

Title: **State roads slowly reopening after historic storm**
 Author: Associated Press
 Size: 17.51 square inch
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State roads slowly reopening after historic storm

Associated Press

COLUMBIA — Contractors and road crews are making progress reopening state bridges and highways in South Carolina after this month's historic rains, but it may be months until all open again to traffic.

The state Transportation Department reports that as of Monday, 135 roads and 48 state bridges remained closed because of the storm which dumped more than 2 feet of rain in some areas.

That's down from almost 550 state roads and bridges that

were closed at the height of the storm.

An advisory from the department projects that about 30 percent of the roads and bridges now closed should reopen by the end of next week while about 60 percent are expected to reopen by the end of November.

The 72 remaining roads and bridges are projected to reopen sometime after Nov. 26. That category includes all 11 state-maintained roads in Lexington

County that are now closed. Many of the others are in the Pee Dee area of the state as well as in hard-hit Richland County.

The department reports that 16 primary routes — that is state and federal highways — remain closed in places around the state. Most of those are in Richland County where seven primary routes remain closed.

A Department of Transportation map with road closures and projections of when roads and bridges are expected to re-

open is available at <http://arcgis/IRRAXbY>.

Department of Transportation crews were out again Monday picking up debris in Richland, Lexington, Dorchester and Sumter Counties.

Also on Monday, Gov. Nikki Haley put the Department of Motor Vehicles' director in charge of coordinating disaster relief efforts with various government agencies and non-profits.

Title: **Haley fires back at Supreme Court**
 Author: BY CYNTHIA ROLDAN croidan@postandcourier.com
 Size: 46.19 square inch
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Haley fires back at Supreme Court

Legislative leaders, governor say court deadline in adequate-education suit oversteps authority

BY CYNTHIA ROLDAN
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COLUMBIA — South Carolina's legislative leaders and Gov. Nikki Haley have asked the state Supreme Court to throw out an order that requires the Legislature to come up with a plan by Feb. 1 to provide adequate education for children in poor and rural areas.

In a motion filed Monday with the Supreme Court, Senate President Pro Tempore Hugh Leatherman, House Speaker Jay Lucas and Haley argued that the court is overstepping its authority and committing "an egregious violation of separation of powers" through its Sept. 24 order.

The state's leaders also argued that the court's deadline is "arbitrary" and presents "logistical difficulties" because it "hijacks the legislative process."

"Although theoretically possible, it is unrealistic to think legislation of this magnitude, importance and complexity can be introduced in one chamber, go through the committee process where the public could provide invaluable input, pass the originating chamber, repeat the process in the other chamber, have the chambers agree on any amendments, and then be considered by the Governor by the February 1 deadline," the motion read.

Lucas, R-Hartsville, spoke Monday to the East Cooper Republican Club Lunch, where he said he was optimistic the court would reconsider the order.

He added the path of the past few months has shown that all sides want to get things done and show progress.

"I think they will see that it benefits everyone to allow us to continue to work together," Lucas said.

This isn't the first time the state has fought the court's orders or the justices' November ruling in the 22-year-old Abbeville lawsuit.

Please see **ABBEVILLE**, Page A4

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 Author: BY CYNTHIA ROLDAN croidan@postandcourier.com
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Order in Abbeville lawsuit challenged

ABBEVILLE, from A1

The scathing, almost year-old ruling criticized the state, Legislature and poor districts for “creating school districts filled with students of the most disadvantaged socioeconomic background, exposing students in those schools to substandard educational inputs, and then maintaining that nothing can be done to improve those school districts’ unacceptable performances.”

In December, Haley, Lucas and Leatherman asked the court to reconsider the No-

vember ruling.

When the court refused, Lucas and Leatherman, R-Florence, created legislative panels that are working to have the General Assembly comply with the ruling.

But the districts that sued asked in June for a deadline for the Legislature from the Supreme Court.

The court’s response was the Sept. 24 order, which came with several target dates, including an Oct. 15 deadline

calling for the creation of a panel of experts that would review the plan to improve the schools and prepare a written report for the court.

In the motion, the state’s leaders refer to the panel of experts as a “super panel,” and their responsibility an “impermissible delegation of legislative authority.”

Carl Epps, the attorney representing the school districts that sued, said on Monday that legislative leaders mischaracterized the panel of experts in

the motion because the panel’s opinion is non-binding.

He added, however, that he intended to eliminate the state’s concerns by asking the court to do away with the target dates outlined in the Sept. 24 order.

“I’ll be pleased to ask the court to eliminate the interim deadlines so as long as we have final legislation and programs in place by the end of the (2016 legislative) session,” Epps said. “The response will attempt to eliminate their concerns.”

Title: **The 'Ultimate Outsiders'**
 Author: Staff and wire report
 Size: 100.75 square inch
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The 'Ultimate Outsiders'

State agency's ad campaign urges visits to all 47 parks

Staff and wire report

A new fall promotion by South Carolina's parks agency urges folks to visit all 47 of the state's parks and become what the campaign calls an "Ultimate Outsider."

The campaign features television advertisements as well as ads on billboards, online and social media.

The hallmark of the campaign is a backpack filled with gear one might use at a state park — everything from beach umbrellas and golf clubs to fishing rods and tents.

The campaign is also being featured at the State Fair in Columbia.

Visitors can stop by the state Park Service's photo booth at the fairgrounds and take an "Ultimate Outsider" photo to share on social media.

The campaign follows a record fiscal year for the state-owned parks system, which includes Charles Towne Landing in Charleston, Colonial Dorchester State Historic Site in Summerville and Edisto Beach State Park in Colleton County.

The Department of Parks, Recreation and Tourism said last month that revenue totaled nearly \$27 million for the July 2014-June 2015 period, up nearly 12 percent from the previous fiscal year.

The agency also said the state Park Service was 94 percent operationally self-sufficient last year, the highest level in its 81-year history.

State officials attributed the sunny news to the rebounding economy, low gasoline costs and good weather during key holidays and weekends.

The goal is for the parks to pay for their own costs.

One change that's been made in recent years is the shift to what state tourism officials have called "dynamic" pricing. Rates are based more on market demand, as well as other factors, such as the location of a park cabin. A lakefront unit, for example, would command a higher fee than a rental without a water view.

The parks marketing campaign is separate from a new effort to assure visitors that the state's coast is open again for fall vacations after tens of millions of dollars in losses caused by this month's historic rain.

Myrtle Beach, Charleston and the state

Please see **AD**, Page B3

Ad urges park visitors

AD from Page B1

announced last week they are mounting media campaigns with television, print outlets, Internet and social media letting visitors know tourist destinations are open, as are the

roads leading to the coast.

The theme of the state campaign, which features a television ad voiced by Gov. Nikki

Haley is "Our Coast is Clear." The state also is using the

theme "Want to Help South Carolina? Take a Vacation."

The coast is the heart of the state's \$18 billion tourism industry, which took a hit when as much as 2 feet of rain fell in some areas earlier this month.

State officials estimate the disruption cost the industry as much as \$10 million a day.

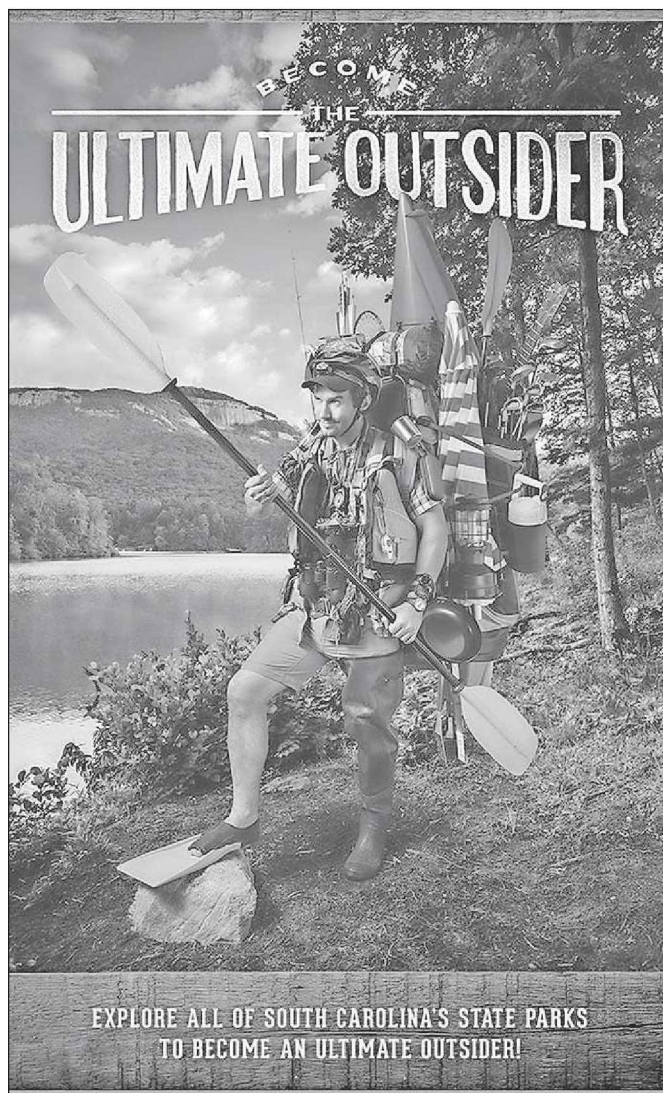
Title: **The 'Ultimate Outsiders'**
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FILE/GRACE BEAHM/STAFF

Hunting Island is one of South Carolina's 47 state parks.

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PROVIDED

A new fall promotion by South Carolina's parks agency urges visitors to explore all 47 state parks.

Title: **Lawmakers ask court to vacate order**
 Author: TIM SMITH TCSMITH@GREENVILLENEWS.COM
 Size: 44.48 square inch
 Greenville, SC Circulation: 113473



Lawmakers ask court to vacate order

Legislative panels at work on how to handle education funding; decision could affect every school district

TIM SMITH

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COLUMBIA - The Legislature and governor Monday asked the South Carolina Supreme Court to vacate its order of last month on the issue of education funding, arguing the high court is trying to "overstep its judicial authority."

Lawmakers had signaled last week they would ask the court to back away from the justice's Feb. 1 deadline for the Legislature to come up with a legislative remedy in the 22-year-old education funding equity case.

Panels were already at work in the Senate and House on the thorny issue of how to handle school funding in the wake of the case first brought by some of the state's most rural and poor districts in 1993. An ultimate solution could affect every school district as lawmakers seek

a new process for education funding.

Legislative leaders complained following last month's Supreme Court decision that the Feb. 1 deadline would come only a few weeks after lawmakers return to work next year. They also have argued that the Supreme Court was trying to micromanage an issue that is clearly in the jurisdiction of the General Assembly. The court had also directed that a panel of experts be selected to oversee the process.

"Arbitrary deadlines that seek to hijack the legislative process, and meaningless approval from an unrealistic super-panel will not reform South Carolina's education delivery system," House Speaker Jay Lucas said in a statement announcing the petition. "Achieving actual improvement requires extensive

study and input from those most familiar with the issues."

In January, Lucas created the House Education Policy Review and Reform Task Force to work on specific proposals to resolve the issue.

The 17-member group is comprised of legislators, educators, the state superintendent of education, the president/executive director of the South Carolina Technical College System, and a former chief education advisor to the United States Secretary of Education and includes five representatives selected by the plaintiff districts in the lawsuit.

"The court's attempt to overstep its judicial authority further complicates the lawmaking process," Lucas said.

See ORDER, Page 5A

Order

Continued from Page 1A

"More importantly, it negates the significant progress made by the House Education Task Force over the last 10 months. Every child in every part of our state deserves access to a 21st century education. Because we must preserve the diligent work already completed by our task force, we think it is imperative that the Supreme Court vacate their most recent order and remove themselves from the legislative process."

Monday's petition, filed by the Legislature and Gov.

Nikki Haley, describes the Supreme Court mandate as "an egregious violation of separation of powers," according to the office of Senate President Pro Tempore Hugh Leatherman, who also has appointed a task force to work on the education equity issue.

The Supreme Court, according to the petition, attempts to "subjugate the Senate and the House to the dictates of an un-elected, non-representative 'super-panel' of 'experts' in fashioning education policy for the state of South Carolina, imposes arbitrary deadlines

and procedures that are legally and logistically impossible to meet, and creates an unprecedented constitutional crisis in this state.

The petition outlines more than 100 years of Supreme Court decisions in which the court specifically refused to violate the separate duties of our three branches of government and declares that "never in the history of this state has the Court attempted such a complete usurpation of the legislative and executive branches' constitutionally conferred rights."

"Putting aside the distraction of a battle of wills

between the General Assembly and the Supreme Court will allow us to tackle this monumental task in a way that benefits the children in these largely poor, rural school districts," Leatherman said in a statement.

The petition said there is "no doubt" that the issues concerning students in the affected districts are serious and must be addressed.

"But as the Senate and the House have repeatedly pointed out, there are no quick fixes, and better achievement cannot simply be legislated," the petition argues.

Title: **Charleston's AstenJohnson invests in Upstate**
 Author: BY JOHN MCDERMOTT jmcdermott@postandcourier.com
 Size: 18.6 square inch
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Charleston's AstenJohnson invests in Upstate

BY JOHN MCDERMOTT
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A North Charleston-based manufacturer of fabrics and equipment for the papermaking industry is expanding in the Upstate.

AstenJohnson Inc. said last week it will invest \$32 million in new equipment over five years at its Clinton plant. No additional jobs were announced.

The biggest project will be a needle loom to be installed next year at the Laurens County

factory. "The plan for new equipment in Clinton shows AstenJohnson's commitment to the continued growth of our press fabrics division," Bob Huck, the company's press business leader, said in a statement provided by Gov. Nikki Haley's office. "The new needle loom will enable us to manufacture press felts for the largest paper machines in the world."

AstenJohnson has about 2,000 employees in nine countries.

Online

www.astenjohnson.com

It traces its roots to the Johnson family, who opened the Manchester Wire Works in England in 1790.

Nearly 100 years later, the Asten family launched the Asten Manufacturing Co. in Belgium. In 1999, Asten and a company called JWI merged to form AstenJohnson.

The company has been based in Charleston since 1986. Its headquarters are on Corporate

Road.

"It's always exciting when a company decides to expand in our state, but it's truly special when a South Carolina-based company like AstenJohnson finds success here and makes the decision to invest in our people further," Haley said in a statement.

"It is good to have an existing business expand" Laurens County Council Chairman Joe Wood added.

Contact **John McDermott** at (843) 937-5572.

Title: **Scott sees his first legislation become law**
 Author: By Schuyler Kropf skropf@postandcourier.com
 Size: 42.93 square inch
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Scott sees his first legislation become law

Effort changes Obamacare impact on small businesses

BY SCHUYLER KROPF
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South Carolina's junior U.S. Sen. Tim Scott saw his first piece of legislation become law this month, a bipartisan effort that tweaked existing Obamacare regulations and helps small business owners who faced employee insurance premium increases next year.

After the measure was approved by both chambers — done by voice votes each — it was quickly signed by President Barack Obama.

While there was no bill-signing ceremony to mark the occasion, Scott received a congratulatory email from the White House saying it had met with the president's approval.

"It was a little more painful than it might appear," said Scott, who introduced the Senate version of the proposal earlier this spring.

Please see **SCOTT**, Page A4

Title: **Scott sees his first legislation become law**
 Author: By Schuyler Kropf skropf@postandcourier.com
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Scott sees first bill approved in Senate

SCOTT, from A1

The legislation was dubbed the Protecting Affordable Coverage for Employee Act. It's designed to head off some of the premium increases that smaller businesses were facing in January as the Affordable Care Act, more commonly known as Obamacare, takes hold.

The bill addresses the definition of what the size a small business is considered. Previously, the health law defined small businesses as any operation having up to 50 employees. That figure was scheduled to go up to 100 workers beginning in January.

Scott, R-S.C., who sits on the Senate's Health and Small Business and Finance committees, agreed with several business or-

ganizations that said doubling the definition of what a small business is would increase employer health care costs significantly. For some, it would have meant "owners will have to make a decision" between raises, bonuses and even keeping people on staff, Scott said. The change means companies can stave off the premium increase in employee health insurance of about 18 percent.

The legislation keeps that small business definition at 50 workers but still allows for states to increase the number if they opt to do so.

The effort was endorsed by the U.S. Chamber of Commerce, the National Retail Federation, the National Restaurant Association and the National Federation of Independent Business. New

Hampshire Democrat Jeanne Shaheen was a supporter, as well.

S.C. Chamber of Commerce CEO Ted Pitts said Scott's bill avoids higher health care premiums for about 900 chamber members.

"We applaud Sen. Scott for his leadership on mitigating harmful effects the Affordable Care Act could have on small businesses," he said, adding that chamber members see the ACA as one of the biggest impediments to growth and job creation.

The passage was seen as a rare point of agreement on Capitol Hill on Obamacare, which Democrats have defended on the presidential campaign trail and Republicans have pledged to dismantle.

It also wasn't always smooth

sailing for the effort. Some Democrats wanted to only delay the jump to 100 employees, not to halt it.

While Scott has had other suggestions become part of passed legislation, this was his first solo effort after joining the Senate in 2013 after Gov. Nikki Haley appointed him to fill the vacancy created when Jim DeMint quit to run the conservative Heritage Foundation.

Even with initiating the change, Scott remains among the Republicans in Washington who want to see Obamacare completely scrapped for good.

"If you can't get rid of it whole-sale, then try to eliminate it piece by piece," he said.

Reach **Schuyler Kropf** at (843) 937-5551.



Scott



Poll

What do you think of Sen. Tim Scott's first piece of Legislation to become law? Go to **postandcourier.com/polls** to vote.

Title: **Horne to write book about anti-Confederate flag speech**
 Author:
 Size: 74.71 square inch
 Charleston, SC Circulation: 110289



Horne to write book about anti-Confederate flag speech

State Rep. **Jenny Horne** drew national attention this summer for her impassioned speech to remove the Confederate battle flag from the Statehouse grounds.

Now she's ready to write a book about it.

A week after Horne, R-Summerville, appeared at a "change-the-flag" rally in **Jackson, Miss.**, she confirmed plans to publish her account of what transpired.

"They were inspired by what South Carolina did," Horne said last week of the various messages of support she's received since the flag came down.

Following the June 17 massacre at Charleston's **Emanuel AME Church**, Horne took up Gov. **Nikki Haley's** call for lawmakers to remove the rebel emblem from the Statehouse grounds where it had flown since the compromise of 2000. As the House debate bogged down, Horne took to the microphone and focused on the loss of state Sen. Clementa Pinckney, the pastor at Emanuel, and one of nine people killed in the racially motivated attack.

"I cannot believe that we do not have the heart in this body," she said, pausing to sob before raising her voice, "to do something meaningful, such as take a symbol of hate off these grounds." She added, "Remove this flag and do it today because this issue is not getting any better with age."

Horne, who said she has an agent, said her phone has been busy ever since. "My speech inspired the entire country,"

she said, adding that it's changed perceptions about the South, too.

Horne's trip to Mississippi last week was her first speech outside the state, but she expects there would be more appearances elsewhere. She also believes that her grandfather's oft-repeated story that she is related to former Confederate President **Jefferson Davis**, is for real.

"Whether it's true or not, I have no idea," she said.

Horne was in Mississippi to attend a 400-person rally aimed at doing away with the Confederate emblem in that state's official flag. She's also been mentioned as candidate for higher office, including Congress, but for now is non-committal. "It could be just about anything," she said of her future.

From dissing Haley, to hugging her

The **S.C. Chamber of Commerce** has gone from opposing Gov. **Nikki Haley's** first election bid, to naming her the 2015 "Public Servant of the Year."

"We are blessed to live in a place where our governor has put her heart and soul into making our state and the business community better," S.C. Chamber President **Ted Pitt** said in making the announcement. "We especially applaud Governor Haley for her leadership after the Charleston tragedy in bringing our state together at a time when we could've easily been divided."

The chamber previously backed Democrat **Vincent Sheheen** for governor during Haley's first run, in 2010. In a reversal of that support, the chamber then sided with Haley in their 2014 rematch.

Haley is the only sitting governor in the past 25 years to get the award, the chamber said. The last governor who received it was **Carroll Campbell**.

Pitt is Haley's former chief of staff.

Money in politics explainer

The League of Women Voters of the Charleston Area is sponsoring a "Money in Politics" forum Wednesday at the College of Charleston.

The discussion will include a history of campaign financing as well as insight in Supreme Court rulings on the habit today.

Among those taking part will be local state Rep. **Jenny Horne**; state Sens. **Marlon**

Kimpson and **Paul Thurmond**; and **Phil Noble**, a consultant and activist.

The event begins at 6:30 p.m., at the Wells Fargo Auditorium, 5 Liberty St., Charleston.

Presidential visits this week

REPUBLICANS

New York businessman **Donald Trump** will be at the Anderson Civic Center in Anderson on Monday for a rally that begins at 6 p.m. The venue was changed from T.L.

Hanna High School.

U.S. Sen. **Marco Rubio**, R-Fla., will make two stops. On

Friday he will join S.C. Attorney General **Alan Wilson** at the Brookland Banquet and Conference Center, 1066 Sunset Blvd. in West Columbia, for a presidential forum and constitutional conversation hosted by the Conservative Leadership Project. On Saturday, Rubio will be in Greenville for a Concerned Veterans for America Town Hall at 11 a.m. at the TD Convention Center.

Former Fla. Gov. **Jeb Bush** will be on Daniel Island on Saturday morning as part of U.S. Sen. **Tim Scott's** Town Hall series for presidential candidates. The event begins at 9 a.m. at Bishop England

High School, Daniel Island, Berkeley County.

Former Hewlett-Packard CEO **Carly Fiorina** will have a two-day swing through the state this week. On Thursday she will speak to the Greenville County Republican Women's Club at noon at the Poinsett Club. On Friday she will have a town hall at USC Beaufort at 2 p.m., followed by a 4 p.m. town hall at Sun City, Hilton Head Island.

Former Arkansas Gov. **Mike Huckabee** will take part in an Americans for Peace, Prosperity and Security forum Friday at 11 a.m., at Greenville Technical College.

U.S. Sen. **Lindsey Graham** will address the South Carolina Construction Financial Management Association Monday on the threat radical

Title: **Horne to write book about anti-Confederate flag speech**

Author:

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Islam poses to United States, 12:15 p.m., the Poinsett Club, Greenville.

DEMOCRATS

Former Maryland Gov. **Martin O'Malley** will be in

Charleston on Thursday. Details to be announced.

Compiled by reporter
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* **Palmetto Politics**

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FILE/AP

Rep. Jenny Horne, R-Summerville, during the Confederate flag debate

Title: **'Not worth the risk'**
 Author:
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'Not worth the risk'

Early this month, Hurricane Joaquin, a powerful Category 4 storm, hovered off South Carolina's coast, adding inches more rain to a 1,000-year rainfall that left death and destruction in its wake here and in the midlands. Had Joaquin made landfall, it could have been catastrophic. If offshore oil rigs and coastal infrastructure were added to the equation, it would have been a "perfect storm."

Hurricanes and oil rigs don't mix. In 2004 Hurricane Ivan triggered an underwater landslide 10 miles off Louisiana's coast, toppling Taylor Energy's platform and burying 28 wells that continue to leak oil to this day.

In 2005, Category 5 Hurricane Katrina caused the worst U.S. oil spill since the 1989 Exxon Valdez tanker spill in Alaska. The one-two punch of Hurricane Katrina, then Rita a month later, destroyed 113 oil platforms, damaged 52, and set 19 adrift in the Gulf of Mexico.

Four hundred fifty seven supply pipelines were damaged or destroyed, and nine onshore facilities were breached, spilling an estimated eight million gallons

of oil throughout the Gulf region. The two hurricanes caused 540 separate oil spills.

Who would support an enterprise that could cause billions of dollars in damage, put lives at risk, and decimate our pristine coastline on which South Carolina's tourism industry depends?

Gov. Nikki Haley recently took swift, decisive action to protect her citizens from life-threatening floods and storms. Lives were saved by her warning, "Turn around. Don't drown."

Our governor must strive to protect the health and well-being of citizens and shores from both hurricanes and oil spills.

Hurricanes are inevitable acts of nature. Oil spills are anthropogenic, resulting from acts of human beings on nature. We cannot control the forces of nature.

However, our governor can prevent the dark tide of oil from destroying our lives and shores by simply saying, "No. It's not worth the risk."

ALICE MORRISEY
 Thompson Avenue
 Sullivan's Island

Title: **SC hopes US picks up flood tab**
 Author: TIM SMITH TCSMITH@GREENVILLENEWS.COM
 Size: 84.78 square inch
 Greenville, SC Circulation: 113473



SC hopes US picks up flood tab

Some in state government are banking on big federal help to repair roads, bridges

TIM SMITH

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COLUMBIA — As the state continues to tally the cost of repairing what is expected to be hundreds of millions of dollars in damaged roads and bridges, some in Columbia are banking on significant help from Washington and expressing few qualms about taking the federal funds.

It could be Thanksgiving before state highway officials can put a price tag on repairs to damage caused by recent flood waters, but some have estimated the cost as much as \$1 billion. That would be about 55 percent of the normal annual budget for

the State Department of Transportation.

Sen. Larry Grooms, a Berkeley County Republican and chairman of the Senate Transportation Committee, told *The Greenville News* that federal agencies ultimately could pay for almost all of the cost of repairing the state's washed out

and damaged infrastructure and provide a quick turnaround time for reimbursement.

Acting State Transportation Secretary Christy Hall has told the state's highway commissioners this week much the same thing, with some qualifi-

cations.

Groom's comments come as the state House Ways and Means Committee is preparing a series of hearings next month

on damage from the flood and lawmakers have voiced opinions on how repairs should be financed.

As of Friday morning, 227 roads and bridges remained closed from flood damage, down from more than 500 closed immediately after the recent flooding. Assessment teams are working throughout

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Repairs

Continued from Page 1A

the state tallying up preliminary damage and repair estimates.

Hall told highway commissioners this week that she does not expect damage assessments to be ready for release before Thanksgiving.

Some have proposed paying for the state's share of the tab with everything from an increase in the state's gas tax, to borrowing money through the sale of bonds or using any growth in the state's revenues.

But Grooms said while the state's infrastructure was in need of additional funding before the record rainfall and still is, he doesn't believe the flood damage will require any special financing.

"It's not as bad as I thought it would be," he said. "The damage from

the storm will be paid for, for the most part, by the federal government."

The Federal Highway Administration could cover up to 100 percent of the cost of repairing roads now eligible for federal aid, while the Federal Emergency Management Agency is expected to pick up most of the cost of the state's damaged non-federal aid eligible routes, Grooms said. FEMA officials have previously said that the agency covers 75 percent of the costs eligible under its public assistance program for damaged infrastructure.

Grooms said FEMA should reimburse the state within 60 to 90 days of submitted expenses, while the Highway Administration could reimburse the state on roads it

covers within a matter of days.

Hall told commissioners that under an emergency relief program operated by the Federal Highway Administration, the agency will cover the full cost of any temporary repairs made during the first 180 days and 80 percent after that.

She also noted, however, that the program has a cap of \$100 million nationwide. She said emergency procurements have been made to meet the 180-day threshold. Hall said \$5 million has already been made available by the agency.

FEMA also will pay for debris removal from the flooding and the state is using a pilot program, Hall said, under which strict documentation is required, but 85 percent

of the costs are reimbursed for the first 30 days.

Dalton Tresvant, Midlands area director for Congressman Jim Clyburn, said FEMA will mostly cover 75 percent and while the Federal Highway Administration emergency program can provide coverage up to 100 percent, he said he didn't know how much money is left in that program with other natural disasters that have occurred this year.

Clyburn has continued to say he will pursue a supplemental appropriation for South Carolina in order to fund all necessary repairs.

All of the federal agency funding would be through reimbursement, meaning the state would

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have to pay for the repairs first.

"There would be some cash flow issues, but it won't be major," Grooms said.

If advancing the cost of repairs does cause cash flow problems at DOT, Grooms said, he believes state officials will allow the agency to run a deficit, since reimbursements will be coming from the federal government.

The House Ways and Means Committee is scheduled to meet Nov. 5 to begin hearing assessments of the damage, said Rep. Gary Simrill, a member of the committee who chaired the House panel on infrastructure funding last year.

Simrill said he hopes preliminary assessments will be ready then so lawmakers can begin looking at the full impact from the flooding and what state resources are needed to address them.

"It's going to take governing," he said. "It's going to take leadership. There are some hard decisions that need to be made. Bottom line is the lives of our many citizens are at stake with what we are talking about."

Simrill said he believes

the state's immediate need can be addressed using \$50 million left from last year's budget that was tied to passage of an infrastructure funding bill. The bill never passed and the money was to be used to enable up to \$500 million borrowed through the sale of bonds.

Both he and Grooms said in addition to repair costs, officials also may not know the full extent of the damage for more than a year.

Grooms said the flooding caused shifting of the soil and damage from that shifting could take a while to appear.

Simrill said the needs of the state, just like the ground, could shift after this year and lawmakers have to be careful about using long-term revenue solutions for an evolving issue.

"You have to be very careful devoting future revenues to something when you really don't know what the situation is going to be and where it's going to be next year and the year after that," he said.

House Majority Leader Bruce Bannister of Greenville said he doesn't know at this point what

the Legislature is going to do, "but we're going to do something."

He said he expects the House in January or February to come up with a new infrastructure plan and either amend the bill that is pending in the Senate or come up with a new package "to have money in place to maximize the speed at which we can fix it and any other money that might be available to help us rebuild."

Sen. Tom Davis, a Beaufort Republican who earlier this year helped block a Senate infrastructure funding plan, said the flooding "does change the calculus."

"Obviously, we weren't dealing with a major natural disaster last May and June," he said.

He said the state needs to do an assessment and put a cost to it, then see what federal money will be applied to the costs.

"Then you look at what's left and then figure out how we are going to get there," he said.

Davis has argued that before lawmakers raise any taxes to address road and bridge needs, they need to look at how money is being spent. He said DOT spending has gone from about \$1 billion a

year in 2009 to \$1.8 billion per year now.

"You can't go back and make an argument for higher taxes until you have justified how you're spending existing dollars," he said.

Rep. Tommy Stringer, a Greenville Republican who pushed Gov. Nikki Haley's income tax cut and road-funding bill earlier this year, says the flood damage "changes the entire complexion of the argument" over infrastructure funding.

What to do about the damage, he said, needs "to be the No. 1 priority when we get back in January."

He said he would like to see a new comprehensive infrastructure bill originate in the House, one that looks at damage from the floods but also the state's existing road and bridge needs. He also thinks lawmakers should examine the state's water systems and whether the state's dam safety program should be better funded.

"The flooding should give us enough motivation to do what's right and what needs to be done for infrastructure because it's only going to get worse," he said, "doubly so now."

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Office or money? Some choose cash

Counties required to provide lawmakers with one or the other

BY DAVID SLADE

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Four times each year, Berkeley and Dorchester counties write checks to all the state lawmakers representing parts of those counties, ostensibly to compensate them for the lack of a county-provided office.

It's one of the many ways some lawmakers end up getting paid far more than their official \$10,400 salaries for serving in the Legislature, and it's a practice that's been repeatedly panned in opinions by South Carolina attorneys general.

"We have previously stated that a county council could not make cash payments to members of the delegation in lieu of actual office space," S.C. Assistant Attorney General Anita S. Fair wrote in April, in the

latest of a string of opinions since 1979.

But they can, they do, and they have been doing so for many years. Berkeley and Dorchester are among the minority of South Carolina counties — fewer than a dozen — that make the direct payments instead of providing a state-mandated office for the county's legislative delegation.

The Post and Courier and the Center for Public Integrity uncovered the payments during a joint investigation into how state elected officials and candidates receive perks and spend millions of dollars in campaign cash.

Please see **LAWMAKERS**, Page A7

Online

POLL: Should lawmakers receive a

stipend for office space if none is provided? Go to postandcourier.com/polls to vote.

READ MORE: To read Capitol Gains, our ongoing investigative series, go to postandcourier.com/capitol-gains.

CAPITOL GAINS

Counties required to offer lawmakers either office or cash

LAWMAKERS, from A1

As with the \$12,000 that state House and Senate members receive from the state each year for "in-district expenses" the county payments are essentially income and can be used as lawmakers wish, ignoring the non-binding opinions of the attorneys general.

"Barring any court ruling that it's not legal, it's the easiest and cheapest way to meet this unfunded mandate," Berkeley County Deputy Supervisor Tim Callanan said.

County: Charleston

The Legislature has long required each of the 46 counties to provide state lawmakers with a local office, funded at whatever level the county's delegation thinks is appropriate, regardless of other offices and staff lawmakers might access. Consider that Richland County provides its legislative delegation office space in a judicial building just one mile away from their State-house offices.

Counties have little choice but to pay up because they can be punished by having a larger amount of money withheld from

their local share of state funding.

"A county would almost have to be crazy to take the hit," said Tim Winslow, assistant general counsel for the S.C. Association of Counties.

Charleston County funds an office to support the 22 state lawmakers who represent parts of the county. The office space is provided at no charge by North Charleston, inside City Hall, but salaries for three full-time staff, plus benefits and supplies, are expected to cost the county \$236,121 this year — an amount that's increased by more than

\$49,000 since 2013.

"It's hard to pick a fight with them because the local guy's going to lose," said Elliott Summey, chairman of Charleston County Council.

Berkeley and Dorchester counties each spend a small fraction of what Charleston County does, writing checks directly to lawmakers. Those checks vary in size depending on the portion of the county population lawmakers represent.

Berkeley County budgeted \$27,042 this year for direct pay-

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ments to lawmakers, an amount that's stayed about the same for at least a dozen years. Dorchester County budgeted \$18,948 and is actually spending less than half that much because the lawmaker who receives the largest check, Sen. Sean Bennett, doesn't accept the money.

Some Charleston metro area legislators have access to the well-staffed delegation office in Charleston County, plus staff and office space in Columbia, but also receive checks from counties that don't provide an office.

Sen. Paul Campbell Jr., for example, each year gets \$6,580 from Berkeley County, \$684 from Dorchester County, and use of the delegation office in Charleston County, because parts of all three counties are in his district. Campbell also draws a \$225,000 salary as director of the Charleston County Airport Authority.

"Sometimes when you don't have a central place to meet, I have to find a place to meet with folks, and there are expenses," Campbell said. "If Dorchester and Berkeley wanted to provide an office, I'd be fine with that."

Sen. Larry Grooms gets \$5,362 from Berkeley County. Grooms said he maintains an office attached to the garage at his lake house in Bonneau, where he can meet with constituents and agency officials when the Charleston County delegation office in North Charleston is not

convenient.

"Most years I would not break even" on home office expenses, he said.

Sen. Paul Thurmond said he'd prefer to have access to a delegation office staff in Dorchester County, rather than the \$1,418 the county sends to him yearly. Thurmond said he frequently relies on the delegation staff in Charleston County, where most of his constituents live.

"I believe I have used that money (from Dorchester County) appropriately, but the bigger picture issue is, should we be paying our legislators differently?" Thurmond said. "This is probably another example of a backdoor pay increase that happened a long time ago."

Many lawmakers believe they are underpaid, as evidenced by House and Senate passage last year of a plan to hike their compensation by \$12,000. The

money — vetoed by Gov. Nikki Haley — was described as a doubling of payments for in-district expenses, but those funds are really income and are counted toward lawmakers' pension calculations.

The direct payments from counties, like the in-district expense checks, are one of the many forms of income state lawmakers receive for expenses they may or may not incur, and don't have to document. Lawmakers also get money to cover mail expenses, \$140 each day the Legislature is

in session, extra pay for chairing a committee, health insurance, a pension plan and mileage reimbursements.

The attorneys general opinions about direct payments from counties aren't legally binding but reflect how the Attorney General's Office believes the law in question would be interpreted by a court. Several public officials said they were not aware of those opinions, and Winslow said officials are free to ignore them.

"Attorney general opinions are just that — opinions," Winslow said. "Parties are free to ignore those opinions until a court rules on the issue."

Grooms said he puts a lot of weight on attorney general opinions but was unfamiliar with the opinions dealing with direct payments.

In the Charleston metro area, the largest direct payments go to Summerville's Sen. Bennett, who said he doesn't accept the checks, but he doesn't fault lawmakers who keep theirs. Bennett gets checks totaling \$10,293 yearly, with most of it coming from Dorchester County.

"They send it to me and I just write 'void' across the check and send it back," Bennett said. "I have an office in Summerville whether I'm a senator or not. If I have a constituent meeting in my office, it doesn't cost me any more."

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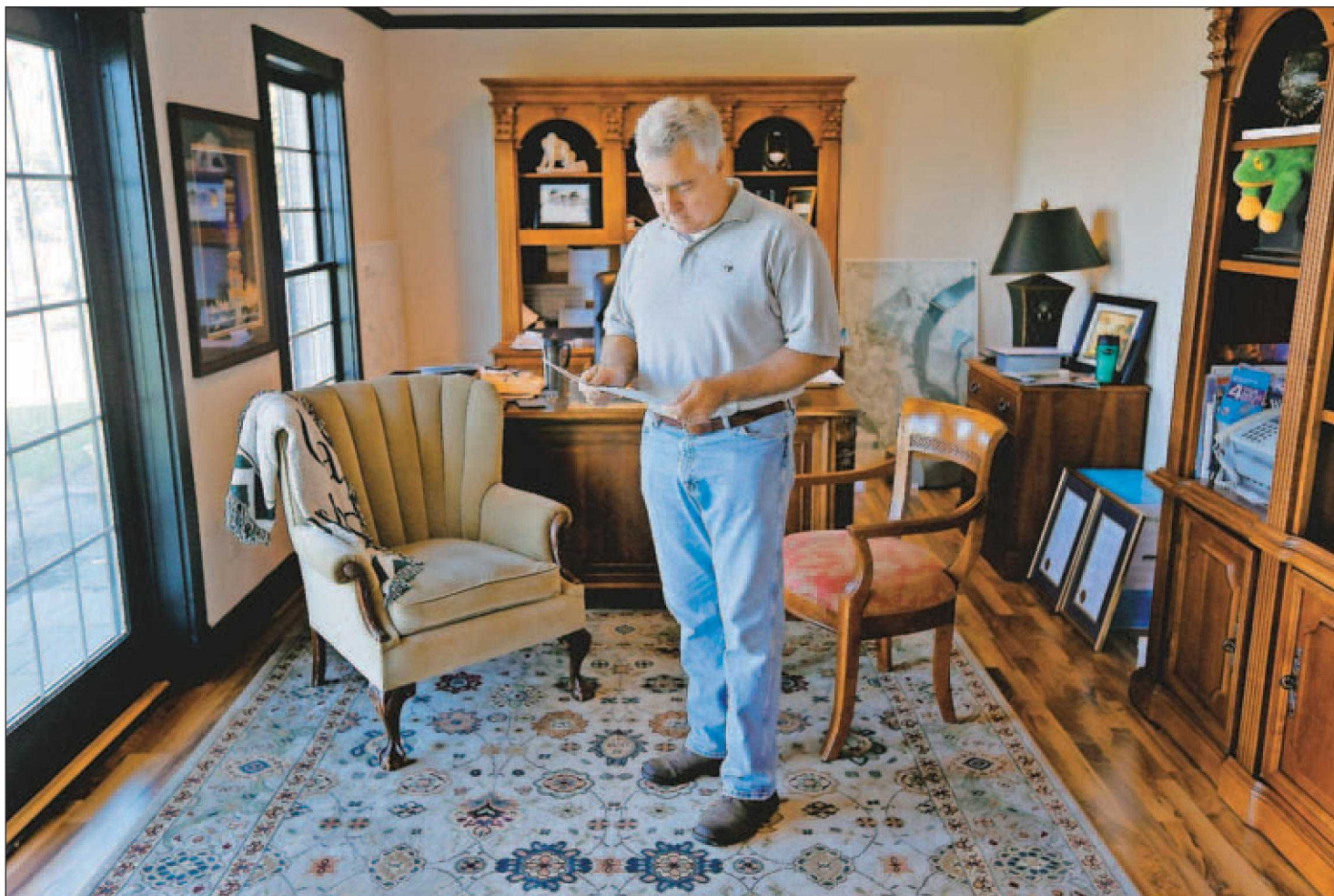
Payments to lawmakers

Charleston County expects to spend \$236,121 this year funding an office for state lawmakers. Berkeley and Dorchester counties don't fund an office for the legislative delegation, but instead give money directly to lawmakers who represent parts of those counties. Here are the annual amounts of money they receive. Sen. Sean Bennett, who is sent the largest amount, said he refuses to accept the checks.

Sen. Sean Bennett	\$10,293
Sen. Paul Campbell	\$7,263
Sen. Larry Grooms	\$5,362
Rep. Chris Murphy	\$3,885
Rep. Jenny Horne	\$3,698
Rep. Patsy Knight	\$3,611
Rep. Joe Jefferson	\$3,071
Rep. Joe Daning	\$2,787
Rep. Eddy Southard	\$2,774
Sen. John Matthews	\$2,598
Rep. Bill Crosby	\$2,014
Rep. Jim Merrill	\$1,823
Rep. Samuel Rivers Jr.	\$1,724
Sen. Paul Thurmond	\$1,418
Rep. David Mack III	\$1,250
Rep. Mary Tinkler	\$903
Sen. Ronnie Sabb	\$787
Rep. Seth Whipper	\$488
Sen. Marlon Kimpson	\$306

— Sources: Berkeley, Dorchester counties

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PAUL ZOELLER/STAFF

Berkeley County doesn't provide an office for state lawmakers but gives the lawmakers cash. Sen. Larry Grooms, R-Charleston, said the \$5,362 he receives yearly from the county helps cover the cost of an office attached to the garage of his lake house in Bonneau.

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S.C. Sen. Larry Grooms (left) meets with James Law, a SCDOT public relations officer, on Wednesday at Grooms' home office in Bonneau.