

Title: **SC ROADS**
 Author: By JEFFREY COLLINS Associated Press
 Size: 44.48 square inch
 Greenwood, SC Circulation: 16494



■ SC ROADS

Worry lingers with Senate Republicans' \$400M road plan for state

By JEFFREY COLLINS

Associated Press



JAY LUCAS

ROADS

Continued from 1A

roads have increased rapidly and business leaders suggested the economy might slow if the state didn't improve its roads.

But three senators, led by Sen. Tom Davis, filibustered at the end of the 2015 session against a gas tax hike and stuck their ground this year, eventually bringing nearly all the Senate Republicans to their side. The governor also praised the plan on her Facebook page as "exactly what we need in South Carolina."

Davis shrugged off whether he is the new hero for Republicans with libertarian leanings. "It was about making sure the dollars peo-

needs to come up with a better plan, while Sen. Ray Cleary said all the proposal does is make sure the Department of Transportation has money for one year and even if it's available after that, it won't be enough to expand roads in a rapidly growing state, only maintain them.

"If we go into another recession, what are you going to cut?" said the Murrells Inlet Republican, who is in the last year of his 12-year Senate career. He has spent most of

ple send up here for roads and bridges are spent in a responsible way," the Beaufort Republican said.

Others aren't as happy.

Senate Minority Leader Nikki Setzler said Democrats never got a say during the weeks of stalling and now will only get a day or two next week to debate and possibly change the Republicans' plan.

Cleary said raising the gas tax was never discussed in public before his fellow Republicans decided their plan was the way to go.

"You let the body decide. We didn't get to debate it today. We didn't debate it last

that time trying to get a stable source of money for roads, such as by raising the gas tax.

Lucas' statement Thursday pointed out the 323 days since the House passed its road plan, which raised the sales tax on fuel for a more stable funding source.

"The current Senate amendment simply kicks the can further down the road and frankly, into a pothole. The General Assembly has been using general fund dollars to slap a Band-Aid on roads for years with very little to show for it,"

the Hartsville Republican said.

A year ago, a gas tax increase appeared nearly inevitable. Gov. Nikki Haley stunned the entire Statehouse by saying she could support a gas tax increase if there was a corresponding tax cut. The state Chamber of Commerce followed with a poll saying most South Carolinians could support raising the gas tax for the first time in 30 years to fix potholes and bridges. Claims for damage caused by poor

See **ROADS**, page 4A

behind the proposal with some reservations.

"It may be the best we would hope for under the circumstances," said South Carolina Alliance to Fix Our Roads Executive Director Bill Ross. "This is just a temporary fix. It's not a long term fix."

The \$400 million would get the pavement on almost all South Carolina interstates to good condition. It fixes less than half of the state's primary roads and reduces the number of deficient bridges by half. It also falls short of the roughly \$1 billion the DOT said would allow it to widen interstates.

year, we didn't debate it this year. We were held hostage until we gave up and surrendered," Cleary said.

Rep. Gary Simrill helped get the House bill through that chamber. He said \$400 million from the general fund is better than nothing, but there are shortcomings to using general fund money. The gas tax is a much more stable source of funding, and out-of-state drivers pay it too, the Rock Hill Republican said.

"When it's from the fuel pump to DOT, that stream of revenue cannot be taken," Simrill said.

Business leaders also are

Title: **Sen. Larry Martin gets robocall on himself**
 Author: TIM SMITH TCSMITH@GREENVILLENEWS.COM
 Size: 83.23 square inch
 Greenville, SC Circulation: 113473



Sen. Larry Martin gets robocall on himself

TIM SMITH

TCSMITH@GREENVILLENEWS.COM

COLUMBIA - As Sen. Larry Martin, a Pickens Republican and chairman of the Senate Judiciary Committee, tells it, he was sitting at home during dinner one night when he received a survey call informing him about Senator Martin's efforts to push an "Obama style" gas tax increase of more than 70 percent.

Then the caller asked what he would tell Sen. Martin.

"I said, I don't have to tell him anything, you're talking to him," Martin told the Senate Thursday. "There was a long pause. The lady said, 'Are you Sen. Martin? I said, 'yeah, look at the little card of who you are talking to' She said, 'You're not pushing the gas tax?' I said, 'No! I said, do you want to correct your script?' And she hung up."

The story brought laughter to the Senate floor but also touched a nerve among senators who were aware of widespread robocalls about the roads bill in the state in recent weeks that some said were filled with misrepresentations about who was favoring a gas tax increase and by how much.

"There's been a bunch of that going on," Martin said.

His comments came the day after the Senate agreed after weeks of filibuster to consider a plan by Sen. Larry Grooms, a Berkeley County Republican, to provide \$400 million more in recurring funding each year for roads, avoiding any increase in the state's gas tax.

Sen. Brad Hutto, an Orangeburg Democrat, has told the Senate repeatedly that some senators were scared to vote on a gas tax because of pressure sparked by the efforts of an out-of-state group that has conducted a campaign against any increase.

"I can tell you no Democrats are getting robocalls," he told Martin Thursday. "Because they know we can't be influenced by them. But they believe you all might be."

The state chapter of Americans For Prosperity has conducted a campaign against any gas tax increase, which has included passing out money to motorists at gas stations symbolizing what they spend in gas taxes.

Dave Schwartz, AFP's state director, told *The Greenville News* that his group has organized a grassroots campaign to defeat any gas tax increase that has included volunteers knocking on doors and making calls like those to Martin.

"There was all sorts of grassroots pressure in Sen. Martin's district," he said. "The robocalls don't mean anything. Anybody can robocall. What Larry was getting was citizens of his district disturbed by the idea that he supports a gas tax hike."

Schwartz said Martin supported a Senate GOP caucus roads plan last year that included a gas tax hike.

Martin said while he did support the GOP plan, it contained a tax swap, raising the gas tax but also cutting income taxes. He said the calls into his district were "very disingenuous" by implying that he was pushing a stand-alone tax increase tied to Obama.

"AFP has little to do with this policy debate, gas tax or otherwise," Schwartz said. "It's the fact that citizens in these districts have stood up and said enough is enough. We don't want a gas tax hike and we're going to hold you accountable for that. They can't say one thing in their district and doing another in Columbia. Those days are over."

Martin told the Senate he did not know who was behind the calls but other senators said the group behind them represents "dark money" in the state, funds used to influence lawmakers spent by groups that do not have to disclose their donors.

Sen. Creighton Coleman, a Fairfield County Democrat, said several representatives of an out-of-state group sat in the Senate's balcony Wednesday monitoring the debate.

"That's the black money we are trying to get control of so when the people send money into South Carolina, the candidates have to list that," he said. "That's part of the ethics bill."

Coleman said another senator was "hammered" last year by "out-of-state dark money."

"Right now we have out-of-state money coming and controlling debate on this Senate floor," he said.

Martin said people need to know where the money is coming from. "Any time that big money is spent that influences political decisions, people need to know where it is coming from." S

Schwartz said his group is following the law and not required to disclose donors.

"The First Amendment is very clear," he said. "If Larry Martin is interested in changing the First Amendment, he better talk to his constituents."

Talk of the use of "dark money" came as the Senate delayed until next week final debate on Grooms plan, that would also allow the governor to appoint the eight-member highway commission, with the advice and consent of the Senate. Legislative delegations currently pick seven of the eight commissioners. The plan also would require projects approved by the State Transportation Infrastructure Bank to then be approved by the state Department of Transportation board.

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Sen. Larry Martin

The plan surfaced Wednesday night in an amendment that was eventually ruled out of order.

Republicans then voted to limit debate, sparking anger among Democrats who felt they were not being given a chance to adequately talk about proposals just as the issue was finally coming to votes.

After closed-door sessions among each caucus, Sen. Nikki Setzler, leader of Senate Democrats, announced that there was agreement between Democrats and Republicans to go forward using Grooms' plan as the "working document" and not to limit debate on those wishing to talk about the plan or offer amendments.

The Senate took no votes on the issue Thursday, after Senate leaders said Democrats needed more time to draft amendments.

Praise and criticism for the plan came Thursday.

House Speaker Jay Lucas was among the critics.

"The current Senate amendment simply kicks the can further down the road and frankly, into a pothole," he said. "The General Assembly has been using general fund dollars to slap a Band-Aid on roads for years with very little to show for it. I urge the Senate to give this issue the attention that it requires and rally around a proposal with a long-term solution that keeps our families safe and our economy thriving."

Sen. Vincent Sheheen, a Camden Democrat, issued a "fraud alert" to supporters Thursday, saying Republicans "under the cover of darkness" killed the roads bill that contained an increase in the gas tax.

"And instead took money that was supposed to go to teacher pay raises, cutting college tuition and lowering property taxes," he said. "The sad truth is their proposal doesn't even fix our roads but instead showed yet another example of how corrupt our state government

has become."

But the executive director of the Coastal Conservation League, an environmental group that has for years rallied against the Infrastructure Bank, praised the GOP plan.

Gov. Nikki Haley on social media praised Senate Republicans for doing "a great thing yesterday."

"Their plan has more money to fix our roads, real reform to the Dot and the Infrastructure Bank so that money is spent the right way and no tax increase, she posted on Facebook. "Exactly what we need in South Carolina. Bring it home!"

"We thank the sponsors of this amendment for their efforts to take politics out of fixing potholes," said Dana Beach, executive director of the Conservation League, "and we applaud Gov. (Nikki) Haley for her key role in the debate. It is critically important that the Senate pass the bill without weakening amendments and that the House concur with the Senate in conference committee."

Also praising the agreement to move forward with debate was the state Chamber of Commerce.

"We are hopeful that senators will put the people of South Carolina first and pass a bill that will make our roads safer," said Chamber President Ted Pitts. "Providing sustainable and recurring revenue and reforming the DOT and STIB are the top priorities for the business community."

Schwartz said the plan "falls short on reform." He said there should be no highway commission. "We want to see real reform and we don't think this accomplishes that," he said. "There is no need for a commission. All a commission does is put un-elected bureaucrats between citizens and their elected officials."

Debate on the issue is expected to continue Tuesday with an amendment by Sheheen.

Title: **Attorney says landfill firm to fight coal ash law**
 Author: RICK BRUNDRETT RBRUNDRETT@GREENVILLENEWS.COM
 Size: 70.21 square inch
 Greenville, SC Circulation: 113473



Attorney says landfill firm to fight coal ash law

RICK BRUNDRETT

RBRUNDRETT@GREENVILLENEWS.COM

The attorney for a company fighting to open a landfill in Pickens County that would accept coal ash told *The Greenville News* his company is planning to pursue all "available legal remedies" in wake of a new law that puts restrictions on burying the waste in South Carolina.

Gov. Nikki Haley has signed into law a bill that would stop MRR Pickens, LLC, a North Carolina based company, from disposing coal ash at a landfill near Liberty.

In an extensive interview with *The Greenville News*, Columbia attorney Robert Goings, who is representing Raleigh-based MRR Southern, said coal ash has been accepted in Class 2 landfills in South Carolina for decades.

"The only thing different between us and any other landfill that has Class 2 waste is that ours, in part, was going to be from out of state," Goings said.

Coal ash contains contaminants such

as arsenic, lead, mercury, selenium, cadmium and chromium, and has been linked to increased risk of cancer, according to the Environmental Protection Agency.

Goings for the first time said MRR, which has a state permit for a lined Class 2 commercial landfill at its proposed site at State 93 and Cartee Road near Liberty, would be willing to accept both in- and out-of-state coal ash at the site.

He declined to identify the potential sources of the coal ash or projected amounts, citing "proprietary" reasons.

The new law requires coal ash generated by "an electrical utility, an electric cooperative, a governmental entity, a corporation, or an individual producing electricity for sale or distribution" be buried in a Class 3 commercial landfill, which must have liners and are subject

to other regulations.

Goings contended that legislation, sponsored by Rep. Davey Hiott and pushed by Sen. Larry Martin, both Pickens County Republicans, "violates state and federal constitutional laws that prohibit legislative members from running to the General Assembly to pass special legislation to prohibit my client from doing what they've always strove to do, which is to follow the existing laws."

The state constitution bans lawmakers from passing special legislation when a general law can apply. Although Hiott's bill doesn't name MRR, Goings said it is intended to stop his client from opening a Class 2 landfill in Pickens County.

Goings declined to say specifically whether his client plans to file a lawsuit

See LANDFILL, Page 8A

Landfill

Continued from Page 1A

in response to the legislation, though he said, "We plan to pursue all available legal remedies."

If filed, it would be MRR's second lawsuit stemming over the controversy. MRR, through an affiliate known as MRR Pickens LLC, sued Pickens County and its six-member Planning Commission in Pickens County Circuit Court following the commission's decision in January to revoke a land-use permit for the proposed landfill.

MRR last month lost a first court round in that case in seeking an emergency preliminary injunction against the county.

Thursday, MRR filed a motion in Pickens County court asking that Circuit Judge Robert Stilwell reconsider his decision against granting an injunction

that would allow the company to continue with its plans, saying the judge erred in saying coal ash is not an approved waste for Class 2 landfills.

Also, the county filed an answer and counterclaims to MRR's \$25 million lawsuit against the Planning Commission, alleging MRR had "secretive, clandestine and underhanded meetings" with DHEC to get its permit altered and engaged in "fraud and deceit" by not telling county officials about it.

The county also filed a motion asking that depositions of members of the County Council and Planning Commission be delayed until its legal team had a chance to review all the documents between MRR and DHEC during the time it was making plans to put coal ash at the site.

Weldon Clark, a member of the Planning Commission, who is being sued individually as well as in his official capacity along with the other five commission members, said he fears that the new law is flawed because it uses regulations written by the state Department of Health and Environmental Control in its language. He said he doesn't trust DHEC not to change the wording of its regulations to allow the company to get around the law's intent.

In his interview this week with *The News*, Goings disputed the county's allegations and said MRR would follow all state and federal environmental laws if allowed to open the Pickens County landfill.

"MRR is a good company," he said. Before the legislation received final

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 Size: 70.21 square inch
 Greenville, SC Circulation: 113473

passage, Martin, who introduced a similar bill, told *The News* that “we threaded the needle with this legislation in such a way to accomplish our intended purpose.”

“The intended purpose,” he continued, “was to one, do it in a way that would impact our immediate problem with Pickens County, but also do it in a way that other communities wouldn’t be similarly affected where coal ash is not being disposed of right now.”

Martin, who is chairman of the Senate Judiciary Committee, also said that “there’s no question this (bill) would be directed to out-of-state (coal ash).”

The bill has certain exceptions to requiring that coal ash be buried in Class 3 commercial landfills, including if it is “placed in an appropriate landfill which meets the standard” of DHEC landfill regulations, and that is “owned or operated by the entity that produced the electricity which resulted in” coal ash.

Hiott, chairman of the House Agri-

culture, Natural Resources and Environmental Affairs Committee, told *The News* before final passage of the bill that while the legislation was being written, utilities Duke Energy, Santee Cooper and South Carolina Electric & Gas (SCE&G) were contacted, noting, “Everyone one of them said it would not affect them with the way the language was written.”

Asked about MRR’s claim that the legislation discriminates against the company, Hiott replied, “They may say it’s low-level coal ash, but we don’t know what’s coming through in those 25 dump trucks a day.”

“DHEC can go to Santee Cooper or Duke and check out what they’re producing,” he continued. “They can’t stand on the road and check every truck that comes through (the proposed Pickens County landfill).”

DHEC spokeswoman Cassandra Harris earlier told *The News* the proposed Pickens County landfill could “potentially accept a variety of waste

streams including coal ash if the material meets the Class 2 criteria.”

She said an approved synthetic liner for the proposed landfill is “more environmentally protective and beyond what is required for Class 2 landfills.”

Pickens County Planning Commission members contend that MRR never informed county officials of its plans to bring coal ash into the county in addition to typically benign construction and demolition waste that would be buried in a Class 2 landfill. Instead, commissioners claim, the company went behind their backs to DHEC to obtain a modified permit, first issued in 2008, and to seek a variance of their previously approved annual disposal limit of 70,500 tons.

Rick Brundrett is an investigative reporter with The Greenville News. Contact him at (864) 478-5904 or rbrundrett@greenvillenews.com. Follow him on Twitter @RickBrundrett.

Staff writer Ron Barnett contributed to this report

Title: **Haley doubts Trump will be nominee**
 Author: ANDREW SHAIN ASHAIN@THESTATE.COM
 Size: 21.08 square inch
 Greenville, SC Circulation: 113473



Haley doubts Trump will be nominee

ANDREW SHAIN

ASHAIN@THESTATE.COM

Asked Wednesday if she would support presidential front-runner Donald Trump as the GOP's nominee, S.C. Gov. Nikki Haley said she doesn't need to back the New York billionaire at the moment.

"I don't think Donald Trump is going to be the nominee," Haley told reporters. "Right now, I'm an optimist. I believe in the people of this country. I believe in the fact we're going to have a good nominee that we all can be proud of."

Haley said she plans to stick with U.S. Sen. Marco Rubio. The Florida Republican has won only one of the first 15 contests and trails Trump in polls for races through March 15, in-

cluding the Sunshine State. Rubio is third in the GOP delegate count.

"Marco is going to have to fight really hard through the 15th," Haley said. "He's got to put everything out there."

Haley, who has sparred with Trump during the campaign, took him to task again Wednesday over his argument that he cannot release his income-tax returns because he's being audited.

"As an accountant, that is not something I have ever heard of," said Haley, an accounting major in college who worked for a Charlotte firm and her parents' clothing store.

Haley was asked why she wants Trump to release his tax returns when she said similar demands of 2012 Republican presidential nominee Mitt Romney were a "political ploy."

The Lexington Republican did not answer the question directly. But, she noted, Romney did not file for bankruptcy like Trump did with four of his companies.

"If that is not enough, we didn't have a candidate who claims to be worth a certain amount of money and for some reason is not showing us his tax returns because we don't think he's worth as much as he says he is," Haley said.

Title: **Haley: Officials' DWI means resign**
 Author: ANDREW SHAIN ASHAIN@THESTATE.COM
 Size: 19.84 square inch
 Greenville, SC Circulation: 113473



Haley: Officials' DWI means resign

ANDREW SHAIN
 ASHAIN@THESTATE.COM

Gov. Nikki Haley said Wednesday that Richland County Councilman Kelvin Washington and 11th Circuit Solicitor Donnie Myers of Lexington, both recently arrested for drunken driving, should resign.

"When you look at any elected officials that believe they are above the law, there's a problem," Haley told reporters. "They both should resign. Our office is looking at options."

Haley can remove the two from office only if they are indicted on a crime of "moral turpitude," a broad legal term for acts that violate societal norms. The governor's office is examining whether they committed a crime of moral turpitude under state law.

Myers was arrested last week for drunken driving after the Highway Patrol responded to an accident where the prosecutor's car had run off the road and hit a utility pole. Myers' circuit includes Lexington County, where Haley lived before she was elected governor in 2011.

Myers was arrested for driving under the influence in 2005, pleading guilty to the charge.

Also, in 2012, Myers was charged with having an open container of alcohol in his car after a Highway Patrol trooper stopped him for suspicion of driving under the influence. In that instance, Myers was given a field sobriety test, issued a ticket and allowed to drive home after a 15-minute traffic stop.

Efforts to reach Myers were unsuccessful Wednesday.

Washington was charged with felony drunken driving after, police say, he crashed into another car Saturday night on Bluff Road, near Hopkins. The 22-year-old driver of the other car was taken to the hospital with serious injuries.

Washington's attorney, Michael Duncan, declined to comment on the case Wednesday.

Haley said drunken driving has been a problem in South Carolina for a long time: "When you have elected officials that are actually getting arrested for that, it's a real problem."

Staff writer Glen Flanagan contributed

Title: **Worry lingers with \$400M road plan**
 Author: From staff reports
 Size: 20.92 square inch
 Georgetown, SC Circulation: 8446



Worry lingers with \$400M road plan

From staff reports

It appears South Carolina is on its way to getting an additional \$400 million pledged to go to road repairs without raising gas taxes, according to the Associated Press.

House Republicans and Gov. Nikki Haley on Thursday appeared to back the plan which was introduced by GOP senators and should be debated and voted on next week.

But not everyone is enthusiastic about the proposal to use money from the general budget fund. When the economy

has not grown, such as during the Great Recession, lawmakers have not kept their funding obligations to local governments or education.

The Department of Transportation says \$400 million is enough to put interstates in good condition. It only gets a third of primary roads to good condition, fixes half of the deficient bridges and does no interstate widening.

Some lawmakers derided the decision not to move forward with a plan to raise taxes to fix the state's crumbling roads.

Sen. Brad Hutto (D-Orangeburg) said state Republicans and Gov. Nikki Haley aren't doing their jobs.

"Once again the majority party in the South Carolina Senate (Senate Republican Caucus) along with Gov. Haley killed the legislation to fix potholes in South Carolina," Hutto said in a statement sent to media outlets. "Instead of having a bill to provide a long-term solution for fixing our crumbling infrastructure in South Carolina, they decided to take money away from core functions of government such

as education, healthcare and job recruitment.

"The fact of the matter is the money they insist on using for roads is a raindrop on Lake Murray. We have a \$1.5 billion need and we cannot mislead the people of South Carolina that this fake bill will solve our roads problem. Taking shingles off school houses to fix potholes in roads is not a plan. This is a sad day in South Carolina."

(Jeffrey Collins with the Associated Press contributed to this story.)

Title: **Republicans force votes on roads bill**
 Author: JEFFREY COLLINS Associated Press
 Size: 18.29 square inch
 Orangeburg, SC Circulation: 20345



Republicans force votes on roads bill

JEFFREY COLLINS
 Associated Press

COLUMBIA — Republicans in the South Carolina Senate decided Wednesday to begin forcing votes on a bill to get more money to the state roads.

Republicans united for a cloture vote after appearing to get behind a proposal that would take \$400 million out of the general budget and put it toward roads without raising the state's gas tax.

Although the 24-16 vote along party lines started the process in motion, it could be a while before any vote on the whole bill. Senate rules give members 20 minutes to debate an amendment, and Senate President Pro Tem Hugh Leatherman said earlier this week there were 300 amendments to the bill to be heard.

Democrats were furious at the move and warned they would take as much time as allowed, not caring if they stalled the state budget and any other bills.

"I don't know how long we are going to stay here,

but it's a while," said state Sen. Brad Hutto, D-Orangeburg. "Now we got ourselves into a parliamentary snafu that will take days, weeks, months."

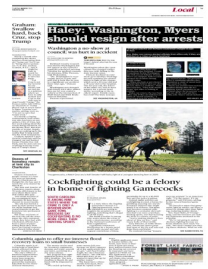
Republicans forced the issue after weeks of inaction. Conservative senators were filibustering to stop a gas tax increase but suddenly stopped to take up an amendment that provided extra highway money without raising the gas tax and would allow the governor to appoint all eight members of the Department of Transportation's board.

When Lt. Gov. Henry McMaster ruled that amendment could not be considered, Republicans moved to limit debate. A similar amendment will be heard later.

The action took place hours after Gov. Nikki Haley said Leatherman was using his position as president of the Senate to hold the roads bill hostage.

Leatherman was on the Senate floor and not immediately available to comment. But he voted for the cloture motion.

Title: **Haley: Washington, Myers should resign after arrests**
 Author: BY ANDREW SHAIN ashain@thestate.com
 Size: 35.80 square inch
 Columbia, SC Circulation: 128564



PENDING PUBLIC OFFICIAL DUI CASES

Haley: Washington, Myers should resign after arrests

Lexington solicitor and Richland councilman charged in past 10 days

Gov. Haley can remove elected officials from office only if they are indicted on a crime of 'moral turpitude'

BY ANDREW SHAIN
 ashain@thestate.com

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SEE HALEY, 6A

FROM PAGE 3A

HALEY

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Myers



Washington

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Title: **S.C. Senate Republicans force votes on roads bill**
 Author: BY JEFFREY COLLINS Associated Press
 Size: 26.19 square inch
 Myrtle Beach, SC Circulation: 61238



S.C. Senate Republicans force votes on roads bill

BY JEFFREY COLLINS

Associated Press
COLUMBIA

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"We have to fix the way we fix roads before we give them

more funding," said Sen. Larry Grooms, R-Charleston.

When Lt. Gov. Henry McMaster ruled that amendment could not be considered, Republicans moved to limit debate. A similar

amendment will be heard later.

The action took place hours after Gov. Nikki Haley said Leatherman was using his position as president of the Senate to hold the roads bill hostage.

"He is holding hostage our roads in the name of power, and that's one of the worst things you can ever

do," Haley said. "The senators need to get strong and listen to their constituents."

Leatherman was on the Senate floor and not immediately available to comment. But he voted for the cloture motion.

Haley's comments at a news conference Wednesday continued a long-standing feud between the two Republicans. Haley went to a chamber of commerce event in Florence last year and with Leatherman in attendance, blamed him and a few Democratic lawmakers for stopping ethics reform.