

S.C. Lawmakers Getting County Payments for 'Phantom' Delegation Offices

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by Rick Brundrett - The Nerve

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A longstanding state law requires counties to fully fund delegation offices for S.C. lawmakers, while at least 19 legislators are receiving thousands annually from counties in place of those offices, The Nerve found in a review.

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But the 1975 law that forces counties to fund delegation offices and related recent state budget provisos don't authorize lawmakers to receive payments in lieu of offices. Legislators who get the payments typically report it as personal income on their yearly statements of economic interests (SEIs) filed with the State Ethics Commission.

And no state law requires lawmakers to publicly detail how that money is spent. The amounts were usually described on SEIs reviewed by The Nerve as "in-district," "local," or "delegation office" expenses or reimbursements.

"There's no definition where that money goes," Rep. Phillip Lowe, R-Florence, who received \$2,000 in 2018 from Florence County, acknowledged when contacted last week by The Nerve.

Lowe, a physical therapist and developer, said the \$2,000 he requested from the county was used to help offset wages he paid to his business secretary for handling constituent calls. The county doesn't have a delegation office.

Asked how he determines how much the county should pay him, Lowe said he figures it as a percentage of what it would take the county to fund a delegation office for him and other lawmakers.

"That's all I do – an educated guess," he said, contending his request last year was a "very, very partial reimbursement."

Counties have plenty of incentive to comply with lawmakers' requests: An annually renewed state budget proviso allows lawmakers to reduce state aid to counties that don't fund delegation budgets – as determined by the legislators representing those counties.

While some lawmakers get payments from counties in place of delegation offices, all of them are eligible to receive \$12,000 in yearly "in-district" state payments under another budget proviso. That proviso, however, doesn't define the purpose of the income or require that legislators publicly document how those funds are spent.

Legislators also receive a \$10,400 annual base salary and benefits such as "subsistence" hotel and food payments while they are in session in Columbia, plus generous pension plans, as The Nerve has previously [reported](#).

County legislative delegations exert considerable control over appointments to certain governmental boards and other public positions. The Nerve last month, for example, [reported](#) how the appointment of the more than 300 magistrates in South Carolina is controlled by small county Senate delegations.

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The Nerve first reported in 2010 about county-funded delegation offices for state lawmakers.

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In a recent sampling of SEIs, The Nerve found that 19 senators and House members collectively reported receiving \$114,408 in payments last year from seven counties – Berkeley, Clarendon, Darlington, Dillon, Dorchester, Florence, and Sumter – and the cities of Marion and Mullins in Marion County. Five of those legislators each received payments last year from two counties, according to their SEIs filed in March.

Following are the six lawmakers who received the highest total amounts last year, based on their SEIs:

- Sen. Kent Williams, D-Marion: \$26,620;
- Sen. Kevin Johnson, D-Clarendon: \$13,500;
- Rep. Murrell Smith, R-Sumter: \$10,333;
- Rep. Jackie Hayes, D-Dillon: \$10,000;
- Rep. David Weeks, D-Sumter: \$9,000; and
- Sen. Thomas McElveen, D-Sumter: \$9,000

Besides Sens. Williams and Johnson, Sen. Paul Campbell, R-Berkeley, and Reps. Robert Ridgeway, D-Clarendon, and Robert Williams, D-Darlington, each reported receiving payments from two counties in 2018. Their totals were as follows: Campbell (\$7,259), Ridgeway (\$7,800) and Rep. Williams (\$3,900).

All seven Sumter County delegation members, including Sen. Johnson and Democratic Reps. Wendy Brawley, Ridgeway and Will Wheeler, reported receiving county payments last year. Rep. Smith, who chairs the House Ethics and budget-writing Ways and Means committees, listed his total county amount as “delegation office expense reimbursement state or local government.” He did not respond to a phone message last week from The Nerve seeking comment.

In the other counties in The Nerve’s review, some delegation members did not list receiving county payments last year. In Florence County, for example, four of the nine delegation members, including Reps. Lowe, Williams and Jay Jordan, a Republican; and Sen. Williams reported payments on their SEIs, while county records provided to The Nerve under the state Freedom of Information Act showed that three lawmakers – Lowe, Jordan and Sen. Williams – were paid by the county in 2018.

Although Florence County on its website lists a county phone number for its legislative delegation, Connie Haselden, the county council clerk, told The Nerve last week there is no delegation office.

Haselden, who described herself as a “liaison” to the delegation, said she typically forwards any delegation messages to the Columbia Senate office of Republican Hugh Leatherman, who she noted is the delegation chairman.

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Leatherman, the longtime Senate Finance Committee chairman, did not list any county payments on his SEI. He did not respond to a written message last week from The Nerve seeking comment.
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Local donations' to lawmaker

Marion County has a county legislative delegation office, located in the county building where Sen. Williams, who was first elected to the Senate in 2004, works as a deputy county administrator.

On his SEI filed in March, Williams reported receiving \$10,000 and \$9,120 last year from Dillon and Florence counties, respectively, where he is a delegation member. Florence County records provided to The Nerve, however, show that he received \$4,560 in 2018 from the county.

In 2018, Williams also received \$5,000 from the city of Marion and \$2,500 from the city of Mullins in his home county of Marion, according to his SEI, which described all of the payments as "reimbursements state or local government." Williams listed his county salary last year at \$62,531.

Contacted last week by The Nerve, Alan Ammons, the city of Marion administrator, described the \$5,000 paid last year by the city to Williams as a "donation to help fund the delegation office." He said the city of Mullins also has made payments to Williams for delegation expenses.

"We've been doing it for years ever since he (Williams) got elected," Ammons said. "Maybe eight, 10 years ago, we went up a little bit. I think it was maybe \$3,500, \$4,000, and we went up a little bit."

Asked why the city pays Williams for delegation expenses when Marion County provides a delegation office, Ammons replied, "I don't know what actual expenses they have; that's something you'd had to ask the county about."

Ammons said Williams hasn't submitted any expense records to the city related to the city payments.

In an email last week to The Nerve, Mullins city attorney Bob Corley said according to city clerk Felicia Sawyer, the city "donated" \$2,500, \$5,000 and \$2,500 to Williams in 2016, 2017 and last year, respectively, adding the city was "reimbursed" \$2,500.

Corley referred further questions to Sawyer, who confirmed that the total net \$7,500 was intended for Williams' delegation expenses but instructed The Nerve when asked about specifics to submit a written request for records.

In an April 27, 2017, letter to Mullins mayor William "Bo" McMillan – a copy of which Sawyer provided Monday to The Nerve – Williams said his request for \$5,000 from the city was "an alternative" to the state law requiring the funding of a delegation office, noting those funds have been used for "staffing, supplies, and other expenses that allow us to provide outstanding service

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Public Safety; 11 August 2019 15:30

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"This accomplishment is not something for which I can take sole credit," Williams wrote. "We have achieved this because of the willingness of the local governments in the over 15 municipalities I represent to provide funds for in-district expenses for Senate District 30."

The city paid Williams \$5,000 on July 25, 2017, according to a copy of the check provided to The Nerve, though Williams repaid \$2,500, according to a city receipt dated July 31, 2017.

Williams in his letter didn't identify the other municipalities that had provided funding to him for delegation expenses. The records provided Monday to The Nerve included copies of Mullins city checks and other documentation of payments to Williams, though there was no paperwork from Williams giving specifics of his expenses.

A woman who answered the phone last week at Williams' county administration office said he was out of the country then and would return to work Monday. Williams did not return two phone messages Monday from The Nerve.

Legislators in control

State lawmakers used to have considerable power over county governments until Act 283 of 1975, better known as the "Home Rule Act." But they didn't completely relinquish their control.

Buried in that law is a requirement that county councils provide "office space and appropriations for the operation of the county legislative delegation office including compensation for staff personnel and necessary office supplies and equipment."

The law allows legislators representing a county to dictate how much their county has to budget annually for their delegation office, and to control the hiring and firing of office staff.

Under state budget provisos in recent years, lawmakers can reduce state aid to counties by any unfunded amounts for county delegation offices and have those funds "forwarded" to the delegations. On top of that, lawmakers can cut a county's remaining state aid by 25% of the shortfall amount to be used for the delegation's "administrative costs."

But neither the budget proviso nor Act 283 has any language allowing counties to make payments directly to individual lawmakers in place of funding county delegation offices. And no state law requires legislators to submit records to counties on how they spent the county payments.

Rep. Lowe, a House member since 2007 and who serves on the House Ways and Means Committee, said he believes every county should have its own legislative delegation office, but if that isn't possible, there should be a standard formula in determining county payments to lawmakers.

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"It was a stab in the dark," he said about his funding request last year.

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