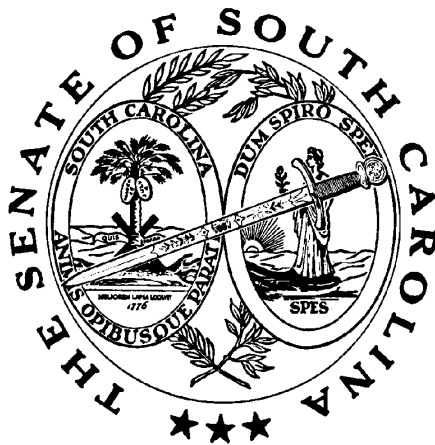


NO. 39

JOURNAL
OF THE
SENATE
OF THE
STATE OF SOUTH CAROLINA



REGULAR SESSION BEGINNING TUESDAY, JANUARY 10, 2023

THURSDAY, MARCH 14, 2024

Thursday, March 14, 2024
(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:

Jonah 1:17

We recall how it was with Jonah, that: “. . . the Lord provided a great fish to swallow Jonah, and Jonah was inside the fish for three days and nights.”

Bow with me as we pray: Gracious God, all of us remember the tale about Jonah, about his rebellion, about his failing to trust You as he well knew that he should. It is one of those Bible stories which hits so closely to home, for every one of us it seems has our own tale of failing to be as true to Your teachings as we know we should -- of our not always being as caring and helpful to others as we ought to be. So we ask, Lord, that You will lead everyone in this Senate to renew his or her determination to serve others faithfully and well. And may the end result always bring promise and hope to all South Carolinians. Likewise, dear God, bless and keep safe all our women and men in uniform wherever they serve. We so pray in Your loving name, 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 | Devine | Fanning |
| Gambrell | Garrett | Goldfinch |
| Grooms | Harpootlian | Hutto |
| <i>Johnson, Kevin</i> | <i>Johnson, Michael</i> | Kimbrell |
| Loftis | Malloy | Martin |
| Massey | McElveen | Peeler |

THURSDAY, MARCH 14, 2024

| | | |
|-------------|--------|----------|
| Reichenbach | Rice | Sabb |
| Setzler | Shealy | Stephens |
| Turner | Verdin | Williams |
| Young | | |

A quorum being present, the Senate resumed.

MESSAGE FROM THE GOVERNOR

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

Statewide Appointments

Initial Appointment, South Carolina State Commission for Minority Affairs, with the term to commence June 30, 2023, and to expire June 30, 2027

4th Congressional District:

Jil Littlejohn Bostick, 26 Blair Street, Greenville, SC 29607-1902
VICE Karen McGill

Referred to the Committee on Judiciary.

Reappointment, South Carolina State Commission for Minority Affairs, with the term to commence June 30, 2020, and to expire June 30, 2024

7th Congressional District:

Michelle M. Law-Gordon, 801 Ashley Ct., Florence, SC 29505

Referred to the Committee on Judiciary.

Local Appointments

Reappointment, Florence County Magistrate, with the term to commence April 30, 2022, and to expire April 30, 2026

Belinda B. Timmons, 2717 Triple Crown Dr., Florence, SC 29505-8752

Initial Appointment, Richland County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Shanita Grimes, 947 Tuxford Trail, Elgin, SC 29045-7903 *VICE* Christina Pope

THURSDAY, MARCH 14, 2024

Reappointment, Spartanburg County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

James Donald Willingham II, 105 Edge Road, Moore, SC 29369-9521

REGULATIONS RECEIVED

The following were received and referred to the appropriate committee for consideration:

Document No. 5264

Agency: Department of Health and Environmental Control

Chapter: 61

Statutory Authority: 1976 Code Section 44-7-110 through 44-7-394

SUBJECT: Standards for Licensing Ambulatory Surgical Facilities

Received by President of the Senate March 14, 2024

Referred to Committee on Medical Affairs

Document No. 5265

Agency: Department of Health and Environmental Control

Chapter: 61

Statutory Authority: 1976 Code Sections 44-7-110 through 44-7-394

SUBJECT: Minimum Standards for Licensing Hospitals and Institutional General Infirmaries

Received by President of the Senate March 14, 2024

Referred to Committee on Medical Affairs

Doctor of the Day

Senator McELVEEN introduced Dr. Todd Gandy of Columbia, S.C., Doctor of the Day.

Leave of Absence

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

Leave of Absence

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

Leave of Absence

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

THURSDAY, MARCH 14, 2024

Leave of Absence

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

Leave of Absence

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

CO-SPONSORS ADDED

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

S. 393 Sen. Fanning
S. 481 Sens. Shealy and Kimbrell
S. 983 Sen. Fanning
S. 994 Sen. Williams
S. 1114 Sen. Kimbrell
S. 1157 Sen. Goldfinch

RECALLED AND ADOPTED

H. 5036 -- Reps. Cobb-Hunter, Alexander, Anderson, Atkinson, Bailey, Ballentine, Bamberg, Bannister, Bauer, Beach, Bernstein, Blackwell, Bradley, Brewer, Brittain, Burns, Bustos, Calhoon, Carter, Caskey, Chapman, Chumley, Clyburn, 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, Thayer, Thigpen, Trantham, Vaughan, Weeks, West, Wetmore, Wheeler, White, Whitmire, Williams, Willis, Wooten and Yow: A CONCURRENT RESOLUTION TO DECLARE APRIL 28, 2024, AS "WORKERS' MEMORIAL DAY" IN SOUTH CAROLINA AS TRIBUTE TO THE WORKING MEN AND WOMEN WHO HAVE LOST THEIR LIVES BECAUSE OF WORKPLACE INJURIES AND ILLNESSES.

THURSDAY, MARCH 14, 2024

Senator DAVIS asked unanimous consent to make a motion to recall the Resolution from the Committee on Labor, Commerce and Industry.

The Resolution was recalled from the Committee on Labor, Commerce and Industry.

Senator DAVIS asked unanimous consent to make a motion to take the Resolution up for immediate consideration.

There was no objection.

The Senate proceeded to a consideration of the Resolution. The question then was the adoption of the Resolution.

On motion of Senator DAVIS, the Resolution was adopted and ordered sent to the House.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following were introduced:

S. 1164 -- Senators Martin, Peeler and Cromer: A SENATE RESOLUTION TO CONGRATULATE CHIEF MICHAEL LANCASTER UPON THE OCCASION OF HIS RETIREMENT, TO COMMEND HIM FOR HIS THIRTY-TWO YEARS OF DEDICATED SERVICE, AND TO WISH HIM MUCH HAPPINESS AND FULFILLMENT IN THE YEARS AHEAD.

sr-0633km-vc24.docx

The Senate Resolution was adopted.

S. 1165 -- Senator Shealy: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 59-3-35(A), RELATING TO THE PROVISION OF FINGERPRINT AND DNA IDENTIFICATION KITS, SO AS TO PROVIDE THAT IN-HOME FINGERPRINT AND DNA IDENTIFICATION KITS BE DISTRIBUTED THROUGHOUT THE DISTRICT OR SCHOOL TO THE PARENT OR LEGAL CUSTODIAN OF ANY KINDERGARTEN, ELEMENTARY, MIDDLE, OR HIGH SCHOOL STUDENT.

sr-0642km24.docx

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

THURSDAY, MARCH 14, 2024

S. 1166 -- Senators Tedder and Stephens: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 17-1-65, RELATING TO THE S.C. CONSTITUTIONAL CARRY/SECOND AMENDMENT PRESERVATION ACT OF 2024, SO AS TO PROVIDE THE STATE MUST DISMISS CERTAIN PENDING UNLAWFUL HANDGUN POSSESSION CHARGES.

lc-0551cm24.docx

Senator TEDDER spoke on the Bill.

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

S. 1167 -- Senator Cromer: A CONCURRENT RESOLUTION TO RECOGNIZE APRIL 3, 2024, AS "BATTEN DISEASE AWARENESS DAY" IN SOUTH CAROLINA.

sr-0637km-hw24.docx

On motion of Senator CROMER, with unanimous consent, the Concurrent Resolution was adopted and ordered sent to the House.

S. 1168 -- Senator Gambrell: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 9-11-28 SO AS TO PROVIDE THAT A COUNCIL OF A MUNICIPALITY MAY ALLOW A MUNICIPAL COURT JUDGE TO PARTICIPATE IN THE POLICE OFFICERS RETIREMENT SYSTEM.

lc-0556sa24.docx

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

THE SENATE PROCEEDED TO THE INTERRUPTED DEBATE.

AMENDED, READ THE SECOND TIME

S. 1046 -- Senators Hembree, Climer, M. Johnson, Peeler, Corbin, Cromer, Shealy, Grooms, Bennett, Gambrell, Loftis, Rice, Gustafson, Martin, Verdin, Turner, Kimbrell, Reichenbach, Cash, Harpootlian, McLeod and Fanning: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 2-19-10, RELATING TO JUDICIAL MERIT SELECTION COMMISSION, APPOINTMENT, QUALIFICATIONS, AND TERMS, SO AS TO PROVIDE FOR THE APPOINTMENT OF JUDICIAL MERIT SELECTION COMMISSION MEMBERS, INITIAL TERMS, AND SUBSEQUENT TERMS, TO AMEND THE MEMBERSHIP OF THE COMMISSION, TO PROVIDE THAT, EXCEPT THOSE FIRST APPOINTED, THE MEMBERS APPOINTED BY THE SENATE PRESIDENT, THE SENATE JUDICIARY CHAIRMAN, THE

THURSDAY, MARCH 14, 2024

SPEAKER OF THE HOUSE, AND THE HOUSE JUDICIARY CHAIRMAN SHALL SERVE AN INITIAL TERM OF TWO YEARS, AND TO PROVIDE THAT NO NOMINEE MAY BE A FAMILY MEMBER OF A CURRENT MEMBER OF THE JUDICIAL MERIT SELECTION COMMISSION; BY ADDING SECTION 2-19-15 SO AS TO PROVIDE FOR THE APPOINTMENT OF AN EXECUTIVE DIRECTOR AND PROFESSIONAL STAFF; BY AMENDING SECTION 2-19-20, RELATING TO INVESTIGATION BY COMMISSION AND PUBLICATION OF VACANCIES, SO AS TO PROVIDE THE CRITERIA FOR THE QUALIFICATION OF JUDICIAL CANDIDATES; BY AMENDING SECTION 2-19-30, RELATING TO HEARINGS AND EXECUTIVE SESSION, SO AS TO REQUIRE ALL PUBLIC HEARINGS BE LIVE STREAMED; BY AMENDING SECTION 2-19-70, RELATING TO THE PROHIBITION AGAINST DUAL OFFICES, PRIVILEGES OF THE FLOOR, AND PLEDGES, SO AS TO PROVIDE FOR CERTAIN FLOOR PRIVILEGES AND PROHIBITIONS FOR CANDIDATES AND ESTABLISHING SET TIMES FOR THE RELEASE OF REPORTS AND THE SEEKING OF PLEDGES AND TO PROVIDE THAT THE FORMAL RELEASE OF THE REPORT OF QUALIFICATIONS SHALL OCCUR NO EARLIER THAN TWELVE DAYS AFTER NOMINEES HAVE BEEN RELEASED TO MEMBERS OF THE GENERAL ASSEMBLY; BY AMENDING SECTION 2-19-80, RELATING TO NOMINATION OF QUALIFIED CANDIDATES TO THE GENERAL ASSEMBLY, SO AS TO PROVIDE THAT ALL QUALIFIED CANDIDATES SHALL BE RELEASED TO THE GENERAL ASSEMBLY; BY AMENDING SECTION 2-19-90, RELATING TO THE APPROVAL OF THE GENERAL ASSEMBLY IN JOINT SESSION, SO AS TO PROVIDE THAT A CANDIDATE MUST RECEIVE A MAJORITY VOTE OF EACH HOUSE; AND BY AMENDING SECTION 22-1-10, RELATING TO APPOINTMENT, TERMS AND TERRITORIAL JURISDICTION, TRAINING, AND CERTIFICATION OR RECERTIFICATION REQUIREMENTS, SO AS TO PROVIDE THAT THE GOVERNOR SHALL RECEIVE RECOMMENDATIONS FROM THE FULL LEGISLATIVE DELEGATION OF THE COUNTY THE MAGISTRATE WILL SERVE.

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

THURSDAY, MARCH 14, 2024

Motion Adopted

Senator RANKIN asked unanimous consent to proceed to Amendment No. 18.

Amendment No. 18

Senators RANKIN, HUTTO, MALLOY, CAMPSER, MASSEY, HEMBREE, SABB, CLIMER, TALLEY, HARPOOTLIAN and M. JOHNSON proposed the following amendment (SR-1046.JG0070S), which was adopted:

Amend the bill, as and if amended, by striking all after the enacting words and inserting:

SECTION 1. Section 2-19-10 of the S.C. Code is amended to read:

Section 2-19-10. (A) Whenever an election is to be held by the General Assembly in Joint Session, for members of the judiciary, a Judicial Merit Selection Commission, composed of ~~ten~~ twelve members, shall be appointed, in the manner prescribed by this section, to consider the qualifications of the candidates. The Judicial Merit Selection Commission shall meet at least once annually and at other times as may be designated by the chairman. The commission, at its first meeting and then annually, shall elect a chairman and a vice chairman who shall serve for a term of one year and until their successors are elected and qualified, and adopt rules necessary to the purposes of the commission. These rules shall address, among other things:

(1) the confidentiality of records and other information received concerning candidates for judicial office;

(2) the conduct of proceedings before the commission;

(3) receipt of public statements in support of or in opposition to any of the candidates;

(4) procedures to review the qualifications of retired judges for continued judicial service;

(5) contacting incumbent judges regarding their desire to seek re-election;

(6) prohibition against candidates communicating with individual members of the commission concerning the qualifications of candidates unless specifically authorized by the commission; and

(7) format and use of anonymous surveys by the commission.

~~A member may succeed himself as chairman or vice chairman.~~
Six ~~Seven~~ members of the commission constitute a quorum at all meetings.

(B) Notwithstanding any other provision of law, the Judicial Merit Selection Commission shall consist of the following individuals:

THURSDAY, MARCH 14, 2024

(1) ~~five~~ four members appointed by the Speaker of the House of Representatives, ~~and of these appointments:~~

~~_____ (a) three members must be serving members of the General Assembly; and~~

~~_____ (b) two members must be selected from the general public;~~

(2) ~~three members,~~ two members appointed by the Chairman of the Senate Judiciary Committee and two members appointed by the President of the Senate, ~~who must be serving members of the Senate;~~ and

(3) ~~two~~ four members; appointed by the ~~President of the Senate, who must be selected from the general public~~ Governor, and of these appointments:

~~_____ (a) one member must be a lawyer with substantial experience in the area of criminal law;~~

~~_____ (b) one member must be a lawyer with substantial experience in the area of civil law;~~

~~_____ (c) one member must be a lawyer with substantial experience in the area of family law; and~~

~~_____ (d) one member must be a retired judge from the Supreme Court, court of appeals, circuit court, or family court who is not serving in an active retired status.~~

(C) In making appointments to the commission, ~~the Governor must consider race, gender, national origin, and other demographic factors should be considered to ensure nondiscrimination to the greatest extent possible as to all segments of the population of the State.~~

(D)(1) ~~The term of office of a member of the commission who is appointed by the Governor not a member of the General Assembly shall be for four years subject to a right of removal at any time by the person appointing him Governor, and until his successor is appointed and qualifies. A member of the commission who is a serving member of the General Assembly shall serve for the term of office to which he has been elected. Members of the commission shall serve for a term of no more than four years and may not serve successive terms. A member may be reappointed to the commission after rotating off the commission for at least four years. However, the term of a member of the Senate or the House of Representatives who ceases to serve as a member of the General Assembly shall terminate upon the end of his service in the General Assembly creating a vacancy that must be filled pursuant to subsection (E).~~

(2) The legislative members may be removed from the commission for incapacity, misconduct, or neglect of duty by a resolution adopted by

THURSDAY, MARCH 14, 2024

their respective chamber. In order to be considered, any such resolution must be proposed by at least ten members and requires the affirmative vote of a majority of the membership in the appropriate chamber.

(E) A vacancy on the Judicial Merit Selection Commission must be filled for the remainder of the unexpired term in the same manner as provided for the original selection. A member appointed to fill a vacancy may serve a full term after the expiration of the unexpired term to which he was appointed.

(F) No member of the commission shall receive any compensation for commission services, except those set by law for travel, board, and lodging expenses incurred in the performance of commission duties.

(G) No member of the Judicial Merit Selection Commission is eligible for nomination and appointment as a judge or justice of the state court system or administrative law judge division while serving on the commission and for a period of one year thereafter. If a candidate is a family member of a member of the commission, the member must resign. For the purposes of this subsection, "family member" means a spouse, parent, brother, sister, child, step-child, mother-in-law, father-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, grandparent, or grandchild.

SECTION 2. Section 2-19-30(E) of the S.C. Code is amended to read:

~~(E) A candidate may withdraw at any stage of the proceedings and in this event no further inquiry or consideration of his candidacy shall be made time prior to the public hearing or after the draft report is issued to members of the General Assembly. All materials concerning that candidate including his report, transcript, application, materials, and other information gathered during the commission's investigation must be kept confidential and destroyed as soon as possible after the candidate's written notification to the commission of his withdrawal. The information concerning a withdrawn candidate also shall be exempt from disclosure pursuant to Chapter 4 of Title 30.~~

SECTION 3. Section 2-19-30 of the S.C. Code is amended by adding:

(F) All of the commission's public hearings shall be live streamed except for the portions of the hearings conducted in executive session.

SECTION 4. Section 2-19-70(C), (D), and (E) of the S.C. Code is amended to read:

(C) No ~~candidate for judicial office~~person may seek directly or indirectly the pledge of a member of the General Assembly's vote or, directly or indirectly, contact a member of the General Assembly

THURSDAY, MARCH 14, 2024

regarding screening for the judicial office until the qualifications of all candidates for that office have been determined by the Judicial Merit Selection Commission and the commission has formally released its report as to the qualifications of all candidates for the vacancy to the General Assembly. No member of the General Assembly may offer his pledge to any person until the qualifications of all candidates for that office have been determined by the Judicial Merit Selection Commission and until the commission has formally released its report as to the qualifications of its nominees to the General Assembly. The formal release of the report of qualifications shall occur no earlier than ~~forty-eight hours~~ twelve days after the nominees have been initially released to members of the General Assembly. For purposes of this section, indirectly seeking a pledge means the candidate, or someone acting on behalf of and at the request of the candidate, requesting a person to contact a member of the General Assembly on behalf of the candidate before nominations for that office are formally made by the commission. Prior to the formal release of the report as to the qualifications of judicial candidates, a person may not request that a member of the General Assembly, nor may a member of the General Assembly offer to, act on behalf of a candidate in furtherance of the candidate's candidacy in any capacity including, but not limited to, acting as a vote counter for a candidate. The prohibitions of this section do not extend to an announcement of candidacy by ~~the candidate~~ a person and statements by the candidate detailing the candidate's qualifications.

(D) No member of the General Assembly may trade anything of value, including pledges to vote for legislation or for other candidates now or in the future, in exchange for another member's pledge to vote for a candidate for judicial office or as an inducement for a candidate to withdraw.

(E) Violations of this section may be considered by the merit selection commission when it considers the candidate's qualifications and until the time set for election of candidates. Violations of this section by members of the General Assembly shall be reported by the commission to the House or Senate Ethics Committee, as may be applicable. Violations of this section by nonlegislative commission members shall be reported by the commission to the State Ethics Commission. A violation of this section is a misdemeanor and, upon conviction, the violator must be fined not more than one thousand dollars or imprisoned not more than ninety days. Cases tried under this section may not be transferred from general sessions court pursuant to Section 22-3-545.

THURSDAY, MARCH 14, 2024

SECTION 5. Section 2-19-80(A) of the S.C. Code is amended to read:

(A) The commission shall make nominations to the General Assembly of candidates and their qualifications for election to the Supreme Court, court of appeals, circuit court, family court, and the administrative law judge division. It shall review the qualifications of all applicants for a judicial office and select therefrom and submit to the General Assembly the names and qualifications of ~~the three~~not more than six candidates whom it considers best qualified for the judicial office under consideration. If fewer than ~~three-six~~ persons apply to fill a vacancy or if the commission concludes there are fewer than ~~three-six~~ candidates qualified for a vacancy, it shall submit to the General Assembly only the names and qualifications of those who are considered to be qualified, with a written explanation for submitting fewer than ~~three-six~~ names.

SECTION 6. Section 2-19-80(D) of the S.C. Code is amended to read:

(D) The commission shall accompany its nominations to the General Assembly with reports or recommendations as to the qualifications of particular candidates and the particular reasons a candidate or candidates were not found qualified.

SECTION 7. Section 2-19-80(E) of the S.C. Code is amended to read:

(E) A period of at least ~~two weeks~~twenty-two days must elapse between the date of the commission's nominations to the General Assembly and the date the General Assembly conducts the election for these judgeships.

SECTION 8. Section 2-19-90 of the S.C. Code is amended to read:

Section 2-19-90. (A) The General Assembly shall meet in joint session for the election of judges. The date and time for the joint session shall be set by concurrent resolution upon the recommendation of the Judicial Merit Selection Commission. The Chairman of the Judicial Merit Selection Commission shall announce the commission's nominees for each judicial race, and no further nominating or seconding speeches shall be allowed by members of the General Assembly.

(B) In order to be elected, a candidate must receive a majority of the vote of the members of the General Assembly Senate and a majority vote of the members of the House of Representatives voting in joint session.

(C) If no candidate receives the requisite vote necessary for election on the first ballot, the General Assembly shall proceed to a vote on a second ballot. The three candidates receiving the most votes on the first ballot shall be the only candidates on the second ballot. If no candidate

THURSDAY, MARCH 14, 2024

receives the requisite vote necessary for election on the second ballot, the General Assembly shall carry over the election for that judicial seat. The General Assembly shall reconvene in seven days to complete the elections that were carried over.

SECTION 9. Section 2-19-40 of the S.C. Code is repealed.

SECTION 10. (A) The initial terms for members of the Judicial Merit Selection Commission appointed pursuant to this act shall be as follows:

(1) One member appointed by the President of the Senate and one member appointed by the Chairman of the Senate Judiciary Committee shall serve an initial term of two years.

(2) Two members appointed by the Speaker of the House of Representatives shall serve an initial term of two years.

(3) Two members appointed by the Governor shall serve an initial term of two years.

(B) Members of the Judicial Merit Selection Commission serving on the effective date of this act who have served more than four years on the commission are not eligible for appointment to the commission pursuant to the provisions of this act except for the current chairman and vice chairman who can serve a two-year term but then may not serve a successive term.

SECTION 11. This act takes effect July 1, 2024.

Renumber sections to conform.

Amend title to conform.

Senator RANKIN explained the amendment.

The amendment was adopted.

Motion Adopted

On motion of Senator MASSEY, with unanimous consent, the committee amendment was withdrawn.

Motion Adopted

On motion of Senator MASSEY, with unanimous consent, and on behalf of Senator TALLEY, all amendments with Senator TALLEY as primary sponsor were withdrawn.

Amendment No. 19

Senator MALLOY proposed the following amendment (SR-1046.JG0066S), which was adopted:

THURSDAY, MARCH 14, 2024

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

SECTION X. Section 2-19-20(C) of the S.C. Code is amended to read:

(C) The Judicial Merit Selection Commission shall announce and publicize vacancies and forthcoming vacancies in the administrative law judge division, on the family court, circuit court, court of appeals, and Supreme Court. A person who desires to be considered for nomination as justice or judge may make application to the commission. ~~No person may concurrently seek more than one judicial vacancy.~~ The commission shall announce the names of those persons who have applied.

Renumber sections to conform.

Amend title to conform.

Senator MALLOY explained the amendment.

The amendment was adopted.

Amendment No. 21

Senator SETZLER proposed the following amendment (SMIN-1046.MW0054S), which was not adopted:

Amend the bill, as and if amended, SECTION 13, by striking Section 2-19-90 and inserting:

Section 2-19-90. The General Assembly shall meet in joint session for the election of judges. The date and time for the joint session shall be set by concurrent resolution upon the recommendation of the Judicial Merit Selection Commission. The Chairman of the Judicial Merit Selection Commission shall announce the commission's nominees for each judicial race, and no further nominating or seconding speeches shall be allowed by members of the General Assembly. In order to be elected, a candidate must receive a majority of the vote of the members in each chamber of the General Assembly voting in joint session. The General Assembly must conduct a subsequent vote if no candidate receives the necessary majority. No member of the General Assembly may vote or ask for a vote for a candidate or future person, if they are a family member as defined by Section 2-19-10(G)(2).

Renumber sections to conform.

Amend title to conform.

Senator SETZLER explained the amendment.

Senator MASSEY spoke on the amendment.

Senator MALLOY spoke on the amendment.

THURSDAY, MARCH 14, 2024

The amendment was not adopted.

Senator CLIMER spoke on the Bill.

Senator SABB spoke on the Bill.

Remarks by Senator SABB

Thank you, Mr. PRESIDENT, thank you Senator MALLOY for reminding everybody that I'm what stands in your way. I got the message loud and clear, so it's certainly not my intent to be long.

I do want to say two things in the beginning. One is that given the privilege to serve on JMSC, I'm thankful for the experience and I tried my best every single time I was in there to do the kind of work that could be looked upon favorably by folks in South Carolina, but especially folks in the Senate where I serve. The other thing is, I was given the opportunity to sit around a conference table for a number of hours with folks who I believe have the best interest of our judiciary in our State at heart. I would agree that it is not a perfect document, but I'm convinced that it is a document that allows a good system that's important and vital to our State to remain intact.

I wanted to make some remarks. Candidly I was going to hold them, but sometimes you just can't hold it after you hear certain things. I wanted to talk about what Senator CLIMER started his exchange with, when he reminded us of the importance of the citizens of South Carolina having confidence in our judiciary. I would underscore the importance, because I think it is critical, so there are a couple of things that I want to share along those lines. Frankly, I don't think that the makeup of our JMSC before, nor do I think now, impacts public sentiment as much as a couple of other things that are going on that I want to point out. I believe that when there is an absence of diversity, on a judiciary -- I believe that issue in and of itself could erode public confidence. When I think you don't have any women on the Supreme Court, when you are the only state in the United States that doesn't have one, I think it forces people to take a look at whether or not our judiciary is reflective and whether or not it is fair to everybody. I think the makeup matters. I think when persons of color are not on our judiciary, I think that you have a substantial part of our population that looks at that. I believe that can erode public confidence.

I also believe that when the chamber -- Senate, and the House -- if we work to adopt a stringent test, like whether or not somebody is strong Republican or whether or not somebody is strong Democrat, I think that erodes public confidence in our system. One of the things that Senator

THURSDAY, MARCH 14, 2024

CLIMER just shared is that the process ought to be free from political influence. So then, how can we say on the one hand that the process is going to be free if that is the litmus test that we use? I would just be cautious, please, I know that there is incredible pressure on the outside. I know that there are those who firmly believe that South Carolina is just a red state and the more Republicans we have in power, the better off the State is. I just want to remind us that we might be majority Republican, but we have a substantial amount of the folks who look to us to be Senators of the State of South Carolina, not Republican Senators, not Democrat Senators, but Senators from the State of South Carolina who are here to ensure that everybody who walks into a courtroom looks at it -- looks at Lady Justice with her blindfolds on and believes I'm going to get a fair shake. And Senator MASSEY is right, when a number of people step in there, it's their worst day. It's a life-changing moment for each and every one of them. The stakes are high, but they deserve to walk in believing that the playing field is going to be fair. We've got a responsibility y'all and it's my hope that we view it seriously.

Folks in South Carolina that vote for us don't have the responsibility that we do. I think if we ever just focus on what's good, somebody who votes for us -- knowing that there is a vast majority of folks out there who disagree with them -- and because we have an influential type of situation -- we can just have it happen anyway. I mean that falls on us and not on them. We can't blame them for asking. I believe we have a responsibility, if we know what's right and we know what's wrong, to do what's right.

My last point is, the idea of allowing one office, the Governor's office, to choose the judiciary, which is not a good idea. One of the things that we talked about in our discussions was how individualism matters. How we would have a comfort level with one person having the authority that might not have the same degree of confidence with another individual. And so, then the focus had to shift from whoever the Governor is right now, or pardon me, Mr. PRESIDENT, to whoever the President is right now to an institutional type of approach where it doesn't matter. The rules are in place such that fairness hopefully would be the end result of those processes. To think that placing it in the hands of one individual is going to cure all, is just not a good idea. I look forward to that we have to debate the matter in the future, to debating that issue on the merits, but I take this opportunity to say that it's a bad, bad, bad idea. Thank you, Mr. PRESIDENT.

THURSDAY, MARCH 14, 2024

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

The question then was second reading of the Bill.

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

Ayes 41; Nays 0

AYES

| | | |
|-------------|-----------------------|-------------------------|
| Adams | Alexander | Allen |
| Bennett | Campsen | Cash |
| Climer | Corbin | Cromer |
| Davis | Devine | Fanning |
| Gambrell | Garrett | Goldfinch |
| Grooms | Harpootlian | Hutto |
| Jackson | <i>Johnson, Kevin</i> | <i>Johnson, Michael</i> |
| Kimbrell | Loftis | Malloy |
| Martin | Massey | McElveen |
| McLeod | Peeler | Rankin |
| Reichenbach | Rice | Sabb |
| Setzler | Shealy | Stephens |
| Tedder | Turner | Verdin |
| Williams | Young | |

Total--41

NAYS

Total--0

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

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

ORDERED ENROLLED FOR RATIFICATION

The following Bills were read the third time and, having received three readings in both Houses, it was ordered that the titles be changed to that of Acts and enrolled for Ratification:

THURSDAY, MARCH 14, 2024

H. 5153 -- Reps. West, Thayer, Chapman, Beach, Gagnon and Cromer: A BILL TO AMEND ACT 509 OF 1982, AS AMENDED, RELATING TO THE ELECTION OF TRUSTEES OF ANDERSON COUNTY SCHOOL DISTRICT 2, SO AS TO REPLACE THE TWO MULTI-MEMBER DISTRICTS WITH FOUR SINGLE-MEMBER RESIDENCY AREAS AND TO REDESIGNATE THE MAP NUMBER ON WHICH THESE RESIDENCY AREAS ARE DELINEATED.

On motion of Senator GAMBRELL.

H. 5168 -- Reps. Connell, Mitchell, B. Newton and Wheeler: A BILL TO AMEND ACT 930 OF 1970, AS AMENDED, RELATING TO THE SCHOOL DISTRICT BOARD OF TRUSTEES FOR KERSHAW COUNTY, SO AS TO REVISE THE SPECIFIC ELECTION DISTRICTS FROM WHICH MEMBERS OF THE BOARD ARE ELECTED, TO REDESIGNATE THE MAP NUMBER ON WHICH THESE DISTRICTS ARE DELINEATED, AND TO PROVIDE DEMOGRAPHIC INFORMATION FOR THESE DISTRICTS.

On motion of Senator GUSTAFSON.

H. 5079 -- Rep. W. Newton: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 7-7-110, RELATING TO DESIGNATION OF VOTING PRECINCTS IN BEAUFORT COUNTY, SO AS TO REDESIGNATE THE MAP NUMBER ON WHICH THESE PRECINCTS ARE DELINEATED.

On motion of Senator CAMPSER.

LOCAL APPOINTMENTS

Confirmations

Having received a favorable report from the Senate, the following appointments were confirmed in open session:

Initial Appointment, Richland County Magistrate, with the term to commence April 30, 2022, and to expire April 30, 2026

Shanita Grimes, 947 Tuxford Trail, Elgin, SC 29045-7903 *VICE*
Christina Pope

Reappointment, Spartanburg County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

James Donald Willingham II, 105 Edge Road, Moore, SC 29369-9521

THURSDAY, MARCH 14, 2024

Reappointment, Florence County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Belinda B. Timmons, 2717 Triple Crown Dr., Florence, SC 29505-8752

Statement by Senator Reichenbach

I have opposed and continue to oppose the reappointment of Belinda Timmons as a Florence County Magistrate. While three of my Senate colleagues in the Florence County Senatorial Delegation signed in favor of her reappointment, I did not and I do not. I believe strongly that judicial selection reform -- including that for the selection and the reappointment process of magistrate judges -- is necessary in South Carolina. I will continue working to see that come to fruition.

Motion Adopted

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

ADJOURNMENT

At 2:07 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.

* * *

THURSDAY, MARCH 14, 2024
SENATE JOURNAL INDEX

| | | | |
|--------------|----------|---------------|-----------|
| S. 1046..... | 6 | | |
| S. 1164..... | 5 | H. 5036 | 4 |
| S. 1165..... | 5 | H. 5079 | 18 |
| S. 1166..... | 6 | H. 5153 | 18 |
| S. 1167..... | 6 | H. 5168 | 18 |
| S. 1168..... | 6 | | |