

NO. 11

JOURNAL
OF THE
SENATE
OF THE
STATE OF SOUTH CAROLINA



REGULAR SESSION BEGINNING TUESDAY, JANUARY 12, 2021

WEDNESDAY, JANUARY 27, 2021

**Wednesday, January 27, 2021
(Statewide Session)**

~~Indicates Matter Stricken~~
Indicates New Matter

The Senate assembled at 1:00 P.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:

Psalm 18:32

Hear God's Word as the Psalmist tells us:

"It is God who arms me with strength and makes my way perfect."

Let us pray. Sooner or later, O God, each one of these leaders finds herself or himself wondering: "How can I possibly maintain the pace? How can I summon the energy to keep up?" So we pray today, Lord, that You will grant to each of these Senators and their staff members all of the mental and the physical resources they clearly need to tackle the demands of each hour in this place, to envision the results that can hopefully come from their best efforts, and to see finally the good that will unfold for this State we love when they do their best and trust in You. Lead them all and bless them. In Your loving name we pray, dear Lord. Amen.

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

MESSAGE FROM THE GOVERNOR

The following appointment was transmitted by the Honorable Henry Dargan McMaster:

Local Appointment

Initial Appointment, Greenville County Magistrate, with the term to commence April 30, 2018, and to expire April 30, 2022

Scott Bingel, 9 Melvin Circle, Taylors, SC 29687-2437 *VICE* Hon. James F. Hicks

Doctor of the Day

Senator K. JOHNSON introduced Dr. Victoria R. Pollard of Columbia, S.C., Doctor of the Day.

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Leave of Absence

At 1:16 P.M., Senator MALLOY requested a leave of absence until 2:44 P.M.

Leave of Absence

At 1:16 P.M., Senator SCOTT requested a leave of absence for Senator JACKSON until 2:00 P.M.

CO-SPONSORS ADDED

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

- S. 1 Sen. Campsen
- S. 11 Sen. Shealy
- S. 38 Sen. Kimbrell
- S. 290 Sens. Senn and Campsen
- S. 436 Sen. Scott
- S. 475 Sen. Gambrell
- S. 492 Sens. Harpootlian, McLeod, McElveen

INTRODUCTION OF BILLS AND RESOLUTIONS

The following were introduced:

S. 490 -- Senator Talley: A BILL TO ENACT THE "LANGUAGE EQUALITY AND ACQUISITION FOR DEAF KIDS (LEAD-K) ACT", TO AMEND CHAPTER 36, TITLE 59 OF THE 1976 CODE, RELATING TO PRESCHOOL PROGRAMS FOR CHILDREN WITH DISABILITIES, BY ADDING ARTICLE 3, TO PROVIDE THAT THE STATE BOARD OF EDUCATION AND THE STATE DEPARTMENT OF EDUCATION SHALL JOINTLY SELECT LANGUAGE DEVELOPMENTAL MILESTONES AS RESOURCES FOR PARENTS OF DEAF OR HARD-OF-HEARING CHILDREN TO USE TO MONITOR AND TRACK CERTAIN LANGUAGE ACQUISITION AND DEVELOPMENTAL STAGES TOWARD THE ENGLISH LITERACY OF THOSE CHILDREN, TO PROVIDE FOR THE CREATION OF AN AD HOC ADVISORY COMMITTEE TO SOLICIT INPUT FROM EXPERTS ON SELECTING CERTAIN LANGUAGE DEVELOPMENTAL MILESTONES FOR DEAF OR HARD-OF-HEARING CHILDREN, TO PROVIDE FOR THE COMPOSITION AND OTHER DUTIES OF THE COMMITTEE, AMONG OTHER THINGS, TO IMPOSE RELATED REPORTING REQUIREMENTS ON THE STATE DEPARTMENT OF EDUCATION, AND TO PROVIDE THAT IMPLEMENTATION IS

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CONTINGENT ON FUNDING, AMONG OTHER THINGS; TO DESIGNATE THE EXISTING PROVISIONS OF CHAPTER 36, TITLE 1, AS "ARTICLE 1, GENERAL PROVISIONS"; AND TO DEFINE NECESSARY TERMS.

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

S. 491 -- Senator Leatherman: A JOINT RESOLUTION AUTHORIZING THE ISSUANCE OF NOT EXCEEDING FIVE HUNDRED FIFTY MILLION (\$550,000,000) AGGREGATE PRINCIPAL AMOUNT OF GENERAL OBLIGATION STATE ECONOMIC DEVELOPMENT BONDS AND SUPPLEMENTING THE PROVISIONS OF CHAPTER 41, TITLE 11 FOR THE LIMITED PURPOSE OF DEFRAYING THE COST OF INTERMODAL CONTAINER TRANSFER INFRASTRUCTURE, WATERBORNE CARGO INFRASTRUCTURE, AND RELATED INFRASTRUCTURE IN SUPPORT THEREOF, AT OR IN THE VICINITY OF THE PORT OF CHARLESTON; TO ALLOCATE SUFFICIENT TAX REVENUES TO PROVIDE FOR THE PAYMENT OF PRINCIPAL AND INTEREST ON THE BONDS; TO PRESCRIBE REQUIREMENTS FOR NOTIFICATION, REVIEW, AND APPROVAL OF BOND ISSUANCE; TO PROVIDE FOR A PROCESS TO DEMONSTRATE COMPLIANCE WITH THE CONSTITUTIONAL LIMITATION ON DEBT SERVICE; AND TO MAKE OTHER PROVISIONS RELATED TO THE BONDS.

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

S. 492 -- Senators Jackson, Scott, Harpootlian, McLeod and McElveen: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF SHOP ROAD IN RICHLAND COUNTY FROM ITS INTERSECTION WITH PINWOOD DRIVE TO ITS INTERSECTION WITH LONGWOOD ROAD THE "HONORABLE JIMMY C. BALES HIGHWAY" AND TO ERECT APPROPRIATE SIGNS OR MARKERS ALONG THIS PORTION OF HIGHWAY CONTAINING THESE WORDS.

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The Concurrent Resolution was introduced and ordered placed on the Calendar without reference.

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S. 493 -- Senator Hembree: A SENATE RESOLUTION TO DESIGNATE THE WEEK OF JANUARY 24 THROUGH JANUARY 30, 2021, AS "NATIONAL SCHOOL CHOICE WEEK" IN SOUTH CAROLINA AND TO CONGRATULATE STUDENTS, PARENTS, TEACHERS, AND SCHOOL LEADERS FROM K-12 EDUCATIONAL ENVIRONMENTS OF ALL VARIETIES FOR THEIR PERSISTENCE, ACHIEVEMENTS, DEDICATION, AND CONTRIBUTIONS TO THEIR COMMUNITIES IN SOUTH CAROLINA.

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

S. 494 -- Senator Jackson: A SENATE RESOLUTION TO EXPRESS THE PROFOUND SORROW OF THE SOUTH CAROLINA SENATE UPON THE PASSING OF BISHOP JOHN LAKIN, JR., OF RICHLAND COUNTY, TO CELEBRATE HIS LIFE, AND TO EXTEND THE DEEPEST SYMPATHY TO HIS FAMILY AND MANY FRIENDS.

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The Senate Resolution was adopted.

S. 495 -- Senator Jackson: A SENATE RESOLUTION TO RECOGNIZE AND HONOR DR. W. FRANKLIN EVANS, FORMER PRESIDENT OF VOORHEES COLLEGE IN DENMARK, ON THE OCCASION OF HIS DEPARTURE FROM THE COLLEGE, TO EXTEND DEEP APPRECIATION FOR HIS YEARS OF DISTINGUISHED SERVICE, AND TO OFFER BEST WISHES AS HE TAKES UP NEW DUTIES AS PRESIDENT OF WEST LIBERTY UNIVERSITY IN WEST VIRGINIA.

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The Senate Resolution was adopted.

H. 3705 -- Reps. Hiott, Alexander, Allison, Anderson, Atkinson, Bailey, Ballentine, Bamberg, Bannister, Bennett, Bernstein, Blackwell, Bradley, Brawley, Brittain, Bryant, Burns, Bustos, Calhoun, Carter, Caskey, Chumley, Clyburn, Cobb-Hunter, Cogswell, Collins, B. Cox, W. Cox, Crawford, Dabney, Daning, Davis, Dillard, Elliott, Erickson, Felder, Finlay, Forrest, Fry, Gagnon, Garvin, Gatch, Gilliam, Gilliard, Govan, Haddon, Hardee, Hart, Hayes, Henderson-Myers, Henegan, Herbkersman, Hewitt, Hill, Hixon, Hosey, Howard, Huggins, Hyde,

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Jefferson, J. E. Johnson, J. L. Johnson, K. O. Johnson, Jones, Jordan, Kimmons, King, Kirby, Ligon, Long, Lowe, Lucas, Magnuson, Martin, Matthews, May, McCabe, McCravy, McDaniel, McGarry, McGinnis, McKnight, J. Moore, T. Moore, Morgan, D. C. Moss, V. S. Moss, Murphy, Murray, B. Newton, W. Newton, Nutt, Oremus, Ott, Parks, Pendarvis, Pope, Rivers, Robinson, Rose, Rutherford, Sandifer, Simrill, G. M. Smith, G. R. Smith, M. M. Smith, Stavrinakis, Stringer, Taylor, Tedder, Thayer, Thigpen, Trantham, Weeks, West, Wetmore, Wheeler, White, Whitmire, R. Williams, S. Williams, Willis, Wooten and Yow: A CONCURRENT RESOLUTION TO RECOGNIZE AND COMMEND SOUTH CAROLINA'S FFA MEMBERS, FORMERLY KNOWN AS THE FUTURE FARMERS OF AMERICA, AND ALL WHO SUPPORT, PROMOTE, AND ENCOURAGE THESE OUTSTANDING STUDENTS OF AGRICULTURAL EDUCATION AND TO JOIN THEM IN OBSERVANCE OF NATIONAL FFA WEEK, FEBRUARY 20-27, 2021.

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

Appointments Reported

Senator SHEALY from the Committee on Family and Veterans' Services submitted a favorable report on:

Statewide Appointments

Reappointment, Adjutant General, with the term to commence January 13, 2021, and to expire January 13, 2025

Roy Van McCarty, 200 Lakewood Dr., Prosperity, SC 29127-9222

Received as information.

Initial Appointment, South Carolina Commission for the Blind, with the term to commence May 19, 2020, and to expire May 19, 2024

7th Congressional District:

Susan L. John, 3755 Cedar Creek Run, Little River, SC 29566-8435

Received as information.

Initial Appointment, South Carolina Commission for the Blind, with the term to commence May 19, 2020, and to expire May 19, 2024

3rd Congressional District:

Catherine C. Olker, 295 Todds Creek Road, Central, SC 29630-9457

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Received as information.

HOUSE CONCURRENCE

S. 470 -- Senator Setzler: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR LEGENDS OF CAROLINA MARTIAL ARTS, THE ORGANIZATION'S INDUCTEES, ITS BOARD OF DIRECTORS, AND BRIAN AND ALLISON PENA FOR THEIR INCREDIBLE DEDICATION, HARD WORK, AND ACHIEVEMENTS IN THE FIELD OF MARTIAL ARTS.

Returned with concurrence.

Received as information.

RATIFICATION OF ACTS

Pursuant to an invitation the Honorable Speaker and House of Representatives appeared in the Senate Chamber on January 27, 2021, at 1:07 P.M. and the following Act and Joint Resolution was ratified:

(R1, H. 3481) -- Rep. G.M. Smith: A JOINT RESOLUTION TO SUSPEND SECTION 1-11-705(I)(2) OF THE CODE OF LAWS OF SOUTH CAROLINA, 1976, FOR FISCAL YEAR 2020-2021 RELATING TO A TRANSFER OF FUNDS TO THE SOUTH CAROLINA RETIREE HEALTH INSURANCE TRUST FUND.
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THE SENATE PROCEEDED TO THE MOTION PERIOD.

MOTION ADOPTED

At 1:08 P.M., on motion of Senator MASSEY, the Senate agreed to dispense with the balance of the Motion Period.

THE SENATE PROCEEDED TO THE INTERRUPTED DEBATE.

AMENDED, READ THE SECOND TIME

S. 1 -- Senators Grooms, Verdin, Kimbrell, Garrett, Martin, Shealy, Climer, Corbin, Cromer, Rice, Adams, Hembree, Gambrell and Loftis: A BILL TO ENACT THE "SOUTH CAROLINA FETAL HEARTBEAT AND PROTECTION FROM ABORTION ACT"; TO AMEND CHAPTER 41, TITLE 44 OF THE 1976 CODE, RELATING TO ABORTIONS, BY ADDING ARTICLE 6, TO REQUIRE TESTING FOR A DETECTABLE FETAL HEARTBEAT BEFORE AN ABORTION IS PERFORMED ON A PREGNANT WOMAN, TO

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PROHIBIT THE PERFORMANCE OF AN ABORTION IF A FETAL HEARTBEAT IS DETECTED, TO PROVIDE MEDICAL EMERGENCY EXCEPTIONS, TO REQUIRE CERTAIN DOCUMENTATION AND RECORDKEEPING BY PHYSICIANS PERFORMING ABORTIONS, TO CREATE A CIVIL ACTION FOR A PREGNANT WOMAN UPON WHOM AN ABORTION IS PERFORMED, TO CREATE CRIMINAL PENALTIES, AND FOR OTHER PURPOSES; TO AMEND SECTION 44-41-460(A) OF THE 1976 CODE, RELATING TO THE REQUIRED REPORTING OF ABORTION DATA TO THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, TO ADD REPORTING OF FETAL HEARTBEAT TESTING AND PATIENT MEDICAL CONDITION DATA; AND TO AMEND SECTION 44-41-330(A)(1) OF THE 1976 CODE, RELATING TO A PREGNANT WOMAN'S RIGHT TO KNOW CERTAIN INFORMATION, TO REQUIRE NOTIFICATION OF THE DETECTION OF A FETAL HEARTBEAT.

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

Amendment No. 12

Senator MASSEY proposed the following amendment (1R014.KMM.ASM), which was adopted:

Amend the bill, as and if amended, by striking Section 44-41-680 in its entirety and inserting:

/ Section 44-41-680. (A) Except as provided in subsection (B), no person shall perform, induce, or attempt to perform or induce an abortion on a pregnant woman with the specific intent of causing or abetting the termination of the life of the human fetus the pregnant woman is carrying and whose 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 a fetal heartbeat has been detected in accordance with Section 44-41-630 only if:

(1) the pregnancy is the result of rape, and the probable post-fertilization age of the fetus is fewer than twenty weeks;

(2) the pregnancy is the result of incest, and the probable post-fertilization age of the fetus is fewer than twenty weeks;

(3) the physician is acting in accordance with Section 44-41-690;

or

(4) there exists a fetal anomaly, as defined in Section 44-41-430.

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(C) A physician who performs or induces an abortion on a pregnant woman based on the exception in either subsection (B)(1) or (2) 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, a physician who performs or induces an abortion based upon 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 timely notified the sheriff of the allegation of rape or incest, 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 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. /

Amend the bill further, as and if amended, by striking Section 44-41-660 in its entirety and inserting:

/ Section 44-41-660. (A) Section 44-41-650 does not apply to a physician who performs or induces an abortion if the physician determines according to standard medical practice that a medical emergency exists that prevents compliance with the section.

(B) A physician 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:

(1) the physician'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; and

(3) the medical rationale to support the physician's conclusion that the pregnant woman's medical condition necessitated the immediate abortion of her pregnancy to avert her death.

(C) For at least seven years from the date the notations are made, the physician shall maintain in his own records a copy of the notations. /

Renumber sections to conform.

Amend title to conform.

Senator MASSEY explained the amendment.

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Senator CASH spoke on the amendment.
Senator DAVIS spoke on the amendment.
Senator CASH spoke on the amendment.

The question then was the adoption of the amendment.

The "ayes" and "nays" were demanded and taken, resulting as follows:
Ayes 22; Nays 11; Abstain 10

AYES

Bennett	Campsen	Corbin
Cromer	Davis	Gambrell
Garrett	Grooms	Gustafson
Hembree	<i>Johnson, Michael</i>	Kimbrell
Leatherman	Loftis	Massey
Peeler	Rankin	Shealy
Talley	Turner	Williams
Young		

Total--22

NAYS

Adams	Alexander	Cash
Climer	Fanning	Goldfinch
Martin	Rice	Senn
Setzler	Verdin	

Total--11

ABSTAIN

Allen	Harpoottlian	Jackson
<i>Johnson, Kevin</i>	Kimpson	Matthews
McElveen	McLeod	Scott
Stephens		

Total--10

The amendment was adopted.

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Amendment No. 14

Senator RICE proposed the following amendment (1R015.SP.RFR), which was withdrawn:

Amend the bill, as and if amended, on page 7, line 8, by inserting:

/ Section 44-41-485. A physician who performs an abortion pursuant to an exemption for rape or incest shall retain the fetal tissue and transport it to law enforcement, where it shall be preserved for the purpose of being used as evidence in a future legal action. /

Renumber sections to conform.

Amend title to conform.

Senator RICE spoke on the amendment.

Motion Adopted

On motion of Senator RICE, with unanimous consent, Amendment No. 14 was withdrawn.

Motion Adopted

On motion of Senator SENN, with unanimous consent, Amendment No. 10 was withdrawn.

Senator KIMPSON spoke on the Bill.

Point of Quorum

At 2:42 P.M., Senator HARPOOTLIAN made the point that a quorum was not present. It was ascertained that a quorum was not present.

Call of the Senate

Senator ALEXANDER 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	Grooms	Gustafson
Harpootlian	Hembree	Hutto
Jackson	<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>
Kimbrell	Kimpson	Leatherman
Loftis	Malloy	Martin
Massey	Matthews	McElveen

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McLeod	Peeler	Rankin
Rice	Sabb	Scott
Senn	Setzler	Shealy
Stephens	Talley	Turner
Verdin	Williams	Young

A quorum being present, the Senate resumed.

Senator KIMPSON resumed speaking on the Bill.

The question then was second reading of the Bill.

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

Ayes 29; Nays 17

AYES

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

Total--29

NAYS

Allen	Fanning	Harpoottian
Hutto	Jackson	<i>Johnson, Kevin</i>
Kimpson	Malloy	Matthews
McElveen	McLeod	Sabb
Scott	Senn	Setzler
Stephens	Williams	

Total--17

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

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Statement by Senator McELVEEN

I did not vote in support of S. 1, as my primary concern is the fact that at six weeks of pregnancy, most women are not yet aware that they are pregnant.

I am also concerned about the threat of criminal prosecution of physicians as set forth in S. 1, which will conflict, frustrate, and likely clash with a doctor's ability to treat his or her patients in many instances. In turn, this legislation is likely to have a chilling effect upon the quality of physicians and medical providers recruited to our State and retained in our State if passed and signed into law.

I supported H. 3114, the S.C. Pain-Capable Unborn Protection Act, or the "20-week abortion ban" in 2015 and 2016, and it was ultimately passed and signed into law. I supported the amendments offered by Senator SENN on Tuesday, January 26, 2021, which sought to move the effective date from six weeks of pregnancy to after the first trimester of pregnancy, and which also sought to add the exceptions of rape, incest, fetal anomaly, and medical emergency, without further caveats or qualifiers. Had those amendments to the legislation been adopted, I would have voted in favor of S.1.

Expression of Personal Interest

Senator ALEXANDER rose for an Expression of Personal Interest.

LOCAL APPOINTMENT

Confirmation

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

Initial Appointment, Greenville County Magistrate, with the term to commence April 30, 2018, and to expire April 30, 2022

Scott Bingel, 9 Melvin Circle, Taylors, SC 29687-2437 *VICE* Hon. James F. Hicks

Motion Adopted

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

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MOTION ADOPTED

On motion of Senator PEELER, with unanimous consent, the Senate stood adjourned out of respect to the memory of John Travers of Gaffney, S.C. John was an Ohio State graduate and avid Buckeye fan. He was a respected community leader in Cherokee County where he served on the YMCA board, Cherokee County Chamber of Commerce board, Limestone College board and numerous others and was the current chairman of the Gaffney Boys and Girls Club. John retired as general manager of Timken's Gaffney plant after 32 years of service. John was a loving husband, devoted father and doting grandfather who will be dearly missed.

ADJOURNMENT

At 3:32 P.M., on motion of Senator MASSEY, the Senate adjourned to meet tomorrow at 11:00 A.M.

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