**Tuesday, July 26, 2011**

**(Statewide Session)**

~~Indicates Matter Stricken~~

## Indicates New Matter

The Senate assembled at 2:00 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:

Almost hoping beyond hope, Hosea declared to his people:

“ ‘Come, let us return to the Lord.’ ” (Hosea 6:1)

Bind Your heart with me as we pray, friends:

Glorious Lord, these faithful servants and their aides have again returned to this Senate Chamber. Strengthen them all as they carry on with their work on behalf of this State. Moreover, give each Senator the sort of wisdom that You alone can provide; may their decisions enrich the life of every South Carolinian. And as always, dear Lord, be with our women and men in uniform who themselves serve in so many places around the globe, often in harm’s way. Truly, may we all continue to honor You through everything we say and do in this place! In Your loving name we pray, O Lord.

Amen.

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

**Leave of Absence**

At 2:15 P.M., Senator BRIGHT requested a leave of absence for the balance of the day.

**CO-SPONSOR ADDED**

The following co-sponsor was added to the respective Bill:

S. 274 Sen. Cromer

**INTRODUCTION OF BILLS AND RESOLUTIONS**

The following were introduced:

S. 995 -- Senator Peeler: A SENATE RESOLUTION TO RECOGNIZE THE TIMKEN GAFFNEY BEARING PLANT UPON ITS FORTIETH ANNIVERSARY AND TO WISH IT CONTINUED SUCCESS IN THE PALMETTO STATE.

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The Senate Resolution was adopted.

S. 996 -- Senator Leatherman: A SENATE RESOLUTION TO HONOR AND CONGRATULATE BREE BOYCE UPON BEING CROWNED MISS SOUTH CAROLINA 2011 AND TO WISH HER WELL IN ALL HER FUTURE ENDEAVORS.

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The Senate Resolution was adopted.

S. 997 -- Senator Nicholson: A SENATE RESOLUTION TO RECOGNIZE OLD MOUNT ZION BAPTIST CHURCH OF THE EPWORTH COMMUNITY IN GREENWOOD COUNTY ON THE OCCASION OF ITS HISTORIC ONE HUNDRED FIFTIETH ANNIVERSARY AND TO COMMEND THE CHURCH FOR A CENTURY AND A HALF OF SERVICE TO THE COMMUNITY.

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The Senate Resolution was adopted.

S. 998 -- Senator Lourie: A SENATE RESOLUTION TO HONOR JAMES HOWARD “JIM” FOSTER FOR HIS TWO DECADES OF DEDICATED SERVICE AS SOUTH CAROLINA DEPARTMENT OF EDUCATION DIRECTOR OF COMMUNICATIONS, TO CONGRATULATE HIM ON HIS NEW POSITION AS DIRECTOR FOR SCHOOL AND COMMUNITY SERVICES WITH THE BEAUFORT COUNTY SCHOOL DISTRICT, AND TO WISH HIM MUCH SUCCESS IN ALL HIS FUTURE ENDEAVORS.

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The Senate Resolution was adopted.

**RATIFICATION OF ACTS**

Pursuant to an invitation the Honorable Speaker and House of Representatives appeared in the Senate Chamber on July 26, 2011, at 2:15 P.M. and the following Acts were ratified:

(R109, S. 172) -- Senators Rose, Fair, Leatherman, Bright, Bryant, Campsen, Knotts, O’Dell, S. Martin, Ford and McGill: AN ACT TO ENACT THE “SOUTH CAROLINA HIGHER EDUCATION EFFICIENCY AND ADMINISTRATIVE POLICIES ACT OF 2011”, BY ADDING SECTION 59‑101‑670 SO AS TO PROVIDE THAT EACH PUBLIC INSTITUTION OF HIGHER LEARNING MUST MAINTAIN A DETAILED TRANSACTION REGISTER OF ALL FUNDS EXPENDED EACH MONTH AND POST THAT REGISTER ONLINE; BY ADDING SECTION 1‑1‑1040 SO AS TO PROVIDE THAT ALL STATE AGENCIES MUST HAVE A LINK ON THEIR INTERNET WEBSITE TO THE STATE AGENCY RESPONSIBLE FOR POSTING ON ITS INTERNET WEBSITE THE AGENCY’S, DEPARTMENT’S, OR INSTITUTION’S MONTHLY STATE PROCUREMENT CARD STATEMENTS, TO DIRECT THE STATE BUDGET AND CONTROL BOARD’S STATE OFFICE OF HUMAN RESOURCES TO PARTICIPATE WITH FIVE REPRESENTATIVES SELECTED BY THE RESPECTIVE PRESIDENTS OF THE PUBLIC INSTITUTIONS OF HIGHER LEARNING AND TECHNICAL COLLEGES TO STUDY, DEVELOP, AND RECOMMEND A SEPARATE, COMPREHENSIVE HUMAN RESOURCES SYSTEM FOR THE PUBLIC INSTITUTIONS OF HIGHER LEARNING AND TECHNICAL COLLEGES; TO AMEND SECTION 2‑47‑50, AS AMENDED, RELATING TO PERMANENT IMPROVEMENT PROJECTS, SO AS TO DEFINE ‘PERMANENT IMPROVEMENT PROJECT’; TO AMEND SECTION 11‑35‑1210, RELATING TO THE STATE BUDGET AND CONTROL BOARD’S REVIEW OF DOLLAR LIMITS FOR A GOVERNMENTAL BODY’S PROCUREMENT, SO AS TO PROVIDE THAT THE STATE BOARD FOR TECHNICAL AND COMPREHENSIVE EDUCATION, IN COORDINATION WITH THE APPROPRIATE CHIEF PROCUREMENT OFFICER, MAY APPROVE A CUMULATIVE TOTAL OF UP TO FIFTY THOUSAND DOLLARS IN ADDITIONAL PROCUREMENT AUTHORITY FOR TECHNICAL COLLEGES; TO AMEND SECTION 11‑35‑1550, RELATING TO BID PROCEDURES, SO AS TO PROVIDE THAT IN CERTAIN SITUATIONS, A PUBLIC INSTITUTION OF HIGHER LEARNING AND TECHNICAL COLLEGE MAY MAKE SMALL PURCHASES NOT EXCEEDING TEN THOUSAND DOLLARS WITHOUT CERTAIN PROVISIONS OF THE PROCUREMENT CODE APPLYING; TO AMEND SECTION 11‑35‑3310, RELATING TO INDEFINITE DELIVERY CONTRACTS, SO AS TO INCREASE CERTAIN DOLLAR LIMITS FOR PUBLIC INSTITUTIONS OF HIGHER LEARNING AND TECHNICAL COLLEGES; TO AMEND SECTION 11‑35‑4810, RELATING TO COOPERATIVE PURCHASING, SO AS TO EXEMPT PUBLIC INSTITUTIONS OF HIGHER LEARNING FROM THE REQUIREMENT OF THIRTY DAYS’ NOTICE OF A MULTISTATE SOLICITATION IF A COST SAVINGS IS DEMONSTRATED TO THE OFFICE OF STATE PROCUREMENT; TO AMEND SECTION 1‑7‑170, RELATING TO ENGAGING AN ATTORNEY ON A FEE BASIS, SO AS TO PROVIDE THAT A PUBLIC INSTITUTION OF HIGHER LEARNING SHALL ENGAGE AND COMPENSATE OUTSIDE COUNSEL IN ACCORDANCE WITH POLICIES AND PROCEDURES ADOPTED BY THE STATE BUDGET AND CONTROL BOARD FOR MATTERS OF BONDED INDEBTEDNESS, PUBLIC FINANCE, BORROWING, AND RELATED FINANCIAL MATTERS; BY ADDING SECTION 59‑101‑55 SO AS TO PROHIBIT STATE APPROPRIATED FUNDS FROM BEING USED TO PROVIDE OUT‑OF‑STATE SUBSIDIES TO STUDENTS ATTENDING STATE‑SUPPORTED INSTITUTIONS OF HIGHER LEARNING; BY ADDING SECTION 59‑112‑115 SO AS TO PROVIDE THAT WHEN THE GOVERNING BOARD OF A PUBLIC INSTITUTION OF HIGHER LEARNING OR TECHNICAL COLLEGE ADOPTS A CHANGE TO THE TUITION OR FEES IMPOSED ON STUDENTS, THE CHANGE MAY BE IMPLEMENTED ONLY AFTER A PUBLIC VOTE WITH THE NUMBER OF TRUSTEES OR LOCAL AREA COMMISSIONERS VOTING FOR AND AGAINST THE CHANGE BEING COUNTED; BY ADDING SECTION 8‑11‑162 SO AS TO PROVIDE THAT TECHNICAL COLLEGE PRESIDENTS ARE COVERED BY THE AUTHORITY OF THE AGENCY HEAD SALARY COMMISSION; TO AMEND SECTION 1‑11‑55, RELATING TO THE LEASING OF REAL PROPERTY FOR GOVERNMENTAL BODIES, SO AS TO PROVIDE THAT A TECHNICAL COLLEGE, WITH THE APPROVAL OF THE STATE BOARD FOR TECHNICAL AND COMPREHENSIVE EDUCATION, AND A PUBLIC INSTITUTION OF HIGHER LEARNING, MAY ENTER INTO ANY LEASE AGREEMENT OR RENEW ANY LEASE AGREEMENT UP TO ONE HUNDRED THOUSAND DOLLARS ANNUALLY FOR EACH PROPERTY OR FACILITY WITHOUT NOTIFYING THE OFFICE OF GENERAL SERVICES FOR AN INVESTIGATION OF AVAILABLE SPACE; BY ADDING SECTION 59‑53‑168 SO AS TO AUTHORIZE THE STATE BOARD FOR TECHNICAL AND COMPREHENSIVE EDUCATION TO EMPLOY AND ADMINISTER CERTAIN ADMINISTRATIVE EFFICIENCY PROVISIONS, AND TO ESTABLISH AN ADVISORY BOARD; BY ADDING SECTION 59‑112‑140 SO AS TO ALLOW THE AREA COMMISSION FOR THE FLORENCE‑DARLINGTON TECHNICAL COLLEGE TO WAIVE CERTAIN REQUIREMENTS FOR STUDENT PARTICIPANTS IN THE CATERPILLAR DEALER ACADEMY OPERATED BY FLORENCE‑DARLINGTON TECHNICAL COLLEGE; TO AMEND SECTION 2‑77‑20, RELATING TO THE SOUTH CAROLINA HIGHER EDUCATION EXCELLENCE ENHANCEMENT PROGRAM, SO AS TO REQUIRE THAT ALL THE FUNDS APPROPRIATED TO THE PROGRAM MUST BE ALLOCATED EQUALLY AMONG THE ELIGIBLE INSTITUTIONS; AND TO AMEND SECTION 59‑142‑40, RELATING TO STUDENTS FIRST FINANCIAL RESOURCES FOR SCHOLARSHIPS AND TUITION, SO AS TO UPDATE REFERENCES AND TO PROVIDE THAT FUNDS FOR THE NEED‑BASED GRANT MUST BE ALLOCATED IN A GIVEN YEAR TO INSTITUTIONS USING A METHODOLOGY THAT CONSIDERS STATE RESIDENT PELL GRANT RECIPIENTS SO THAT EACH PUBLIC INSTITUTION SHALL RECEIVE AN AMOUNT SUFFICIENT TO PROVIDE A SIMILAR LEVEL OF SUPPORT PER STATE RESIDENT PELL RECIPIENT WHEN COMPARED TO TUITION AND REQUIRED FEES, BUT THAT NO INSTITUTION SHALL RECEIVE A SMALLER PROPORTION OF FUNDING THAN WOULD BE PROVIDED UNDER THE STUDENT ENROLLMENT METHODOLOGY USED IN YEARS PRIOR TO FISCAL YEAR 2008‑2009.

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(R110, H. 3792) -- Rep. Rutherford: AN ACT TO AMEND SECTION 50‑21‑85, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE CONDITIONS UPON WHICH A PERSON MAY OPERATE A VESSEL DISPLAYING, REFLECTING, OR FLASHING A BLUE LIGHT, SO AS TO REVISE THE CIRCUMSTANCES IN WHICH A PERSON MAY OPERATE A VESSEL WHILE DISPLAYING A BLUE LIGHT, AND TO REVISE THE PENALTY PROVISION.

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**RECESS**

At 2:17 P.M., Senator McCONNELL, moved that the Senate stand in recess for no more than thirty minutes or upon receipt of H. 3992 from the House of Representatives, whichever occurred first.

The motion to recede was adopted.

At 2:52 P.M., the Senate reconvened.

**RECESS**

At 2:53 P.M., on motion of Senator McCONNELL, the Senate receded from business not to exceed thirty minutes.

At 3:24 P.M., the Senate resumed.

**Motion Adopted**

On motion of Senator McCONNELL, the Senate agreed to waive the provisions of Rule 32A requiring H. 3992 to be printed on the Calendar.

The Bill was ordered placed in the category of Bills Returned from the House and would be taken up for consideration when that category was reached in the order of the day.

**RECOMMITTED**

S. 814 -- 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 7‑19‑35, SO AS TO ESTABLISH SEVEN ELECTION DISTRICTS FROM WHICH MEMBERS OF CONGRESS FOR SOUTH CAROLINA ARE ELECTED COMMENCING WITH THE 2012 GENERAL ELECTION; TO REPEAL SECTION 7‑19‑40, AS AMENDED, RELATING TO CONGRESSIONAL DISTRICTS FROM WHICH SOUTH CAROLINA MEMBERS OF CONGRESS WERE FORMERLY ELECTED; AND TO JOINTLY DESIGNATE THE PRESIDENT PRO TEMPORE OF THE SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AS THE APPROPRIATE OFFICIALS OF THE SUBMITTING AUTHORITY TO MAKE THE REQUIRED SUBMISSION OF THE CONGRESSIONAL REAPPORTIONMENT PLAN TO THE UNITED STATES DEPARTMENT OF JUSTICE UNDER THE VOTING RIGHTS ACT.

Senator McCONNELL asked unanimous consent to commit the Bill to the Committee on Judiciary.

There was no objection and the Bill was recommitted to the Committee on Judiciary.

**CONCURRENCE**

H. 3992 -- Reps. Harrell, Lucas, Harrison, Clemmons, Barfield, Cooper, Hardwick, Owens, Sandifer, G.R. Smith, J.R. Smith, White, Bingham and Erickson: 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 7‑19‑35, SO AS TO ESTABLISH SEVEN ELECTION DISTRICTS FROM WHICH MEMBERS OF CONGRESS FOR SOUTH CAROLINA ARE ELECTED COMMENCING WITH THE 2012 GENERAL ELECTION; TO REPEAL SECTION 7‑19‑40, AS AMENDED, RELATING TO CONGRESSIONAL DISTRICTS FROM WHICH SOUTH CAROLINA MEMBERS OF CONGRESS WERE FORMERLY ELECTED; TO JOINTLY DESIGNATE THE PRESIDENT PRO TEMPORE OF THE SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AS THE APPROPRIATE OFFICIALS OF THE SUBMITTING AUTHORITY TO MAKE THE REQUIRED SUBMISSION OF THE CONGRESSIONAL REAPPORTIONMENT PLAN TO THE UNITED STATES DEPARTMENT OF JUSTICE UNDER THE VOTING RIGHTS ACT; AND TO PROVIDE THAT A MEMBER OF ANY BOARD, COMMISSION, OR COMMITTEE REPRESENTING A CONGRESSIONAL DISTRICT, WHOSE RESIDENCY IS TRANSFERRED TO ANOTHER DISTRICT BY THIS ACT, MAY SERVE, OR CONTINUE TO SERVE HIS TERM IN OFFICE; HOWEVER, THE APPOINTING OR ELECTING AUTHORITY MAY ADD AN ADDITIONAL MEMBER ON A BOARD, COMMISSION, OR COMMITTEE WHICH LOSES A RESIDENT MEMBER.

The House returned the Bill with amendments.

Senator McCONNELL explained the House amendments.

Senator MALLOY spoke on the House amendments.

**Remarks by Senator MALLOY**

Thank you, Mr. PRESIDENT. Gentlemen of the Senate, this is one of the few opportunities that many of us get in a lifetime. In almost five decades of my life now, in watching this Senate from my Senate chair for almost the last decade, we have seen a lot of congratulations to our State for what has been done as far as creating and having enough population to have a new Congressional seat. What happened in this Congressional plan is just totally different. And, I realized that there was a need for this Senate to come together. For many of us that are here now, I hope that we see this moment again as our State continues to move forward toward prosperity. Hopefully with this growth, South Carolina will become a larger player on the national scene and that it will signify progress and development in our State to our Congressional folks. We’ll have another task at that particular time. But this task now will last a decade.

My daddy always told me that a generation was generally 18 years. I didn’t realize that. I thought it would be longer. But for the next generation, a child born today will have to actually take the remnants -- be a beneficiary, and get the residual results of what we do here going forward. We have long known that it depends on where you live and what’s going on around you. The Pee Dee area is vastly different than the coast. It just is. It’s a manufacturing and farming area. The folks that grew up in my hometown of Chesterfield -- you all see it on the map -- it is a big area. The area is almost as large as Horry County in land mass and the Senator from Kershaw and Chesterfield represents them. They have only 40 some odd thousand people in the whole county. But Horry County has almost 270,000 people. A child going home from college may go over to McLeod Farms and get a job at the peach orchard. A child going home from college may go over to Horry County and may go to work on a golf course, or may work in a coastal area. The person with a summer job will end up doing what they can do in the manufacturing field, in a family business. It’s just different in the areas where the area of Horry is 270,000. I submit to you as I go through the numbers and as I look at that area, it is larger than Marion, Dillon, Marlboro and Chesterfield Counties combined. Horry and Georgetown -- those two little areas on the coast -- will make up half of the population in a Congressional seat.

Many of you know that I’ve been fortunate to be able to practice law and be a lawyer. In the law, there’s a lady that we pay a lot of attention to -- Lady Justice. What Lady Justice does is look at things with a blindfold on. You are sitting in a jury and they are the judges of the facts. So that way you don’t have bias. You don’t have prejudice. You take your ordinary experience and you are supposed to look at things objectively as they come from the witness chair. It’s a great part of our system. This is the process. We have the Voting Rights Act in South Carolina because of our past behavior. What that means is they are simply looking over our shoulders to see what we do. And, I appreciate the communities of interest. I appreciate everybody watching the same television station or whatever. That’s not what it’s about. It’s about whether or not we put these districts together on race and how we are counting. But the plan that just came back from the House of Representatives increased the numbers in the 6th District that’s represented by Congressman Clyburn at this point in time to over 55%. There’s nothing that we take a vote on in the positive that takes the number up to that amount. The numbers speak for themselves. It’s some 55 odd percent. The earlier plan that we had, I think, was 52%. We’ll end up having those figures because I want those to be part of the matters of the record that we end up having. The plan we have in the 6th District was 50.49% African American. The House amendment plan that just passed was 55.18%.

The Senate plan that came out had 29.7% African American. The House plan that just came back to us was 27.64% -- a full 2 percentage points less the 1st District’s from 21.06%. And that’s represented, don’t forget, by a young African American who happens to be a Republican -- Congressman Scott. We look at the House plan that just passed and see it has 12 precincts that are divided and the Senate plan had only eight. As I look over the plan now, I’m curious as to the debate that we had. I’m interested in obviously the areas that I represent. But as I go forward and I look to what happened over in Edgefield and Aiken, it was very important during our debate that we had those together for several reasons. But now they are going to be divided. What happened to the fact that we never wanted large counties to dominate smaller counties? And the Bill that was passed by the Senate had Horry, Charleston and Georgetown, the coastal areas and they actually balanced one another. But Greenville was split. Spartanburg was split and Richland was also split, but we’re going to make Horry whole. This process is the process that it is. I want to thank the Senator on the other side of the aisle that we did engage in a discussion that was meaningful, that we had the opportunity to bring the matter to a vote. We did vote for a plan that came out of the Senate that was totally adverse to the plan that came out of the House, and by a majority of the Senate. What’s unusual is -- oh, what a difference a few days makes.

I have to somewhat apologize in advance. But I do have some editorials that have been published by members of this body. And it troubles me a bit, but I feel compelled to talk about them. There is an old adage in the practice of law that says, “When the facts are on your side, you argue the facts. And when the law is on your side, you argue the law. When neither is on your side, you bang the table and raise cane.” There’s been banging on the table and raising cane since we left the Senate the last time because I know that those that are voting for this plan cannot be happy. You cannot be happy for the same arguments that you made before we left. I can’t presuppose that I would be able to represent any of the other counties because I don’t know the constituents. But the numbers in the Greenville-Spartanburg area have changed considerably, where Greenville had a larger population mix in the Senate passed plan than what it has now.

I don’t presuppose to be able to say what's best for your county, but we know where the population growth is going. The growth is not in the areas outside of Greenville and others. And so one would think that if you were looking into the trends, how are you going to have the growth in Greenville without having that area become more dominate in the 3rd District? It’s growing faster than the rest of the counties. It is. And the votes are being changed. I guess we’ll see. I have been through Laurens County. I enjoy it. I go through there sometimes whenever I’m making my way up to Clemson where I love to go and watch the football games. I know that the Congressman from there is a nice young man. I don’t know him well. Greenville becomes a different animal because Greenville then grows in population. You watch it. You get a Congressman from Greenville. What’s going on in Oconee and Pickens, in that area? Again, I’m just making the point. I don’t live there. I am not trying to end up throwing the dagger at any of my colleagues. I have great respect for each of you. But I just asked the question. Edgefield and Aiken have already been touched. Beaufort is getting ready to be divided if we vote for this plan. There was a district under the Senate plan about communities of interest. I have to read from part of an article that has been authored by my good friend, the Senator from Berkeley. In a pertinent part it says the debate centers on this plan. The first plan drew the 7th District to include Horry County and much of the Pee Dee. However, the 6th District represented by Representative Jim Clyburn meandered from the farms of Richland County some 130 miles to the Charleston peninsula and more than 150 miles from the Sumter-Florence lines to the Georgia‑South Carolina border at the Savannah River.

The House plan split Berkeley. It split Dorchester, Colleton and Beaufort Counties. It split at least six more counties dividing many along racial lines. In contrast, the plan that was sent by the Senate (I start back to quote), made Colleton, Beaufort, Jasper, Allendale and Barnwell Counties whole. They had a chance for a new 7th District. Coastal Georgetown remains in the 1st District while inland areas join Williamsburg in the 7th. And it goes on to say -- and I planned on obviously having this as a matter of the record that I think should be included in the Journal and end up having those posted -- so, that in the end we’ll be able to end up doing just that. I want to go on and talk a little bit about what has actually happened.

I have to end up quoting from an article that was put in circulation with all due respect for all of the folks that are involved in this because I realize that we are honorable people here. I have great respect for each and every person that has put themselves here to be in this Senate. I quote from the article published on July 7th by my good friend, Senator DAVIS. Basically, it says -- and the article speaks for itself -- “One of the worst kept secrets in State politics is that Myrtle Beach Representative Alan Clemmons is running for the yet unrealized 7th Congressional district. Clemmons is chairman of the house subcommittee that drafted the plan and crafted himself exactly a district he could win.” That’s what Clemmons did. The House created a new district stretching from Myrtle Beach into the democratic Pee Dee area -- a district created for a more moderate Republican. That House approved plan was developed in conjunction with U.S. Representative Jim Clyburn and members of his staff. It chops Beaufort County into two pieces, gutting its political relevance. I don’t have to go into the entire article, but I’m just saying that’s what changed. This plan is vastly similar to what we got from the House plan. Horry County and Georgetown County are still dominant in this redistricting plan. So, I submit both of these matters. And there is no need for me to go through all of these line by line, because I realize sometimes attitudes change and issues change and facts change.

What I do want to tell you are a few things that absolutely did change. I want to make certain that these numbers are such that we don’t understand the templates. We understand where many of the folks are. We had a couple of Congressional plans that came out of the Senate Judiciary. And I can’t speak for what happened in the House of Representatives. But I will speak to what happened in the Senate Judiciary plan. In the Senate Judiciary plan -- and I’m going to focus primarily on the 6th and the 7th Districts -- the 7th District that was drafted initially, and these matters are part of the record that we have, the African American voting age population was 31.26% on this Senate staff plan number 1.

Senator SHEHEEN: Senator, what you are saying is -- our Republican colleagues have led the African American vote out of the 7th Congressional District under the amendments that occurred?

Senator MALLOY: I’m giving the numbers. It has gone down from my initial proposal. And basically we started out with the first proposal of 31 some odd percent and it’s now down to 27.64%.

Senator SHEHEEN: Senator, I want you to look at this map with me. Look at Florence County there. Florence County is split. In the lower half of Calhoun County, Darlington County, Florence County -- do you know the demographic makeup of that county at all? Do you know why that was split like that?

Senator MALLOY: I do not know why it was split. But I know looking at the plans and looking at the resulting numbers, it appears that the numbers on the new plan have 27.64% where the earlier plans had a more African American population.

Senator SHEHEEN: And that would dilute African American voting in the 7th Congressional District?

Senator MALLOY: I think it would.

Senator SHEHEEN: If you look at Sumter County, do you see that split? Part of it is in the 7th and part of it in the 6th Congressional, is that right? You would agree with me the overall take of this plan is to dilute the African American voting strength in the 7th Congressional District versus even the plans originally presented, is that right? It appears from the plans the African American vote in the 7th District has decreased and the plan that had the African American vote in Number 6 has actually increased. Would you agree with me that if you look at this map, that generally the voting strength of small and rural counties is being diluted, except for perhaps in the 3rd Congressional District? In other words, under this plan the counties that get screwed are the rural and small counties? Is that fair to say?

Senator MALLOY: I think that’s fair. I think that the rural areas are going to be eaten up by these larger districts. You’re going to have a large district like Horry County, that is coupled with another county just like Charleston which both represent the coastal area. And the areas that you and I represent in the rural part of South Carolina, we just want representation.

Senator SHEHEEN: You understand that the coastal region of Horry County is vastly different than the more upcountry rural part of Horry County? And you understand as well that the coastal portions of Horry and Georgetown Counties have much in common with the coastal portions of the rest of the State? You would love to have a Pee Dee district, wouldn’t you? That was truly Pee Dee where the small town and rural communities that really make up the Pee Dee had the ability to elect a Congressman?

Senator MALLOY: I think that’s the only chance they will have to invigorate that area. And what is troubling is the fact that right in this district -- Horry and Georgetown comprise one-half of the district. And, in fact, they made a lot of arguments about NESA and the configuration of the counties as relates to NESA -- the North Eastern Strategic Alliance. The chair of NESA is from Williamsburg County who will lead the economic and prosperity of the Pee Dee and they put the chairman of NESA from Williamsburg County back into the 6th District. He’s not even in the 7th District, which is in the Pee Dee area.

Senator SHEHEEN: Williamsburg County is part of the Pee Dee?

Senator MALLOY: That’s correct.

Senator SHEHEEN: Williamsburg County has much in common with Darlington, Chesterfield, Marlboro, Dillon, Marion and even Florence Counties -- these areas that are Pee Dee areas -- rural, small-town communities, is that correct?

Senator MALLOY: Farming and manufacturing.

Senator SHEHEEN: But Williamsburg County also happens to have a large African American population which Florence and Sumter have likewise and are cut out of the 7th as well. It’s pretty apparent what’s going on here? What’s going on is our Republican colleagues want to have six of the seven Congressional Districts likely electing Republicans, is that right?

Senator MALLOY: I don’t know what their end game is, but I’ll tell you that’s what’s likely to happen.

Senator SHEHEEN: That’s what it appears to be from the map, is that right? It appears to be from the map the way to do that is to bleed out African American voting influence in the 7th Congressional District. And from the map, that appears to be what’s occurred.

Senator MALLOY: It appears it has gone decreasingly lower under each plan that we have and what is growing is that the plan that we passed in the Senate by third quarters that we sent to the House of Representatives, the numbers in the districts have changed but the numbers are different. So it has been decreased. But the numbers in the only majority district that was there has actually increased. And I want to make a point. The issue is not to create, in my view, majority‑minority districts. The ACLU drafted a plan that can’t be ignored which created two majority-minority districts. So, what they showed us is that it can be done. The issue is what happens with what we’re talking about -- these communities of interest. If you look at the landscape in South Carolina, and we look at what has happened to the electorate in South Carolina.

With two Congressional seats, the Democratic vote is well over 40% in this State. And so if you are well over 40%, why would a Congressional district then only yield one Democratic candidate that will win? That would have to be a majority district. One of the highlights I had in my life was whenever I ran for the Senate. The people in my area -- which was not a majority district -- proclaimed it differently. They elected a person like me from that district that was not a majority. They showed us that it could be done, which is critical in our situation because the Justice Department and the courts and others don't know what retrogressing is. But whenever it’s seen as though we should be trying to have the fairness of “one person, one vote,” and we met the criteria -- even at the 50% level or slightly above that -- was in the Senate plan. Now we go from 50.49% in the plan that we passed in the Senate up to 55.18%, another 5 percentage points.

I want to be careful when I tell you what 5 percentage points mean. It’s well over 30-some odd thousand people. And so each percentage point, when you do the deviation down to a seat plus one, you’re talking over 30-some odd thousand people with 5.5%. I mean it is almost a 5% deviation of 660,000 people. And so, that’s what happened whenever you put those folks in a district that dilutes the voting strength in the adjoining district. I think that’s the issue that we have to address. I want to make one point on this other district. In the Senate plan that we had -- Number Two -- the Senate Staff Judiciary Plan which we passed in District Number 4, the population at that time was 28.84% in the 7th District. That was in the other proposal. I have asked for the amendment that we had -- that we passed here that the Senator from Florence ended putting up because I wanted to see the African American population in that one. But we went from 28.84% under this plan to now 27.64%. Does it make a difference? You are talking about 1.2%. You are talking well over 7,000 people when that happens. That’s what’s happened. We have gradually gotten down to a lower African American population in the final vote that we are about to end up taking. My thanks to Mr. Terreni who has worked with us on this. I have known him 20 years and I appreciate his diligence in giving us the information. The plan that we had that we passed through an amendment was 28.12% African American in the 7th District. Now that plan has gone down to 27.64%. Again, the pattern is a decrease, diluting the voting strength in the population mix.

Senator McCONNELL: In the plans that we have adopted under that plan the population, the voting population in District 6, that's 27,000 new voters?

Senator MALLOY: I think it will be more than that. In the population it is probably a greater number. I’m not certain how many of the voting age, but I know that the population is at least right at 5%.

Senator McCONNELL: Tell me, is it also true that you and I served on the Senate Reapportionment Subcommittee?

Senator MALLOY: Yes.

Senator McCONNELL: During the testimony, for example, let’s say in York County, in Spartanburg County, and even in Beaufort County, isn’t it true that those residents of those counties thought that the new 7th District should be in their county and should be the flagship for the new Congressional district just like the people in Horry County thought it should be in Horry? Isn’t it true we had least four counties bidding to have the new flagship district in their counties?

Senator MALLOY: Yes. We went through all of the hearings and it was a task, and they obviously wanted to end up having the anchor district in their home counties. But here is what we have in South Carolina, Senator. We have certain areas that are growing at the disproportionate rate as it compares to other areas. I’m very concerned about the rural areas. The rural areas in South Carolina are where we’re losing the population. Do you know why? We don’t have the development there. I have great concerns that in the area where I live, if it stays the way that it is now, we will have over half of the district being a part of the coastal county. That’s 330,000 people.

Senator McCONNELL: I don’t know whether or not you watched the news today but did you know that in the past two years, the African American wealth has gone down from 52%? In other words, the household wealth of the average African American household in South Carolina is $5,000 compared with our white counterpart which is $89,000. The average income in Horry County is about $115,000. You are a trained lawyer -- a real astute lawyer. Can you tell me what would they have in common in Horry County with an $115,000 average income with Darlington, Chesterfield, Marlboro, and parts of Dillon and Marion Counties and let’s say about one-third of Florence County where the average income is no more than $5,000?

Senator MALLOY: I’ve said it and over and over again -- the commonality in the areas of the Pee Dee is just not the same. I understand the arguments on the communities of interests, but with all due respect, it’s what the courts said in 2000. In 2000, those communities were basically the same then and when the courts drew a plan which was in 2002, they drew Horry, Georgetown, and went up in Charleston, similar to the way that they came up into the Berkeley County area. But Horry and Georgetown Counties were there. What is odd is that that is a great contrast in the change that we have from that point in time until now. And so the Horry area then comes up so that they can dominate the Pee Dee as opposed to having competing areas in Charleston. With the Congressional seat from the 1st District now in Horry and Georgetown, well over 300,000 people are displaced from one district to another. And the question is -- is that politically expedient? I think that’s the question that we have to end up posing.

You know, last time that we were in Session, the Senate did work. And I realize that there was some discussion as to where we should go, how we should end up dividing this district and how much time that it was going to end up taking us to do it. Basically, I begged then to please not to vote cloture on this matter because we need a chance to end up continuing debate. What happened then was there was a Bill and the Senate spoke at that point in time, which was a majority of the Senate that was present and voting. They voted for a plan that decreased the African American population in the 7th District, albeit in a different location. But they increased tremendously the vote in the protected district, which is a majority 6th District, and it went up 5 percentage points. So, that is the question that is presented to us. And, that is the question as to how well we wear it in our conscience? Are we actually voting like we would if we were Lady Justice and having blinders on and making certain that we were trying to be fair and making certain that we were trying to represent one party, one vote and making certain that we were not packing districts and making certain that we were not lightening districts? Are we going to end up voting with political expediency? The question is only what we answer in our own hearts.

Senator HUTTO: First of all, let me thank you for your efforts and what you have been doing on reapportionment. Back when we did this before, there were a couple of terms that we used that were relevant today to those efforts. We called those bleaching and stacking. So when you look at this plan, would you define it as a bleaching of districts, which means removing African Americans from it and then stacking them in certain districts?

Senator MALLOY: The point I have been laboriously going through is that from every proposal that we have termed as a 7th District has gotten progressively lesser in African American voting strength. We have culminated today to having at least 2 percentage points down from the 7th District as it was from the plan that we had passed. But even equally as important with the plans that have been reported out and the plans that we have looked at here in this body from the proposals that came out of Senate Judiciary to the amendment that was passed on the floor, the only one that was really passed, that actually got a majority vote and maybe one or two others, but the District 7, Congressional Seat 7 has gotten a progressively lesser African American vote. You would call that bleaching.

Senator HUTTO: It has increased in every one of those proposals and on the vote on the amendment. The increase is because of your good friend, my good friend, Congressman Clyburn, the one who represents what we called the 6th District, which is a protected district where the African American population has increased to the point that it was 55.18%. And that is almost 5 percentage points higher than the plan that we passed from the Senate. That’s five percentage points -- over 30,000 thousand people. Would you not agree also under the Voting Rights Act, the African American community is the only protected class? Would you say they are better off under this plan or worse off?

Senator MALLOY: I think that’s the ultimate question that we have to say overwhelmingly -- they are worse off under the plan that has just passed back from the House of Representatives than they were under the Senate plan that we had passed, and under every proposal that we had that would have reached a vote here in this body, particularly with the two proposals and the one amendment that we had, that we passed -- that came from the Senator from Florence.

Senator HUTTO: The other point I want to make is when you look at these districts, you look at retrogression. You look at African American majority districts. You also look at influential districts. When you look at this drawing, versus the current situation, the current 5th District was about what percentage under the current existing plan that Congressmen now get elected from? That’s somewhere around 31 or 32%.

Senator MALLOY: Under the current court plan, the numbers that I have for voting age population is 29.41%. That’s voting age population.

Senator HUTTO: So, if you take that as an influential district, are there any other districts that meet the criteria with 29% under this plan?

Senator MALLOY: There are not. Under the first plan -- and I think they are looking at voting age population in the 1st, it is 18.18%. Under the second plan it is 21.48%. That’s the 2nd District. 3rd District is 17.93%. The 4th District is 18.23%. The 5th District is 24.46%. The 6th District is 55% in that protected district. And the 7th District is 27.64%. Nothing comes close to that number.

Senator HUTTO: So, in most of those districts there has been retrogression except we stacked the 6th Congressional District? In essence, if you were a minority in this State, from a political point of view, under this plan you would be worse off?

Senator MALLOY: It would be my view they are worse off under the plan that just came back from the House of Representatives than they were under the previous court-ordered plan and under the plans that we have previously passed in the Senate. So all we have to compare are the court-ordered plan we have from 2002 and the plan we have now. Numbers in the plan we have now are progressively less in African American population. I think the voting strength has been diluted. There has been an increase from the numbers that we have for every proposal as it relates to the 6th District, which is our protected district.

Senator HUTTO: Another thing on retrogression from a rural perspective, would you agree that the rural communities under this proposal are worse off than they were under the current proposal?

Senator MALLOY: I think certainly the rural district is losing the impact -- the voting strength -- particularly under the scenario that's been passed back from the House. I think that the rural interest for the one person has been diluted to end up for them to have a fair vote. They are worse off.

Senator HUTTO: Would you agree that if you wanted to diminish rural interest, you take all the small rural counties and put them where there is a predominantly Republican county? You really dilute their influence as a rural community?

Senator MALLOY: I think what we are seeing is that we are only growing in certain portions of the State. Let’s take a look at the map that we have up there. Let’s suppose that a Congressman comes out of Horry County. You look at one on the coast from Horry, one on the coast in Charleston, one up at the very top of the map almost into North Carolina, in the York County area. Then you come to the Richland and Lexington area where there are two. Then you go into the Laurens area where there is one. And then you would go right there in the Spartanburg area where there is another. So you could draw a line up there by the interstate with York and draw it all the way down, and you would get half of the State where you would not have a representative that will live there, but for the fact that there could be one from Horry County drawn around it. So, you have that area that would come in from Chesterfield, Kershaw, the Fairfield area, Lee County, Sumter, Williamsburg, and Dorchester -- all of that area with no representation. Suppose you have to live in a top part of Chesterfield or Marlboro County, where would you drive to see a Congressman? You have to go all the way down to the Horry area. Senator, the thing that’s troublesome is simply this -- we are all in the political world. Let’s suppose you have a Rotary meeting in one county with 250 people there, and you have a cattleman’s association or a farm association where there are eight or ten people that want to come and talk to you. Which meeting will common sense and human behavior tell you to go to? You will go to the one with 200 or 300 people there. What happens is you are diluting their representation because those individuals will not be able to reach their Congressmen. Their Congressman is going to go to where those people are and that’s the most people that get the most bang for the buck. That’s how it’s going to be. This is a sad day for rural South Carolina.

Senator HUTTO: It is very sad because if you are running for Congress, you can just campaign in Horry and Georgetown and forget the rest of it and still be elected? The influence factor when you take these small counties and lump them with the big county, then you negate any opportunity for them to have real influence in that district? All they are doing is making the numbers? So, in essence, we are moving backwards in terms of rural influence and backwards as far as minority influence under this plan? I think so. That’s what makes it difficult for those who represent some rural interests, some poverty interests and some educational interests where they may not have those kinds of interests. Our voice will not be heard.

Senator MALLOY: I think we are going to have a very difficult time of our voices being heard, particularly in the rural areas in South Carolina. Because the population mix is just going to spill itself out. That’s what’s going to happen. I didn’t hear these comments that were coming out during the last census, during the last time we had a court‑ordered plan. All of a sudden we want to put the Pee Dee together. I grew up in the Pee Dee. I am from the Pee Dee. My parents are from the Pee Dee. My grandparents and every ancestor that I have ever heard about are from the Pee Dee area. Not once in my life did I end up understanding the joining of that area included the coastline down in Horry and Georgetown. I have a lot of respect for those individuals. They have done a good job and masterful job saying let’s keep the Pee Dee together. But I will tell you, that is not the Pee Dee, and I grew up in the Pee Dee. It is simply not the Pee Dee. What I am having a hard time with is that it seems to be a time of convenience. A time of convenience is to lump it together because the big guys will swallow up the small guys once again. That’s what’s going to happen.

Senator HUTTO: Senator, you think this plan has national implications rather than in it being in the best interests of the citizens of this State?

Senator MALLOY: I am hesitant to speak to that. I can tell you it is not in the best interest for those in rural South Carolina; however, they have the motivation and whatever the cause was or what instigated it, they were not part of the Pee Dee. In the court-ordered plan in 2002, I didn’t see the same arguments being made to keep the Pee Dee together and put us back in the 6th District where other guys came out. I wasn’t serving then. I didn’t hear that argument, but I hear it now. So that’s what I have an issue with.

Senator HUTTO: Would you say it’s not the argument of convenience, and it does not reflect what the facts are because this is really not a Pee Dee district, it is a coastal district?

Senator MALLOY: The 7th District is a coastal district?

Senator HUTTO: It is going to be. That’s what the population mix says. The numbers spell it out. There is in Horry County. There are over 60,000 in Georgetown. Added together that’s 330,000. The median number is 660,000. So the 330,000 is half of it. You have two counties that will have more population or equal population, at least, to Florence, Marion, Dillon, Darlington, Chesterfield, and Marlboro Counties all combined?

Senator MALLOY: That’s just not right. When the children that are born today who are from the Pee Dee area -- I don’t think we are doing them a service because what we have done is we have worked hard in this body to promote tourism. What we have done is that we have sent dollars there to try to create and promote tourism in this State. That’s what happened with the growth. I heard arguments made that we have been in a bit of recession -- my goodness, wait until we come out. And so those numbers that we have now. Look at the Senate districts of the Senator from Marion, Senator WILLIAMS, who was 11,000 down in population, and any Senate district that is almost 18,000 in population, where the other areas over there are losing in population, the area that’s growing is the Horry-Georgetown coast. They will continue to increase, which will continue to dilute the strength. That was the wisdom apparently in 2002, when the court came in and said they were going to put the coastal region together, which will be Horry, Georgetown and Charleston Counties. So they will be able to end up growing. That coastal area will be able to end up having the areas to bounce off of one another. That’s the issue.

But now what happens is that Horry comes in and they are able to end up being the largest county there. They are not divided. Greenville is divided. Richland is divided. It looks like Charleston has a bit of a division as well. So the largest counties in our State are divided. And the one that’s growing as fast as any of the other ones is not. How are we going to address the large double digit unemployment issues in Marion County? How are we going to end up creating an economic engine over in those areas so that those folks will be able to have a working and living wage and make certain that they are educating their children? We know how the money comes in these districts. We know what happens to our educational system. We know what you have worked on many years for the I-95 Corridor. I-95 comes directly through the Pee Dee. What are we going to do? We don’t want to be a depository for I-73. I support I-73, but, whenever you bring in an interstate there without doing the infrastructure and those matters in the corresponding areas, then you will have lack of development, and we are going to end up initiating and putting some gunpowder on the unemployment aspects in that area. It will continue to grow because their Congressman from that area is from the largest area. How often is he going to sit down with the mom and pop shops to say we want to make you grow, we want to make it better for you? The votes are just simply not there.

Senator HUTTO: I want to make two points and then I will be through. I think you addressed one of them. The first one is that Horry and Georgetown now make up 50% of that proposed district based on current population. But based on projected growth, they will dominate that district substantially in the next two to three to five years. Do you know what the growth rate in Horry and Georgetown has been over the last ten years?

Senator MALLOY: I do not know it, but I know it surpasses the other rural counties we have in that area.

Senator HUTTO: If you look at the population of Marion County today versus what it was ten years ago, Marion lost population. So, its influence in this district will continue to go down as it proportionately goes down as the population is to the total district? Their future is not nearly as good. Let me ask you two more questions. Does this plan kind of remind you of the Voting Rights Act of the Voter ID Bill we just passed? You know, they didn’t say you couldn’t vote. They just shave off some points. They just make it more difficult for a senior to get an ID. They make it more difficult for a person if you are in college. They make it more difficult for working mothers. So, it is just shaving off points.

Senator MALLOY: I think that this plan is going to be exactly what we think it is. I think that it actually is a very opportunistic plan. The plan will not be reflective of the political landscape of the African American voting population in this State. It has gotten progressively higher in the 6th District, progressively lower in the new 7th. I think what we are doing now is it becomes more of a political plan. Our voting strength has been diluted. I think we are worse off as far as an African American voter.

Senator HUTTO: Let’s talk about the 6th District a little bit in the same manner. One of the big things I see to get elected is the cost to get elected. If you look at the 6th Congressional District under this proposal versus the proposal we passed out in the Senate, a compact plan that reduced the number of counties, but it also did two unique things, under this proposed plan. There are about four different media markets you have to run in. And really, that’s where your costs come out. You have to run in the Pee Dee market, Charleston, Columbia and Savannah. So it’s the most expensive district out of all the districts. Who do you think more likely gets the opportunity to run -- an African American or a Caucasian?

Senator MALLOY: I will tell you what I understand about that point. I think that it is unfortunately expensive to end up running a race. I think that what we have is the attempt obviously to comply with the Voting Rights Act. I think we have gone further than what we needed to put more of the African American population in the plan that just came back from the House of Representatives than was necessary for compliance under the Voting Rights Act. The increased amount, which is 5 percentage points from what we passed in the Senate, represents the fact that there are more African Americans placed in the 6th District now than what we had under the Senate plan and the question I have is -- if we are opposed to vote for that, then what we are voting for? This body is voting to increase the African American population in the 6th District. That isn’t the total issue because what it does is dilute the voting strength of African Americans’ political value in the rest of the districts.

Senator HUTTO: So, if you are under 21 or 22%, really they ignore you. They can ignore the African American community in all these Congressional districts probably, except the 5th. The plan that has just come back, I don’t think that it is as helpful as those that we had passed previously.

Senator MALLOY: Thank you. One of the things my friend, Senator McCONNELL, taught me was the Rules, and I’ve been a great admirer of his. During the process I know he has a Rule book back in his drawer and he has the precedents that are already set forth. And I understand the Rule as it relates to a reapportionment discussion. We have particular Rules, and I realize, gentlemen of the Senate, as you all may not think this is an important time. I speak to a half empty Chamber as to how critical this issue is. We know that even under the Rules generally that we would not be able to bring this matter to a close until we have two legislative days of discussion. I do not know if we are making our points, I’m not certain the folks are listening. So I’m going to talk for a while until I make certain that my colleagues pay the respect that we have for this plan. Because of the importance of what is going to happen over the next decade. So really two days to end up making the folks understand that what we’re doing here is changing the district in a way that they are increasing the African American population in the 6th District.

As I went home after the fourth, after the last vote that we took, a family member asked me, “What are you doing as it relates to the Pee Dee under the plan that you have voted for?” And I tell you what -- it’s a difficult question. It’s perplexing. But I submit to you that even under that plan, that those in the Pee Dee get a chance to have more contact with their Congressman than they will under the plan with the 7th District. In every race that we have in the next five years, it’s going to be very difficult for anyone outside of the Horry County area to become a Congressman. And that’s sad. And under the plan that came out you had three or four Congressional seats that would reach into it, but how dare you make the argument as to when you are better off or why you are not. I was always told a piece of something is better than all of nothing. You are getting all of nothing because that person has to reach down deep in their hearts whenever they are part of a big fish in a small pond. They are the biggest guy on the block, the biggest person on the playground. Will then they be a bully or will they cease and make peace with the children if they are on the playground if you are the biggest guy there? That’s what's going to happen.

So we get an opportunity to make a difference here and operate as if we have blinders on and to see what we would do. We are not Lady Justice, but we have an opportunity to fix it now as opposed to going into the hearts of man and then saying you may get a good person that will lead the Grand Strand and come up to Shiloh Community and Cash Community -- these little areas that you probably have never heard of in Chesterfield County and others. I know you all travel some, but what’s going to make them come up there and see the people? There’s nothing that’s going to make them come. You’ve got a ready-made audience with convention centers and conferences. That’s not what happens in the Pee Dee. NESA is working for development in the Pee Dee, but Williamsburg County is not in it. That’s not the goal. If we’re talking about economic and communities of interest, tell me what the communities of interest are in the coastline and Horry County? Oh, they watch the same television stations. That’s not a community of interest. It’s just simply not. As I labor here and they go back and forth.

Since I’ve been elected here, I can say that there are good times. I tell you this is a noble place and we have an awesome, awesome responsibility. I think this plan will eventually pass that came back from the House of Representatives. I think it’s going to pass largely on party lines. I just ask you to search your hearts. Is it political expediency? Are we really doing what's right for South Carolina? Are we positioning ourselves so that we can end up making a run and we don’t want to have the backlash of our party? Are we doing what’s right for South Carolina? A chain is no stronger than the weakest link. We’ve got a weak link in the Pee Dee. We need jobs. We need representation. We need someone to hear our voice. And does this plan do that? I don't think that it does.

What happened to the arguments that were being made last week? In the Greenville area I’m surprised, almost shocked, that the arguments that came from this floor, arguing over percentage points as to what you would do with Greenville and Spartanburg and all of a sudden it’s changed. The Greenville population is decreased, Spartanburg increased, and now where are we? We get those numbers right. I don’t want to step down from here and say we are butchering the numbers. I want to be a bit specific. When we passed the Bill, it was 61.6% in Greenville and 38.04% in Spartanburg. Now it’s 59.97% and 40.2%. Greenville, you lost under this plan. The population from the 3rd District, the Greenville population increased to 54,952 from 41,827, a full 13,000 people. In Spartanburg, you now have only 19,814 in the 5th, when under the earlier plan you had 32,938. The question is what changed? Will someone from Greenville soon represent a Congressional seat in Anderson, Pickens and Oconee? It was an issue a few weeks ago, but it’s not an issue now. And I make the point because I can’t look inside your heart. I can just only look at the numbers and see what they say and it appears that it’s just politically expedient.

Senator from Charleston, you are very successful. I told you I was afraid when you told me that we had a successful run three weeks ago and I got on my heels and never said a word. So, I will tell you I congratulate you. I know that Charleston will always do well under your leadership. And Charleston is not going to have to combat the other big guy in the room, which is Horry County under this plan, because Horry and Georgetown also equal the population in Charleston. There was the change. Senator, you and I have talked about this. Truthfully I’ve had a pretty good summer and am well rested. I could stand here and talk about this for the next several days. I really could. It's that important. I don’t know if you feel the passion that we have, and maybe I’ve failed in trying to convince you of the passion that we have for the Pee Dee and the lack of representation that I think we will receive by virtue of not what’s in anyone’s heart, not what anyone’s political ideologies are, but just by virtue of the size of the space and the size of the county, and the by virtue of the fact they do things differently. For me, I tell you it’s not Republican and Democrat, it is not. I thought Florence had the opportunity to be an anchor district in a new Pee Dee district. Florence is part of the Pee Dee. But we just whacked off a piece of Florence, and stuck it in the 6th District. Darlington, Chesterfield, Marlboro, the Pee Dee River comes right down smack on the side. And I envisioned the Pee Dee to where you have that rural area that they could end up talking and that will represent their interests.

And so I look around and I think that, maybe you did not feel our passion. And again, I can’t speak into the hearts of men and women, but I do know that something changed. And something changed from a few weeks ago because what I anticipate the vote to be at this point in time seems to be contrary to not what I believe you said as what I’ve seen on this Senate floor.

Part of what I wish could happen is that we could reach into the hearts of men and tell them more about Lady Justice so that they then will try and respond and see if they will look into the eyes of the children and the eyes of the future in South Carolina and say this is what's going to happen and this is what’s better for my State, not necessarily what’s better for my party. What the question becomes is -- if we can continue to talk to you and educate you on this issue for the next couple of days. Certainly you can. The Rules allow it. Gentlemen, I’ve got news for you today. With everything that we’ve said here -- and I realize that we may have stepped on some toes -- but it had to be done. It’s not right. And only you can know whether or not it’s just politics or whether it’s something that you think is genuinely right for South Carolina. My father always told me that “two wrongs don’t make a right.” It doesn’t make a right. And so you can hold that body hostage for not just today but tomorrow, and come back on Thursday and we can get a vote.

But as I stand here before you, a little bit disappointed at the response that it seems that we’ve given this debate and the cavalier approach that I believe that we are taking whenever we have some serious allegations that are being made as to what the numbers represent and we’ve got a cavalier approach, I want to see how we respond because the population did increase for African Americans in the 6th District and they did decrease for African Americans in the 7th District. The influential district is different than it was under the court’s plan. I realize the arguments can be made -- but then speaking from a little old country boy from the Pee Dee area -- you would be surprised to know that, Senator, even though I always love to talk to the Senator from Cherokee because he and I are both friends and we both like to fight. You know, the fight in me says to raise cane because I fundamentally disagree with it. It’s going to surprise some of you because I have too much respect for this body and this State that’s already struggling to have to bring us back day after day to come in and take what will be the same vote.

But I want you to hear what I’m saying because I think we made a mistake. I heard the chatter in the room from somebody who gave me credit for talking 11½ hours not too long ago. My wife tells me I talk too much anyway and everybody says I do talk a lot, but most of the time I’m pretty quiet, and I think I should, but I am going to, believe it or not, sit down and give us a chance to vote today. I made the decision since I’ve been up here even though there have been some serious allegations being made, serious reasons that we are under the Voting Rights Act to have the United States government looking over our shoulders as to how we do things. It has been what I believe that something is on the increase. Does it meet a legal definition? I guess we don’t know. I believe it does. And when the Bill comes back here, that however you cut it, the numbers will spell it out. And I submit to you that the only person that can really answer it is what’s in your heart. But I also say that those that actually made the arguments last week for your district, the changes that were made, the diluting of the counties, the change in the population mix, the percentages of divided county, and that we’re dividing some larger counties and not dividing others, and the fact that we have continued to digress in the African American population in the 7th District to I think was at the lowest point as the plan is now if you vote for concurrence.

When you cast your vote, if you are doing it for political expediency, I wouldn’t care if one of my Republican friends from a rural area in a community of interest represented me. I really don’t have any problem with that. I see the people in my area suffering. They can’t find jobs. One of my friends asked me why when they had the catastrophe in New Orleans and some people didn’t leave because they said they couldn’t. Where were these folks going to go? They also had bus loads of people that they packed up to send down to Horry County from various counties to work in hotels as maids and stuff. I’ve seen it before. When will it ever happen that we will pack up and move to these rural areas and work there? If we don’t envision that happening in our lifetime, then we’re giving up hope on our area. And the rural areas are going to continue to suffer.

I had a few matters I needed to put in the record. As much as it pains me, I have to let this matter come to a close. I think we erred, folks. The only problem is that we may not get this opportunity at another time in our history as to whether we grow at a rate large enough in a ten-year census that will allow us to expand our Congressional seat. So we get that one opportunity in history, and the question is will we blow it?

So I would urge you, and I anticipate if one will stand up and say because my arguments that I made last week, they are with me this week and I’m going to stay with my arguments. I hope that you all will say that the Senator from Darlington told us the first day that what he was opposed to was having a large county like Horry be a dominant area in the Pee Dee. I submit to you that we are consistent. But I don’t see the consistency therein, and so I ask you to search into your hearts and see if one person will stand up and say, “No, no, we’re going to nonconcur. We’re going to put this thing into conference and give it an opportunity and see if the Senate position can be upheld.”

This is going to sound like a bit of a sour grapes thing, but the House has done it to you again. It beat us up. We had no cards going over there and they came in and gave us what they wanted us to have, and now they are bringing it down and shoving it down our throats once again. So, when are we going to tell them, “No?” And as I stand here now, the House of Representatives -- you know where they are? They are gone. They left a few hours ago. And I saw on the television that they will reconvene at the Call of the Speaker. They dumped it in your lap, and they said, “If one of you comes up and upsets the apple cart, woe be unto you. We are going to win the public relations game. And it’s going to be your fault.” That’s right. They dare any of you that have to depend on them to say we’re going to nonconcur. You can’t stand it in the political world because they don’t know what goes on generally in your heart in your local area because you are the king there. But they are daring you. You know, when we were children, I used to hate it when somebody said, “I dare you to cross that line.” Senator from Cherokee, I would jump across it. They would draw a line with me and I would jump across it. But the House has dared us again. They have dared us again because they are sending it to us. I came up to one Senator earlier and I joked, “You know you guys are my friends. We work together. We just have some difference of opinions from time to time, but most of the time we work those out. Do you remember when you were young and your mom or whatever used to give you medicine and she told you to hold your nose, it won’t taste so bad?” How many folks are going to have to hold their nose whenever they vote for this because they know it’s not what they wanted and they know that it’s not good, but it may be like that little child that may say, “But, maybe it's good for me.” Well, here’s the difference. You are not that little child now. You represent 80,000‑90,000 people. Under our new areas we’re going to have over 100,000 people. That’s who you are representing. All of those children that come in that district that will grow up and be voters and all those that are there now will have to live with this for a period of time.

So, what is politically expedient to do what is right? I wish I could tell all of you to be like Lady Justice, to put your blinders on and look strictly at the facts and look strictly at the law and then say, “If all is well, then cast your vote then, as opposed to -- what’s going to happen during the next time I get ready to run? Who is going to come after me because I went against what the House has said that we should end up doing?”

So with that, my leaders, I told all three of you all three weeks ago whenever we had this conversation, that I was on my heels, I knew you would be successful. Anticipating the vote, I want to congratulate you. You all did it. I don’t think it is right, but I knew this day was going to happen. I don’t think it’s good for South Carolina, and I hope that I’m wrong.

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

On motion of Senator MALLOY, with unanimous consent, the following two articles regarding redistricting were ordered reprinted in the Journal:

**Redistricting Plan Strikes Fair Balance**

**by Senator GROOMS**

**Reprinted from The Post and Courier**

**July 8, 2011**

The General Assembly recessed last week, the Senate ending its deliberations on the once‑per‑decade question of redistricting. South Carolina’s population growth means that we gain a new, seventh congressional seat.

The debate centered on two plans. The first plan drew the 7th District to include Horry County and much of the Pee Dee.

However, the 6th District, represented by Rep. Jim Clyburn, meandered from the farms of Blythewood in northern Richland County some 130 miles to the Charleston peninsula, and more than 150 miles from the Sumter‑Florence line to the Georgia‑South Carolina border at the Savannah River.

That plan split Charleston County. It split Berkeley. It split Dorchester, Colleton and Beaufort. It split at least six more counties, dividing many along racial lines.

In contrast, the plan I presented keeps all of Berkeley, Dorchester, Colleton, Beaufort, Jasper, Hampton, Allendale and Barnwell counties whole, within the 7th. Charleston and Horry remain anchors of the 1st District and are not split. Coastal Georgetown remains in the 1st while its inland areas join Williamsburg in the 7th.

Daniel Island, Goose Creek, Moncks Corner, Summerville, Walterboro, Ridgeville, St. Stephen, St. George ‑‑ these towns are growing. They can emerge from Charleston’s shadow and have their own representative in Congress. Beaufort’s sizeable population will have significant influence. And because of the size and significance of the Charleston metro area, which extends into Berkeley and Dorchester, Charleston effectively could have two voices in Congress.

Communities of interest ‑‑ where people live, work, shop, worship ‑‑ are kept whole wherever possible. County and city boundaries are generally protected.

Racial gerrymandering is avoided, while we are careful not to dilute minority voting strength. Common geography, transportation, and communication are accounted for to ensure more compact districts. Statewide just eight counties are split.

Sadly, the plan has been rebuked by some in my own party who seem to prefer racially fractured counties. Some even insinuate that the plan is part of a conspiracy designed to aid Democrats.

Why would I do that? I am one of the most consistently conservative Republicans in the General Assembly.

What it is, is a conservative, common‑sense plan. It was carefully drawn, in part by a well‑respected, nationally known Republican demographer. Democrats knew this, and initially balked at supporting it.

However, with a few changes, we were able to craft a plan that both sides could support. The plan has such broad support that not only did Democrats and Republicans back it, Senators from 44 of our 46 county delegations voted for it.

It’s revealing that, with one or two exceptions, those who voted against the plan are moderate and liberal Republicans. They fought our common‑sense plan because it brought to light the flaws in their gerrymandered, parochial plan.

These Senators, and many in the South Carolina House, will continue to fight our plan and hope to change it later this summer. They say that their plan stands a better chance in any court challenge.

The truth is the map we passed on June 29 is the better one. It needs only a vote of the House to become law.

A quick glance at the maps shows that ours is the common‑sense plan.

It recognizes communities of interest, avoids racial gerrymandering, minimizes county splits, and has broad, bipartisan support.

**Senate Congressional Plan Best for State, Beaufort County**

**by Senator DAVIS**

**Reprinted from the Island Packet**

**July 7, 2011**

Recently, a new congressional plan for South Carolina, pushed by the Myrtle Beach business community in general and by a Myrtle Beach state representative in particular, unraveled in the Senate. Much to their dismay, as reported by The (Columbia) State newspaper, “the state Senate approved a redistricting plan that creates a new 7th District that is centered in Beaufort County.”

South Carolina once had a 7th Congressional District, but the 1930 census took it away. The 2010 census, however, showed our state’s population had grown at a rate of 15.3 percent, greater than the country as a whole at 9.7 percent. So our state’s 7th District was restored.

Wesley Donehue, director of the state Senate Republican Caucus, summarized what happened next: “One of the worst kept secrets in state politics is that (Myrtle Beach) Rep. Alan Clemmons is running for the yet‑unrealized 7th Congressional District. Clemmons, as chairman of the House) subcommittee drafting the plan, had the ability to craft himself a district that he could win.”

And that’s exactly what Clemmons did. The House adopted his plan to create a new district stretching from Myrtle Beach “into the Democratic Pee Dee area ... a district created for a more moderate Republican.” (That House‑approved plan was developed in conjunction with U.S. Rep. Jim Clyburn and members of his staff, and it chops Beaufort County into two pieces, gutting its political relevance; more on that later.)

Clemmons is an honorable man; however, drawing a new district to suit the desire of a particular politician is horrible public policy. The Senate Republican Caucus agreed, so it hired John Morgan, one of America’s leading electoral demographers, to draw a congressional plan that reflected South Carolina’s communities of interest, avoided gerrymandering and had the strongest chance of surviving the inevitable legal challenges in federal court.

Morgan objectively reviewed the data, applied federal Justice Department criteria and drew a plan that, among other things, happened to anchor the new 7th District in Beaufort County. That plan became the state Senate Republican Caucus plan, and attorneys specializing in redistricting law formally recommended it to the Senate’s special redistricting subcommittee. That subcommittee then held a meeting to consider it, and that’s when power politics reared its head again.

Unhappy that the new district might not be anchored in Myrtle Beach and include the Pee Dee, hundreds of people from that area went to the subcommittee meeting and demanded adoption of the Clemmons plan passed by the House. The subcommittee had no such plan ‑‑ none resembling it had even been recommended ‑‑ but one was hurriedly prepared that evening and quickly approved.

That hasty action was subsequently corrected by the full Senate, which voted 25 to 15 to approve the Senate Republican Caucus plan. Senators from all parts of the State ‑‑ except those from Myrtle Beach and the Pee Dee ‑‑ voted for the plan, for the same reason I did: It is the most logical plan for the State, the least gerrymandered and the one with the least number of county splits.

I also supported the Senate‑passed plan because it recognizes Beaufort County’s growing prominence. There is finally a chance for our county and its surrounding economic region (the counties of Jasper, Hampton and Colleton) to be the heart of a congressional district, rather than the forgotten tail‑end appendages of metropolitan‑dominated districts to the north (Lexington‑Columbia) or the northeast (Charleston).

I did not support that plan for personal reasons. During the congressional redistricting debate, I publicly stated that if the new district ended up centered in Beaufort County, I would not run for the seat. I am making progress as a state senator on things important to me and my constituents, and right now, I can make more of a difference in Columbia than in Washington.

The General Assembly will reconvene July 26 to decide which chamber’s plan will prevail. I am convinced the one approved by the House, based on the gerrymandering of raw politics, would be successfully challenged in federal court and result in judge‑drawn district boundaries, a nightmare scenario that must be avoided. I will do everything in my power to keep that from happening

\* \* \*

The question then was concurrence with the House amendments.

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

**Ayes 24; Nays 16**

**AYES**

Alexander Bryant Campbell

Campsen Cleary Courson

Cromer Davis Elliott

Fair Gregory Grooms

Knotts Leatherman *Martin, Larry*

*Martin, Shane* McConnell McGill

O’Dell Peeler Rankin

Rose Shoopman Verdin

**Total--24**

**NAYS**

Anderson Coleman Ford

Hutto Jackson Leventis

Lourie Malloy Massey

Matthews Nicholson Reese

Scott Setzler Sheheen

Thomas

**Total--16**

The Senate concurred in the House amendments and a message was sent to the House accordingly. Ordered that the title be changed to that of an Act and the Act enrolled for Ratification.

**Expression of Personal Interest**

Senator FORD rose for an Expression of Personal Interest.

**RATIFICATION OF AN ACT**

Pursuant to an invitation the Honorable Speaker and House of Representatives appeared in the Senate Chamber on July 26, 2011, at 5:30 P.M. and the following Act was ratified:

(R111, H. 3992) -- Reps. Harrell, Lucas, Harrison, Clemmons, Barfield, Cooper, Hardwick, Owens, Sandifer, G.R. Smith, J.R. Smith, White, Bingham and Erickson: AN ACT 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; BY ADDING SECTION 7‑19‑35 SO AS TO ESTABLISH SEVEN ELECTION DISTRICTS FROM WHICH MEMBERS OF CONGRESS FOR SOUTH CAROLINA ARE ELECTED COMMENCING WITH THE 2012 GENERAL ELECTION; TO REPEAL SECTION 7‑19‑40 RELATING TO CONGRESSIONAL DISTRICTS FROM WHICH SOUTH CAROLINA MEMBERS OF CONGRESS WERE FORMERLY ELECTED; TO JOINTLY DESIGNATE THE PRESIDENT PRO TEMPORE OF THE SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AS THE APPROPRIATE OFFICIALS OF THE SUBMITTING AUTHORITY WHO ARE RESPONSIBLE FOR OBTAINING PRECLEARANCE OF THE CONGRESSIONAL REAPPORTIONMENT PLAN UNDER THE VOTING RIGHTS ACT; AND TO PROVIDE THAT A MEMBER OF ANY BOARD, COMMISSION, OR COMMITTEE REPRESENTING A CONGRESSIONAL DISTRICT WHOSE RESIDENCY IS TRANSFERRED TO ANOTHER DISTRICT BY THIS ACT MAY CONTINUE TO SERVE HIS TERM IN OFFICE; HOWEVER, THE APPOINTING OR ELECTING AUTHORITY MAY ADD AN ADDITIONAL MEMBER ON A BOARD, COMMISSION, OR COMMITTEE WHICH LOSES A RESIDENT MEMBER.

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**MOTION ADOPTED**

On motion of Senator ROSE, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mrs. Emily Myers Millhouse of Summerville, S.C., beloved wife of Tillman Millhouse, Jr. and devoted mother of four.

and

**MOTION ADOPTED**

On motion of Senators KNOTTS and SETZLER, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mrs. Ruth J. Buzhardt of Cayce, S.C.

and

**MOTION ADOPTED**

On motion of Senators MATTHEWS, PINCKNEY and GROOMS, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mr. Floyd Buckner of Colleton, S.C., Colleton County Councilman.

and

**MOTION ADOPTED**

On motion of Senator FAIR, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mr. Carol E. “Eddie” White, Jr., 62, of Greenville, S.C. Mr. White was a decorated Army veteran having received a Purple Heart and Bronze Star for his service in Vietnam and was an outstanding ballplayer during his fast pitch softball days.

**ADJOURNMENT**

At 5:39 P.M., on motion of Senator McCONNELL, the Senate adjourned for the day and receded pursuant to the *Sine Die* Resolution, H. 4195.

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