

*Chair Wm. Weston J. Newton*

*First Vice-Chair:  
Laurie Slade Funderburk*

## **Legislative Oversight Committee**



*Katherine E. (Katie) Arrington  
Gary E. Clary  
MaryGail K. Douglas  
Phyllis J. Henderson  
Joseph H. Jefferson Jr.  
Mandy Powers Norrell  
J. Todd Rutherford  
Tommy M. Stringer  
Bill Taylor*

*William K. (Bill) Bowers  
Neal Collins  
Raye Felder  
William M. "Bill" Hixon  
Robert L. Ridgeway III  
James E. Smith Jr.  
Edward R. Tallon Sr.  
Robert Q. Williams*

**South Carolina House of Representatives**

*Jennifer L. Dobson  
Research Director*

*Cathy A. Greer  
Administration Coordinator*

**Post Office Box 11867  
Columbia, South Carolina 29211  
Telephone: (803) 212-6810 • Fax: (803) 212-6811  
Room 228 Blatt Building**

*Charles L. Appleby IV  
Legal Counsel*

*Carmen J. McCutcheon Simon  
Research Analyst/Auditor*

*Kendra H. Wilkerson  
Fiscal/Research Analyst*

### **Legislative Oversight Committee Meeting**

**Monday, October 16, 2017  
Blatt Building Room 110  
1:00 p.m.**

#### **Archived Video Available**

- I. Pursuant to House Legislative Oversight Committee Rule 6.8, South Carolina ETV was allowed access for streaming the meeting. You may access an archived video of this meeting by visiting the South Carolina General Assembly's website (<http://www.scstatehouse.gov>) and clicking on *Committee Postings and Reports*, then under *House Standing Committees* click on *Legislative Oversight*. Then, click on *Video Archives* for a listing of archived videos for the Committee.

#### **Attendance**

- I. The House Legislative Oversight Committee was called to order by Chair Wm. Weston J. Newton on Monday, October 16, 2017, in Room 110 of the Blatt Building. All members of the Committee were present for all or a portion of the meeting, except: Representative William K. Bowers, Representative James E. Smith, Jr., and Representative Tommy M. Stringer.

**Minutes**

- I. House Rule 4.5 requires standing committees to prepare and make available to the public the minutes of committee meetings, but the minutes do not have to be verbatim accounts of meetings.
  
- II. Representative Gary E. Clary moves to approve the minutes from the Committee’s meeting on August 16, 2017. A roll call vote is held, and the motion passes.

<b>Representative Clary’s motion to approve the minutes from the previous meeting:</b>	<b>Yea</b>	<b>Nay</b>	<b>Not Voting: Present</b>	<b>Not Voting: Absent</b>
Katherine E. Arrington	✓			
William K. Bowers				✓
Gary E. Clary	✓			
Neal Collins	✓			
MaryGail Douglas	✓			
Raye Felder	✓			
Laurie Slade Funderburk	✓			
Phyllis Henderson	✓			
Bill Hixon	✓			
Joseph H. Jefferson, Jr.	✓			
Mandy Powers Norrell	✓			
Robert L. Ridgeway, III	✓			
Todd Rutherford				✓
James E. Smith, Jr.				✓
Tommy Stringer				✓
Edward R. Tallon	✓			
Bill Taylor	✓			
Robert Q. Williams	✓			
Wm. Weston J. Newton	✓			

**Discussion of the Department of Agriculture**

- I. Representative Laurie Slade Funderburk provides an overview of the Economic Development, Transportation, and Natural Resources Subcommittee’s study of the Department of Agriculture.
  - a. Representative Funderburk moves, pursuant to Committee Standard Practice 13.2.3, that the Committee further evaluate the Subcommittee’s recommendations 5, 6, 7 and 11, which were proposed by the agency and include provisions relating to fees. She further moves that the full committee study reflect the portions of those recommendations relating to fees be received for information purposes only as these recommendations may be explored in the budget process.
  - b. Representative Raye Felder asks Representative Funderburk to explain Recommendations 5, 6, 7 and 11.
  - c. A roll call vote is held, and the motion passes.

<b>Representative Funderburk’s motion, pursuant to Committee Standard Practice 13.2.3, that the Committee further evaluate the Subcommittee’s recommendations 5, 6, 7 and 11, which were proposed by the agency and include provisions relating to fees. She further moves that the Full Committee study reflect the portions of those recommendations relating to fees be received for information purposes only as these recommendations may be explored in the budget process.</b>	<b>Yea</b>	<b>Nay</b>	<b>Not Voting: Present</b>	<b>Not Voting: Absent</b>
Katherine E. Arrington	✓			
William K. Bowers				✓
Gary E. Clary	✓			
Neal Collins	✓			
MaryGail Douglas	✓			
Raye Felder	✓			
Laurie Slade Funderburk	✓			
Phyllis Henderson	✓			
Bill Hixon	✓			
Joseph H. Jefferson, Jr.	✓			

Mandy Powers Norrell	✓			
Robert L. Ridgeway, III	✓			
Todd Rutherford	✓			
James E. Smith, Jr.				✓
Tommy Stringer				✓
Edward R. Tallon	✓			
Bill Taylor	✓			
Robert Q. Williams	✓			
Wm. Weston J. Newton	✓			

- d. Representative Funderburk moves to approve the completed study of the Department of Agriculture. A roll call vote is held, and the motion passes.

<b>Representative Funderburk's motion to approve the completed study of the Department of Agriculture as amended.</b>	<b>Yea</b>	<b>Nay</b>	<b>Not Voting: Present</b>	<b>Not Voting: Absent</b>
Katherine E. Arrington	✓			
William K. Bowers				✓
Gary E. Clary	✓			
Neal Collins	✓			
MaryGail Douglas	✓			
Raye Felder	✓			
Laurie Slade Funderburk	✓			
Phyllis Henderson	✓			
Bill Hixon	✓			
Joseph H. Jefferson, Jr.	✓			
Mandy Powers Norrell	✓			
Robert L. Ridgeway, III	✓			
Todd Rutherford	✓			
James E. Smith, Jr.				✓
Tommy Stringer				✓
Edward R. Tallon	✓			
Bill Taylor	✓			
Robert Q. Williams	✓			
Wm. Weston J. Newton	✓			

## **Discussion of the Department of Health and Environmental Control**

- I. Representative Phyllis J. Henderson provides an overview of the Healthcare and Regulatory Subcommittee's study of the Department of Health and Environmental Control. Her overview begins before public testimony and resumes after the Committee's receipt of public testimony.
  - a. Members ask questions about various topics, including, but not limited to:
    - i. Hazardous Waste Management Act;
    - ii. Waste Management Research Fund - Pinewood;
    - iii. Recommendation 37 - Oral Health; and
    - iv. Recommendation 39 - Resource for Maintaining Storage.
  - b. Representative Henderson requests that voting on the study occur at the next full committee meeting.

## **Agency Introductions**

- I. Chairman Newton states that an important purpose of this meeting is to hear public testimony regarding the Department of Natural Resources, Office of the Adjutant General, Commission for Minority Affairs, and Patriot's Point Development Authority.
- II. Since no one signed up to speak about Patriot's Point Development Authority and the Office of the Adjutant General, Chairman Newton advises the directors from those agencies that they are free to leave.

## **Public Testimony**

- I. Members of the public provide testimony about the Commission for Minority Affairs and Department of Natural Resources. Constituent testimony and Committee minutes summarizing testimony are not the comments or expression of the House Legislative Oversight Committee, any of its Subcommittees, the House of Representatives, or any of these entities staff.

Before each person testifies, Chairman Newton administers an oath to the person. Below are the names of each person who testifies and the time in the archived video at which the testimony begins. The testimony is grouped by the agency about which the testimony relates, instead of the order in which the individuals testify.

## **Commission for Minority Affairs (CMA)**

Chief Louis Chavis (57:52)

Chief Chavis testifies he is the Chief of the Beaver Creek Indian people in Orangeburg County, but he lives in Lexington County. He is an at-large Commissioner on the CMA Board. He testifies that a problem with the CMA is racism - towards him and the Indians. Even with the Inspector General's involvement, he has seen no changes. He testifies that he was not given a chance to participate in CMA's staff evaluations last summer. He is greatly displeased and saddened that no progress has been made as Indian people. He feels that nothing is being done to help them.

Mr. Ken Battle (1:03:02)

Mr. Battle testifies he lives in Dorchester County. He is Chairman of the CMA Board. He believes he is working with a passionate group of people. He believes the CMA is complying with statute and providing the information and statistical data the agency is required to disseminate to the legislature, stakeholders and the general public regarding poverty and socio-deprivation of minorities. He states the CMA is working on grants, working with emergency management, and building relationships with other agencies. He is proud to work with CMA and knows, with the proper funding, the agency can make a difference. He has tried to keep CMA board members abreast of events and happenings.

Ms. Lisa McQueen Starling (1:15:16)

Ms. Starling testifies she is the Chief Executive Officer of the Wassamasaw Indian Nation in Berkeley County and a descendent of the Etiwan Tribe in South Carolina. She testifies that in 2012, the Wassamasaw Indian Nation filed a Petition with the CMA of over 2,000 pages to be recognized as a Native American Indian tribe in South Carolina and on August 30, 2012, she received notice that the recognition committee submitted a report and recommendation to the CMA board for action. She testifies the CMA board meeting was thereafter canceled and no action taken. Prior to scheduling another meeting, she testifies she was advised that the CMA board was seeking legal advice regarding the operation of state boards and commissions and when that issue was resolved they would convene a meeting. She testifies the CMA board had 120 days from April 1, 2012, to notify her if the Wassamasaw Indians would be recognized, but nothing has happened. She has asked for an update, but she has not received a response. She feels her tribe was disregarded and discriminated against because they were black. She notes during that time, another tribe was recognized using her lineage.

Mr. Orell Simmons (1:22:14)

Mr. Simmons testifies he resides in Berkeley County. He testifies as to his disappointment that no action was taken on the petition described by Ms. Starling. He testifies that he does feel the CMA has been working very diligently to tackle the issue of minority poverty.

Chief Adajo Gentle (1:26:10)

Chief Adajo testifies he is the Chief of the Yamassee Indians in Allendale County. He confirms the concerns of the previous individuals who testified. Even though the Yamassee Indians are recognized, he testifies he received no information from the CMA. He further states CMA only gives resistance. The Yamassee Indians' main concern is to have a voice on issues involving Native Americans. He feels the CMA does not involve them because they are a multi-ethnic group and do not look like typical Indians. He testifies that while they have so much to contribute; the recognition process has created division. He feels the CMA concentrates on Hispanics and African Americans.

Mr. Dexter Sharpe (1:29:54)

Mr. Sharpe testifies he resides in Lexington County and is a member of the Cherokee Nation of South Carolina. He disagrees with the testimony of the previous individuals. He testifies he has been involved with the CMA since 1993. He testifies that before he became certified as a minority business holder, he went to the CMA for help, and they have always been responsive. He does not see the Yamassee or the Wamassasaw at the Pow Wows or meetings. He testifies he feels the Indians are their own biggest problem because they can never agree on anything. He testifies there have been problems in the past with the Governor not appointing people to serve on the CMA Board.

Dr. Will Moreau-Goings (1:34:35)

Dr. Goings testifies he represents the Eastern Cherokee and Southern Iroquois United Tribes of South Carolina and he resides in Richland County. He testifies that he has had numerous questions, letters and requests that have gone to the CMA with no response. He testifies he made a request for a description of all of the tribes recognized by South Carolina, and the request was denied. He testifies the CMA Director told him the information had been destroyed. Dr. Goings asked the CMA Director if the information could be recreated, and has received no response. He further testifies he has submitted the same Freedom of Information Act request since 2008, and the CMA has never fully complied.

Ms. Karen McGill (1:39:40)

Ms. McGill testifies she serves on the CMA Board and resides in Spartanburg County. She feels there is no clear state-based leadership. Ms. McGill testifies it is her belief that CMA staff is not applying for enough grants; they complain it is too time consuming. The report of the Inspector General stated there was a lack of leadership, mission drift, and no strategic planning. After the Inspector General's report, she received a report that there were funds left unspent with no explanation for the same. She testifies as to her concerns about the staff monthly activity reports. She asked that the CMA Board be involved in the hiring of two opening staff positions at the CMA. After getting an opinion from the Attorney General confirming the Board's right to be involved in the process, the Board set a policy. However, the Board has still been left out of the process.

Chief Michelle Mitchum (1:50:26)

Chief Mitchum testifies she is the Chief of the Pine Hill Indian Community in Orangeburg. She testifies the CMA's Native American coordinator excludes her tribe from participating in anything. She testifies they are repeatedly told the CMA Board's affairs are none of her business. She testifies she has reviewed the Inspector General's Report, the Accountability Reports and the performance reviews. She testifies as to her concerns about the CMA Board's knowledge of what really goes on at the CMA. She alleges the CMA Director allows the CMA program coordinators full autonomy without any accountability. She states Native Americans want fairness, equality, justice, and a voice. She testifies the CMA feels the Native Americans are so unruly as to need law enforcement presence at meetings. She testifies as to her concerns that CMA employees are creating non-profit organizations to assist the CMA. She wants to know what kind of assistance the non-profits provide and if the CMA Board is aware of these organizations. She testifies she wants to know why grant funds are being used to collect data from non-existent groups, which happened in the 2011 DHEC assessment. She testifies as to her concerns about CMA employees.

## **Department of Natural Resources**

Mr. Thomas Cousins (2:01:22)

Mr. Cousins testifies he is a resident of Berkeley County and teaches outdoor education at West Ashley High School. He coaches the shooting team and the archery team and testifies that DNR programs have had a profound impact on the quality of life of his students. Without DNR's support, he testifies they would be



cheating students out of their ability to compete on a state, national and worldwide level. According to Mr. Cousins, it has increased the students confidence, self-respect and school spirit. Additionally, Mr. Cousins testifies, the students learn skills that will last a lifetime, earn scholarships, and increase their volunteerism, such as assisting at DNR events, SEWEE, and the Charleston In-Water Boat Show.

Mr. John Williamson, III (2:05:40)

Mr. Williamson testifies he is a resident of Bamberg County and has been involved with DNR for approximately 40 years, mostly as a volunteer. He believes that, right now, DNR probably has the best management he has seen in those 40 years. Mr. Williamson testifies he serves on the law enforcement advisory committee. He compliments the archery and shooting sports in schools, stating they provide mentoring to students, many from single parent homes, and introduce students to the outdoors, which ordinarily might not be possible for those kids.

Mr. Leland Colvin (2:09:06)

Mr. Colvin testifies he resides in Richland County and is the Deputy Secretary of Engineering for the South Carolina Department of Transportation. He testifies there is a great camaraderie between the Department of Transportation and the Department of Natural Resources. According to Mr. Colvin, the two agencies share information to help streamline projects and how they affect the state's waterways and environment, assist with information related to rain events and flooding, and partner in natural disasters. Additionally, Mr. Colvin testifies DNR is a resource on permits that affect water quality and wetland mitigation.

Mr. Jim Goller (2:13:35)

Mr. Goller testifies he resides in York County, and is the Executive Director of the Harry Hampton Memorial Wildlife Fund, which assists DNR with funding and other cooperative efforts. He testifies he is proud to speak to the tremendous mission of DNR in South Carolina. According to Mr. Goller, South Carolina attracts advanced manufacturing and part of the reason is South Carolina's natural resources. He praises DNR's stewardship of natural resources. He feels the Director has done more for the youth engagement than any other director in his tenure.

Chief Mark Keel (2:17:37)

Chief Keel, Chief of the State Law Enforcement Division, testifies he is a resident of Richland County, and is a hunter and fisherman. He praises the leadership of all personnel DNR employs, stating they are all cut from the same cloth. He testifies they were instrumental in the rescues during the recent flooding. Additionally, he testifies the relationship that SLED has with DNR is second to none.

Mr. Kenny Mullis (2:20:06)

Mr. Mullis testifies he resides in Richland County and is the President of the South Carolina Association of Conservation Districts. He testifies the relationship between DNR and his organization has been very productive and mutually beneficial as DNR supports the 46 conservation districts in South Carolina. According to Mr. Mullins each district has five commissioners that are unpaid, passionate volunteers. He testifies the DNR Director is very supportive, and they hope to continue that relationship.

Mr. J.B. Schwiers (2:23:07)

Mr. Schwiers testifies he is a resident of Greenville. He states he is a longtime hunter, and compliments DNR on what a good job they do. He testifies at one time, he had a problem in Laurens County with someone who trespassed on his land, hunted out of season, stole deer stands and farm equipment, and shot at him. He testifies that he called DNR on multiple occasions, and they were always responsive. The person was caught and prosecuted. Mr. Schwiers also complements DNR's youth programs.

Mr. Andrew Sikes (2:27:00)

Mr. Sikes testifies he is a resident of Colleton County and is an avid fisherman and boater. He testifies he has had many encounters with DNR, and has never dealt with a more professional agency. The agents in the field are always courteous. He also sells to DNR. He compliments the Sportsman's Classic and the youth programs.

Mr. Buddy Jennings (2:29:36)

Mr. Jennings testifies he is from Newberry County and represents the Santee Cooper Country Promotion Commission. He testifies that one of their key partners is DNR. According to Mr. Jennings, his organization has worked with DNR and the General Assembly to pass critical legislation regarding hunting and fishing. He compliments

the leadership of the DNR Director. Mr. Jennings testifies he has spent 34 years in state government and 18 years in the private sector.

- II. Chairman Newton noted that agency heads would have an opportunity to respond to constituent testimony at a future meeting.

**Discussion of the Law Enforcement Training Council and Criminal Justice Academy**

- I. Representative Edward R. Tallon, Sr., provides an overview of the Law Enforcement and Criminal Justice Subcommittee’s study of the Law Enforcement Training Council and Criminal Justice Academy.
  - a. Representative Tallon moves to approve the completed study of the Law Enforcement Training Council and Criminal Justice Academy. A roll call vote is held, and the motion passes.

<b>Representative Tallon’s motion to approve the completed study of the Law Enforcement Training Council and Criminal Justice Academy.</b>	<b>Yea</b>	<b>Nay</b>	<b>Not Voting: Present</b>	<b>Not Voting: Absent</b>
Katherine E. Arrington	✓			
William K. Bowers				✓
Gary E. Clary	✓			
Neal Collins	✓			
MaryGail Douglas	✓			
Raye Felder	✓			
Laurie Slade Funderburk	✓			
Phyllis Henderson				✓
Bill Hixon	✓			
Joseph H. Jefferson, Jr.	✓			
Mandy Powers Norrell	✓			
Robert L. Ridgeway, III	✓			
Todd Rutherford				✓
James E. Smith, Jr.				✓
Tommy Stringer				✓
Edward R. Tallon	✓			
Bill Taylor	✓			
Robert Q. Williams	✓			

Wm. Weston J. Newton	✓			
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**Discussion of the Department of Public Safety**

- I. The Committee continues its discussion of the Study of the Department of Public Safety.
  - a. State Inspector General Brian K. Lamkin provides a brief overview of his office’s recently released report on the Department of Public Safety.
  - b. Members ask questions about various topics, including, but not limited to:
    - i. Morale;
    - ii. Troopers’ fear of retaliation, scare tactics and threats;
    - iii. Administrative inquiry process;
    - iv. Lack of trust;
    - v. Lack of respect; and
    - vi. Recruitment.
  - c. Director Smith addresses the Committee.
  - d. Members ask questions about various topics, including, but not limited to:
    - i. Inspector General’s report;
    - ii. Disciplinary process;
    - iii. Decrease in warnings and tickets;
    - iv. Patrol hours decrease; and
    - v. Fatal Collisions increase.
  - e. Chief Kenneth Phelps, who is in charge of the Office of Professional Responsibility at the Department of Public Safety, addresses the Committee.
  - f. Members ask questions about various topics, including, but not limited to the disciplinary process.
  
- II. Representative Clary states he has some substantive inquiries of the Department of Public Safety he would like addressed before proceeding with a vote on the Subcommittee’s study of the agency. These concerns are attendant to the Committee’s September 7, 2017, letter to the agency and the agency’s October 6, 2017, response.
 

Chairman Newton notes a two-hour period will be allotted at the next full Committee meeting to address these concerns and any other Member’s concerns.
  
- III. There being no further business; the meeting is adjourned.