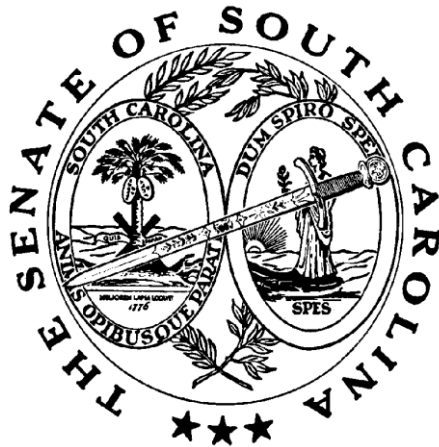


NO. 86

JOURNAL
OF THE
SENATE
OF THE
STATE OF SOUTH CAROLINA



REGULAR SESSION BEGINNING TUESDAY, JANUARY 11, 2011

THURSDAY, JUNE 16, 2011

**Thursday, June 16, 2011
(Statewide Session)**

ADDENDUM TO THE JOURNAL

The following remarks by Senator JACKSON were ordered printed in the Journal of June 15, 2011:

Remarks by Senator JACKSON

Having served on the previous redistricting committee, I wanted to just say a very special "thank you." I am really proud of this body. I witnessed what was going on across the Hall yesterday. Senator from Charleston, you made me even prouder to be a member of this Senate. A very special thank you to the members of the Judiciary Committee and the entire Senate Judiciary staff on really having reapportionment planned the way this will be adopted. It speaks volumes about those involved in the process.

So, thank you very much.

* * *

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

S. 815 -- Senators McConnell, Ford, L. Martin, Hutto, Malloy, Cleary and Shoopman: A BILL TO AMEND SECTION 1-1-715, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO ADOPTION OF THE UNITED STATES CENSUS, SO AS TO ADOPT THE UNITED STATES CENSUS OF 2010 AS THE TRUE AND CORRECT ENUMERATION OF INHABITANTS OF THIS STATE; TO ADD SECTION 2-1-70, SO AS TO ESTABLISH ELECTION DISTRICTS FROM WHICH MEMBERS OF THE SOUTH CAROLINA SENATE ARE ELECTED COMMENCING WITH THE 2012 GENERAL ELECTION; TO REPEAL SECTION 2-1-75 RELATING TO ELECTION DISTRICTS FROM WHICH MEMBERS OF THE SENATE WERE FORMERLY ELECTED; AND TO DESIGNATE THE PRESIDENT PRO TEMPORE OF THE SENATE AS THE APPROPRIATE OFFICIAL OF THE SUBMITTING AUTHORITY TO MAKE THE REQUIRED SUBMISSION OF THE SENATE REAPPORTIONMENT PLAN TO THE UNITED STATES DEPARTMENT OF JUSTICE UNDER THE VOTING RIGHTS ACT.

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

The question then was the third reading of the Bill.

Senator ELLIOTT spoke on the Bill.

Statements by Senator ELLIOTT

Senate District 28 - Guidelines

This document has been prepared to show where changes to current Senate District 28 are unnecessary and do not conform to the 2011 Redistricting Guidelines of the Senate.

Based upon the requirements of Federal Law under the 14th amendment, a Good Faith Effort is required in constructing districts to include the respecting of political subdivision boundaries and preserving the core of prior districts in this redistricting process.

Senate District 28, as currently drawn, grew in the same relative proportions according to the 2010 Census results and is within the guidelines from a deviation and black voter percentage perspective. Senate District 28 as currently configured has been approved on several prior occasions by the Federal Courts. Therefore, Senate District 28 should remain in its current configuration and Senate District 28 in its current form is part of the record for the 2011 Senate Redistricting process.

Senate District 28 has traditionally served as its primary core, a mostly rural traditional Pee Dee area community with basic common interests. The rural area in District 28 has traditionally had a strong voice in this district. Because of growth in the coastal area and the failure of the proposed staff plan to maintain common economic interests and keep a common core intact, the rural voice as well as the voice of minorities in District 28 will be diminished.

The staff plan of the Senate Judiciary proposed for Senate District 28 has reduced the number of rural VTD boxes and significantly increased the population along the coastal region which has radically shifted the constituent base and caused a split in the core interests of District 28.

In Horry County, the communities of interest have to be given consideration. Everyone along the coast, especially east of the Intracoastal Waterway have mutually aligned interests and should have their representation grouped together. The more rural areas west of the Intracoastal Waterway and into Dillon, Marion and Marlboro Counties have significantly different interests than those along the coast and

have been served very well with the traditional boundaries of District #28 as currently configured.

The staff plan proposed by Judiciary has separated highly compatible interests along the coast of Horry County. For example, the coastal area from the south side of Horry County all the way to Hilton Head is represented by two Senators for the entire 150 plus mile section. In contrast, the significant economic interest of tourism for the 30 plus miles of Horry County from Surfside to the North Carolina line is represented by three different Senate districts with the primary Myrtle Beach District only serving approximately five miles of beach area.

Therefore I have proposed changes to the Senate Judiciary's subcommittee proposal in order to preserve communities of interest and maintain constituent consistencies in District 28 which are strong considerations within the Senate's redistricting guidelines.

Thank you for your consideration.

2000 Census-US 2011

Communities of interest-approved by courts

Media approved by federal courts

Highways approved by federal courts

BVAP in 2010 as 2000 or slightly decreased.

District approved twice by federal courts - has +/- 101,000 population now typical size 2011 senate district

The plan essentially serves as a segregating of our state. Black and white democratic votes have been taken away from Senate 28 and given to other Senators to maintain BVAP levels at a time when the percentage of black voters has decreased.

Border N.C. state line and south by Atlantic Ocean

District 28 did not need to gain or lose population in 2011 remap

When I was first able to get into remap room, all the districts around me had already been redrawn- no option for input in plans

The precincts left in district 28 split communities of interest and decreased black voting impact

The remaining district 28 also makes it more difficult for an incumbent to be reelected in political considerations

District 28 located in NE corner of state has all the factors to be left alone in 2011 remap. Similar to districts 1 & 2 in Oconee and Pickens counties in opposite corner of the state

For the record, I will insert this statement along with updated map in the Senate Journal.

On motion of Senator VERDIN, with unanimous consent, the statements by Senator ELLIOTT were ordered printed in the Journal.

Senator McCONNELL spoke on the Bill.

Remarks to be Printed

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

ADDENDUM TO THE JOURNAL (FROM SJ JUNE 29, 2011)

The following remarks by Senator McCONNELL were ordered printed in the Journal of June 16, 2011:

Remarks by Senator McCONNELL

Thank you, Mr. PRESIDENT, and members of the Senate.

There are no more amendments on the Desk at this point, and I want to stop and thank this Senate. We had a difficult task ahead of us. If you will look at those maps very carefully, you will see that some of these districts are way short on population. Other districts are way over on population. Under the U. S. Constitution, federal law, and state law, we evened-out those populations within an acceptable deviation that can sustain review. That's what the Judiciary Committee did.

Other peoples' districts did not remain the same. The Senator from Dorchester is an example. His district changed. Ask the Senator from Charleston, Senator CAMPSER, if his district didn't change. Ask the Senator from Darlington, Senator MALLOY, if his district didn't change. The districts changed, but we did the best we could do, and I am sorry that not everybody is happy.

We tried to run an open process. The staff was available. We think we have complied with federal law, state law and the U. S. Constitution and have done everything we could do to be inclusive and open and to allow the members to participate.

I want to take this final opportunity to thank the staff for what they did -- for the time they spent with the members, the great work product they have produced and everything they have done. We could not have done this without a superb staff from the Judiciary Committee, and we are at the end of this run on this one.

We have a real challenge ahead of us next week with Congressional reapportionment and that is not going to be as easy as this was. I want to thank the members of the subcommittee who took the time from their schedules, went to these public hearings (every one of them), the time they spent in the subcommittee meetings, and everything else, and

the time still ahead for them with public hearings and subcommittee meetings on Congressional reapportionment.

And with that, I will ask for a recorded vote on this -- we just need to have that, but there may be some other members that have some remarks. I will be very brief.

Again, thank every one of you for coming in and giving us your input and helping us to work on creating a map that has the overwhelming support of this Senate. We did the best we could do. We can't help where people live and they are where they are. The subcommittee, the committee and this Senate have done the best we can do; and with that, we sure hope that you will vote with us on this plan on the final vote here as we send it over to the House of Representatives.

Thank you.

ACTING PRESIDENT PRESIDES

At 11:00 A.M., Senator LARRY MARTIN assumed the Chair.

Senator FORD spoke on the Bill.

Remarks by Senator FORD

Gentlemen of the Senate, I have been around a lot and I have seen a lot and I was very happy that the Senate chose me to be on this subcommittee.

The shocking thing about this whole process, for about at least six visits over the past year I have attended conferences in Washington, D.C. with all kinds of groups around the country. Everybody's primary concern was reapportionment in America and what would happen in legislative and Congressional districts and House districts. Almost everybody was concerned. I'm talking about, Democrats now and everybody was concerned, Senator COURSON. I mean there was concern because with the present makeup of the country and the present philosophy of the country, without strong leadership, a lot of Democrats and a lot of African Americans could have been wiped out from public service. Even those who come by the Voting Rights Act could have been wiped out if that was possible.

Now, I don't know about the rest of the country, but I think that this State owes a lot of gratitude to the leader of the Senate at this point, Senator GLENN McCONNELL of Charleston. The reason being is this -- we have 19 members of the Senate who are Democrats. The reality is that's not enough to stop anything. It's enough to boil or slow a process down. For example, let's say we had weak leadership -- it

reminds me of some Baptist preachers. Those with strong leadership prosper and those with weak leadership, stand still, stagnate and don't grow. A good example is my friend to the right, Senator Jackson. He exhibits strong leadership. And because of that leadership, he's got the largest church in South Carolina and I think it will pay all of y'all well to at least visit one or two times. If you visit one time, you're hooked. You're going to have to go back for more.

If you look at the electorate in these districts -- there are 46 different attitudes, 46 different concepts of life and one man stands tall with those 46 leaders. That's some amazing stuff, Senator PEELER. That's amazing stuff because this process could have easily broken down. The staff was wonderful. They attended every public hearing and at each public hearing, for example, we heard all kinds of stuff. Sometimes, I don't know how I kept my composure. I kept control because, Senator PEELER, we heard stuff that were fighting words. But we didn't say a word because our leader said we needed to listen to the public, we didn't need to get bogged down and debate anybody. We listened to what the public said, but we heard some rough stuff. You know, when I was coming up, man, the kind of stuff I heard I'd be glad to get in a rumble, but I was cool. I'm sure Senator McCONNELL was shocked and the staff was shocked that I didn't said a word. I stood tall. I took it like a man, you might say.

Gentlemen, I want South Carolina to follow the example of the Senate of South Carolina. We have a new Governor and everybody was hoping that our Governor would make it. I'm hoping that she would follow the lead of the South Carolina Senate because of the kind of leadership that we have in here and the kind of brotherhood we have in here is amazing. All of us are from different walks of life. In 1965, I was arrested as a young kid -- at 19-years old -- and I could have been killed. Now in 2011, I'm alive and a member of this body originally from Louisiana. That's some amazing stuff. There's no bitterness in here. Everybody gets along like brothers. I just want everybody to know that in South Carolina.

I'm saying this really to let the Justice Department know that I may not know what's going on in the rest of the country. I may not know what's going on in the rest of the South. But, I know as an experienced Civil Rights leader we did reapportionment better than any person, any Senate in the world. Years back in history, the present and the future can't do it any better than we did. Our leader was able to bring gentlemen together -- even though some of them disagree with their districts -- he brought us together and we were able to work this out. Yesterday we got 46 votes, I think, for second reading on our Senate Bill. In the Judiciary Committee, we got 23 votes to report the Bill out.

Also, while I'm up here, I'd like to commend the Senator from Charleston, Senator CAMPSER. I mean, what he did was noble. I don't even know if I could have done what he did in that the gentleman accepted a district, being a part of the majority party, knowing that a lot of Republicans throughout the State and throughout the Union wanted to just dominate every reapportionment in the country. Senator CAMPSER accepted a district. He might be responsible for saving at least two Democratic districts. I know a lot of people don't want to hear that, but I'm talking about you, man, and the fact that you did a noble job in accepting a district that I don't know if I would accept. You're talking about 116 miles. I was in the boat the past week. I drove his district -- I mean that I was in a boat and I went from the bottom of the State over in Beaufort County all the way to the top close to Dillon County -- yeah, close to Dillon County. And that whole district was Senator CAMPSER's and Senator CLEARY. That's amazing stuff for them to accept that district, Senator COURSON -- especially in the heart of the Confederacy in 2011.

When the Republicans had the power to just run roughshod over this body and all over the State, y'all came together as true South Carolinians and the whole State got to be proud of us. I just wanted to commend my leader from Charleston, Senator McCONNELL, because not too many people existing could have brought that coalition together and brought the Senate together like that.

So, I don't know if I'm out of order or not, but I would like everybody to stand and give my leader -- our leader -- a round of applause.

Thank you.

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

Senator ANDERSON spoke on the Bill.

(Senator Anderson's remarks will be printed in the July 26, 2011 SJ, when the Senate reconvenes)

Remarks made by Senator Ralph Anderson
June 16, 2011

Senate District 7 needs help. There is no way that we can maintain a minority district with only 43% African Americans. I know that some

of you have worked hard, but the fact remains that we need to have a variance of at least 9% in order to maintain a minority district in the Upstate.

I come before you today and I know that we are in the final phase. I have been trying to get people to help me and I feel that I have not gotten the type of assistance that I should have gotten. I just want you all to consider and know that there is a strong possibility that we will lose Senate District 7 as a minority district.

Thank you

Remarks to be Printed

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

Senator MALLOY spoke on the Bill.

ADDENDUM TO THE JOURNAL (From SJ June 21, 2011)

The following remarks by Senator MALLOY were ordered printed in the Journal of June 16, 2011:

Remarks by Senator MALLOY

Thank you, Mr. PRESIDENT. I'd like to get everyone's attention real briefly, not that you have to listen to everything that I say, but because this is a very important matter. What we have done is to congratulate some members of our body and we have had some other introductions on some very important matters as well.

But what I'm talking about is the Redistricting Bill we just passed. Yesterday we got second reading. We had 33 members present that voted. And I think that some had gone to the Journal thereafter to acknowledge their support.

First, I want to say I was very honored and privileged to be on this committee. In 2002, when I got elected to the Senate, one of the first things that happened after I got here was redistricting. And in 2003, we passed Senate Bill 591. It is an unusual and complex exercise to get 46 people together to make certain they can pass a Bill that's so important. It's important to each one of you because you go back to your

constituents and you want to make certain that you are in compliance with the Constitution. You have one person and one vote. That matters to make this society work and make it run. The PRESIDENT *Pro Tempore*, Senator McCONNELL asked us to serve on this committee.

I would speak, first of all, to the staff. Mr. Terreni and the rest of the staff, Debbie and Katherine and the rest of the folks -- you all did a tremendous job. You all were so prepared at every meeting. You were there when we went to all the public meetings around the State. And we heard the people and heard their voices. We even added another site because someone wanted to get some rural testimony in. So, I want to say that as we traveled around the State -- we went to all of the corners of the State and throughout -- and heard from everyone in full.

And so I speak first to say that in the selection of the committee, it was very fair. It was diverse geographically. We had the Senator from Greenville. We had the Senator from Georgetown. We had the Senator from Pickens. We had the PRESIDENT *Pro Tempore* who is from Charleston and the senior member from the Judiciary Committee and Senator FORD from Charleston. You also had the Senator from Orangeburg, Senator HUTTO and me from Darlington County. So I think that the selection was very diverse geographically. We had minority representation. We had three members of the minority party, four members of the majority party, similar to the way we have the standing committees set here. First of all I want to congratulate this Senate on having a fair and open process. The open process that I want to end up talking about -- I don't know how the staff was able to take it all in, but they did. The offices were open. I went to the office and saw many Senators sitting down. Some of you were there more than others, but some were with staff for hours on end looking at your communities of interest.

I just wanted to end up just speaking -- one, that because my job and my responsibility partly was to report back to our caucus, Senator from Clarendon, as to what was going on. And the Senator from Charleston, our senior member, gave me that opportunity to do that. So I would come back and report. And I know that the Senator from Horry, Senator ELLIOTT and I have had numerous meetings and conversations. He had his lawyer here and several folks and they had great access -- more so than I have seen from many others. The Senator from Greenville, Senator ANDERSON -- I had the great pleasure of meeting Mr. Askew who was a professor of sorts who came in and was granted access to the map room. He, in fact, congratulated us on the district and wanted to say that we looked at the district. The only response that I would make is that this district has never been a majority district. And I have some of the same issues in Darlington

County in the areas that we represent. But they had full and fair access to it.

I would say with the body as it is now and with the difficulty that we have in passing legislation or whatever the issues may be, it was a tremendous bipartisan approach. I feel that we had complete access to the map room, the opportunity to review plans with staff and to make certain that we understood and that was not easy. We had to comply with the Voting Rights Act. I have been practicing law well over 20 years. I submit to you that we did comply. I think that the deviations that we came up with set the criteria. It was voted unanimously by the committee whenever we were setting the criteria. Everyone had the opportunity. And so when we set it forth, there were no objections from anyone and no objections given to any as we set the criteria in the committee.

I say that we respected all of the traditional redistricting principles. The Senators that were here that weighed in recognized their communities of interest. You saw that the fact that we had very few amendments that everyone was pretty much satisfied because they were able to bring their interest in, had their issues discussed, had the opportunity to bring them back here to the staff and had the opportunity to get amendments drafted. We had a very fair process.

So, I rise just very briefly because we are almost to third reading, to likewise thank the PRESIDENT *Pro Tempore* for going beyond the call of duty to try to have a fair and open process. Is it perfect? I don't know that you can ever get anything perfect. But can you do the best you can with what you've got? I think that we can take this piece across the Hall with the compromise that was made, the openness in the process, the bipartisan approach attempted compliance to the Voting Rights Act, the maintenance of the nine majority districts that we had and to respect the traditional redistricting processes that we have, that we were able to satisfy that to the best of our ability.

I would encourage all of you to support the plan, which I plan to. And I am requesting that we would have a roll call vote on third reading as well. So with that, if there's nothing else, Mr. PRESIDENT, I would move adoption of S.815 for third reading.

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Remarks to be Printed

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

The question then was the third reading of the Bill.

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

Ayes 37; Nays 1

AYES

Alexander	Bright	Bryant
Campsen	Coleman	Courson
Fair	Ford	Grooms
Hayes	Hutto	Jackson
Knotts	Land	Leatherman
Leventis	Lourie	Malloy
<i>Martin, Larry</i>	<i>Martin, Shane</i>	Massey
Matthews	McConnell	McGill
Nicholson	O'Dell	Peeler
Pinckney	Rankin	Reese
Rose	Ryberg	Scott
Setzler	Shoopman	Verdin
Williams		

Total--37

NAYS

Anderson

Total--1

The Bill was read the third time, passed and ordered sent to the House of Representatives with amendments.