baby. No empathy for the ten-year-old victim of rape or incest who is still a child herself. Because if this Bill passes, a baby will be forced to carry and deliver another baby, even if it costs her her life.

The proponents of this Bill want you to believe that the rights of a fetus are absolute, and far outweigh the rights of the women and girls who are forced to carry that fetus. Please, make that make sense. So, they're not just attacking our constitutional rights. They are attacking our God-given rights. I said it many times before but I'll say it again. God in his infinite wisdom entrusted these most important decisions, his most precious creations, his most magnificent assignments, to women and only women. Don't get mad at us, God did that. The same God that some of us purport to serve.

It's hard to have to come back to this well every session, and sometimes like this, multiple times a session. And since our male-dominated Legislature can't control God, they've made it their life's mission to control us -- using his name to carry out their own personal political agendas. Quickly, unapologetically and selectively perverting scripture to describe their own views and when all else fails they have got a ram in the bush because serving in the Legislature allows them to play God on every legislative Tuesday, Wednesday and Thursday. Quite often it is abortion bans on Tuesdays, I think the House has coined the phrase wicked Wednesdays. Sometimes on Wednesdays it is firing squads and on Thursdays permitless carry. Make no mistake, the arrogance, the ignorance, the flagrant hypocrisy of these men has always been on display for women and girls across South Carolina to see. And as our colleague read from scripture yesterday, we are fearfully and wonderfully made. And we are, by God, not man, for those in the back. So, it was God who decided that women and only women are capable of giving birth. If he wanted our male-dominated Legislature to make that decision, he would have given them the biological ability and equipment. Earlier this week we heard from several men right here in this Body who refused to answer certain questions -- pertinent questions from their female colleagues. Why? Well, one big reason is because they can't. Another reason is because a misogynistic mindset is a terrible thing to waste. Especially when you have the political power to ignore those of

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us who are directly impacted while you dictate what's best for us. What happened on Tuesday was never about the Senate PRESIDENT. All of us respect and appreciate him -- it's just that some of us respectfully disagreed with his interpretation only to discover that overriding the Senate PRESIDENT isn't allowed if initiated by a woman in this Chamber. Yet our rights, our decisions, our interpretations are overridden every time we debate this issue. As we say in my neck of the woods, the men in this Chamber and the one across the hall ain't got nothing on it. No money. No uterus. No firsthand knowledge or experience. No support, and no respect, or consideration for those of us who have to live with the consequences of their actions. To be blunt, the majority has no frame of reference, since only five of us in this Body have actually given birth. Yet they still try to speak with authority since they can't speak from experience. I don't come to the well often but I've never been one to mince words. So today, I'm just going to call it like I see it. Just as rape is about power and control, so is this total ban. Those who continue to push legislation like this are raping us again with their indifference. Violating us again with their righteous indignation. Taunting us again with their insatiable need to play God while they continue to pass laws that are ungodly. If God wanted men to make these decisions, he would have given them the ability to carry a baby and give birth. But he didn't. So now they've decided to take it by force. Tell me where in the Bible it says your will, not God's be done? Tell me where it says men have the right to control women and girls but no duty or responsibility to provide resources and support? Tell me where it says doctors and medical providers should be criminalized for treating their patients or refusing to violate HIPPA? What kind of world do we live in when members of the General Assembly are more focused on incarcerating and punishing victims of rape than holding their rapist accountable? Do we really want to live in a State where survivors of rape are forced to carry the seed of our rapist to term and be saddled with a life sentence for a crime that was committed against us, not by us?

Earlier this week we had a real opportunity to show the people of South Carolina that their voices matter. That we have confidence in their ability to decide for themselves by simply putting the question on the ballot. Surprisingly, it was an amendment that one of our male republican colleagues sponsored. And what happened? It morphed into a heated debate about the Senate rules and the dangerous precedent that would be set if we override the Senate PRESIDENT's interpretation. We were reminded that the Senate is a Body of rules. Maybe it was at one point.

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But I'm resigned that if this Senate was a Body of rules it was long before I got here. Perhaps that was the case when it was a Body of forty-six men and there were no women's voices in this Chamber. Maybe it was a Body of rules when my sister Senator, Senator SHEALY first got here. But it's definitely not that way now. I said it before and I'll say it again, in case you missed it. I've been a member of the Rules Committee for almost four years. And so far to my knowledge that committee has never met. I've never gotten one committee meeting notice, not one. But somehow the rules keep changing right here on the floor. And those special order slots that are designated as Rules Committee slots keep being used, should I say abused. More evidence that the rules are made for us, not by us.

Just last week, SC GOP Congresswoman Nancy Mace tried to warn her party that banning abortion is a losing strategy and even with more pressing issues the majority party keeps prioritizing this one without any concern, compassion, empathy or support. As I was saying, Congresswoman Nancy Mace reminded her party this is a losing strategy, this total abortion ban and we do have more pressing issues. But the majority party keeps prioritizing this one without any compassion -- without any concern, empathy or support for the women and girls who will be impacted. And isn't it ironic that the same folks who insist that life begins at conception, don't seem the least bit concerned about the living? One of the most heinous hate crimes in South Carolina history took the life of one of our very own, one of our very own colleagues, yet we're still prioritizing everything but hate crimes. Yesterday our colleague just closed his remarks by saying, this Bill deserves a debate. Well, with all due respect, so does the Hate Crimes Bill that he and his two other colleagues put their names on to ensure that we won't have an opportunity to debate it before session ends just like they did last year.

The hypocrisy, the audacity, the tone deafness by some in this Chamber is staggering. We claim we care about the living but we continue to pay hardworking South Carolinians \$7.25 an hour knowing that they can't live or survive on those wages, let alone take care of their maternal health or the expenses of raising a baby to adulthood. We pass firing squad Bills and shield laws for companies that make lethal injection drugs and now we are on track to prioritize permitless carry knowing that it means more people who look like me will be targeted, and more young black men and women will die as a result. So, it makes me wonder whose lives we're really protecting. Not mine. Not my son's. And if you didn't know that South Carolina has been losing its best and

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brightest young people for decades, you should know that we are. I talked a little bit about that yesterday when Senator SENN was at the well. Because of Bills like this, we're not only losing nurses and doctors and medical practitioners, we'll continue to lose our best and brightest young people who are engaged especially when it comes to their reproductive rights and freedoms and the reproductive rights and freedoms of those they love. So, we will be in a position very soon where we won't have to always talk about losing teachers in this State. We are and we will continue -- we can just stop after saying that we are losing -- South Carolina is losing period because of Bills just like this one.

I come from a rural community. I come from Marlboro County, Bennettsville, South Carolina. The challenges that we already face in finding doctors, nurses and other health care providers -- I can't even begin to articulate the impact it's having on rural communities just like my home town. There is definitely a lack of access to quality affordable health care in this State. And yet we have consistently refused to even expand Medicaid. But we care about the living, right? We can't find medical students or residents who want to stay here. So I wonder who's going to deliver all these babies or care for moms and babies who have life-altering or life-threatening complications.

Since we want to wear the Bible belt, it seems, like a badge of honor, shouldn't some of our actions reflect it? I am guided by my faith, in every aspect of my life. And I know that the God I serve can't be pleased when the majority of us claim to be Christians in one breath, and deliberately defy his very essence in the next. Too many legislative decisions are calculated, self-serving and, yes, hypocritical. We want to separate church and state but only when it's politically expedient. We push notions of justice, truth, fairness, equity -- in public, and yet privately hide behind our self-righteous, self-proclaimed Christian labels to push our own partisan political agendas. Think about it. The General Assembly loves to protect fetuses in the womb. But there's nothing protective or pretty about our refusal to protect or help support those same lives after birth. Apparently when the umbilical cord is cut, so is the concern and the compassion. Funny how we go from God's chosen to society's forgotten simply by passing through the birth canal.

I'm not going to talk much longer. I know many of you are aware that back in 2016 I was in the House. It was the same year I got elected to the Senate but at the time I was in the South Carolina House. And I was so sick and tired of spending every moment of my summer listening to testimony on a committee. I was appointed by the Speaker to serve on a

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committee that I thought was about women's maternal health. Turned out it wasn't. It was a committee that was formed to listen to testimony all summer about how to defund Planned Parenthood. And as I listened intently, I became much more angry about how we had chosen to spend our time or how we were forced to spend our time. And so, I went back and looked at the statute and learned a lot about the hoops and hurdles that women and girls had to jump through just to exercise their reproductive rights and freedoms. I went home and I thought about what that would look like for men and I introduced the Viagra Bill.

I learned a lot about Viagra, surprisingly. I didn't know that it was originally developed to address heart conditions. Erections were simply a side effect of the medicine. I won't go into it like I did when I introduced the Bill but I was floored by the fact that the Viagra Bill I introduced back in 2016, when this was again a priority for the majority in this State -- what I discovered from the introduction of that Bill you know, I was simply trying to show, trying to expose the hypocrisy, the double standard that exists around these conversations that nobody seems to want to have. But that Bill and the excitement around the Bill went viral. It got national and international media attention. And it let me know that although South Carolina is unique and we are different here, our struggles are the same for women and girls across South Carolina. So, I really appreciate the support and the concern and the consideration and the compassion for those of us who are speaking from firsthand experience, firsthand knowledge about issues like pregnancy and childbirth. I notice that I didn't start to get a lot of questions and comments from my colleagues until I brought up the Viagra Bill that I introduced in 2016, but I should have expected that!

I want to close by saying despite what you may think or what you have heard, I'm not anti-men. I'm not anti-Viagra. But I am anti-hypocrisy, and I am anti-double standard. And frankly, I don't believe that Senators or Representatives need to be focused on abortion or erectile dysfunction. In fact, our State has much bigger issues and much more pressing challenges that are more deserving of our time and attention. I haven't revived the Viagra Bill yet, but I do believe that if we are going to insist upon governing any of it, I'm going to insist that we govern all of it.

We have a real opportunity here today to send a message not only to the proponents of this total ban but to send a message to the women and girls who make up 55% of our state's electorate and to let them know that there are five of us in here who look like them -- in many ways who

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act like them -- who hear them, who understand them, who appreciate them. We won't stop fighting so that their voices, and our voices, can be heard.

ORDERED ENROLLED FOR RATIFICATION

The following Bill was read the third time and, having received three readings in both Houses, it was ordered that the title be changed to that of an Act and enrolled for Ratification:

H. 3987 -- Rep. Thayer: A BILL TO AMEND ACT 509 OF 1982, AS AMENDED, RELATING TO THE FIVE SCHOOL DISTRICTS OF ANDERSON COUNTY, SO AS TO REASSIGN TO ANDERSON COUNTY SCHOOL DISTRICT 1 A PARCEL OF ANDERSON COUNTY REAL PROPERTY PRESENTLY ZONED FOR ANDERSON COUNTY SCHOOL DISTRICT 5.

On motion of Senator GAMBRELL.

SECOND READING BILL

H. 4412 -- Rep. Long: A BILL TO AMEND ACT 939 OF 1954, AS AMENDED, RELATING TO THE POWERS AND DUTIES OF THE INMAN-CAMPOBELLO WATER DISTRICT COMMISSION, SO AS TO PERMIT THE COMMISSION TO BECOME A MEMBER AND PARTICIPATE IN A JOINT AGENCY OR AUTHORITY ORGANIZED UNDER THE LAWS OF AN ADJOINING STATE.

On motion of Senator KIMBRELL.

H. 4412--Ordered to a Third Reading

On motion of Senator KIMBRELL, H. 4412 was ordered to receive a third reading on Tuesday, May 9, 2023.

ADJOURNMENT

At 11:06 A.M., on motion of Senator CROMER, the Senate adjourned to meet next Tuesday, May 9, 2023, at 2:00 P.M.

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H. 39879 H. 44129