

Title: **Troubled agency? Give it to the governor**
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Troubled agency? Give it to the governor

But the legislature always attaches strings, retains control

In South Carolina, many state agencies that carry out executive functions are nonetheless run by boards appointed by the legislature and the governor. Typically when one of these agencies has major problems, legislative leaders propose making the agency a “cabinet” agency.

Take the Employment Security Commission. Until 2010 the agency was run by a commission and an executive director. At that time all three commissioners, with salaries in the six figures, were former legislators. And that’s not surprising, since commissioners were elected by the legislature.

But a January 2010 audit by the Legislative Audit Council found, among many other things, that unemployment claims had been paid out to those who were not entitled to them – for instance, a man who went to prison was fired for absenteeism but was still able to collect unemployment. “The agency’s internal auditor,” the report dryly concluded, “could be more effective.”

No one person was accountable for what was happening at the ESC – as taxpayers discovered when the agency’s commissioners allowed the

unemployment fund to dry up in 2008. The total price tag for this poor management was around \$1 billion.

There had been warnings for years, but calls for change went unheeded. When the warnings turned out to have been well-founded, legislators began calling for the ESC to be placed in the governor’s cabinet. So in March 2010, Gov. Mark Sanford signed a bill into law that dissolved the ESC and created the Department of Employment and Workforce.

While DEW is now technically a cabinet agency, the governor doesn’t get to pick his or her own executive director. Not really. Under the law, the executive director is “nominated by the State Department of Employment and Workforce Review Committee and appointed by the governor.” That Review Committee is a nine-member board, and six of its nine are legislators. So the governor only gets to “appoint” from among three names offered up by a panel dominated by legislators.

The legislature fixed the problem of the lack of accountability by placing DEW

under the governor – but with enough strings attached that legislative leaders wouldn’t have to give up control.

Now consider the current state of the Department of Disabilities and Special Needs. This agency “plans, develops, oversees and funds services for South Carolinians with severe, lifelong disabilities of intellectual disability, autism, traumatic brain injury and spinal cord injury and conditions related to each of these four disabilities.”

Sen. John Scott (D-Richland) announced recently that he wants DDSN placed in the governor’s cabinet. To Scott’s credit, this isn’t the first time he’s called for it. It is the first time, however, that his idea has gained traction.

In July, The Greenville News reported that a company with a \$20 million contract with DDSN has a troubling record of resident deaths, staff arrests, lawsuits and allegations of abuse and neglect. The News reported that at a board meeting for DDSN last month, the board voted to discontinue recording its meetings. Other changes included “members changing sitting locations for

each meeting, being candid, open and respectful, having one conversation at a time and using a system of color-coded agendas.”

Once again, the state agency giving politicians the biggest headache may soon be handed to the governor. This will likely be done for the purpose of improving transparency and accountability, and on the face of it that’s fair enough. After all, if an agency is run by a board and board members are appointed by a variety of politicians from the executive and legislative branches, who can really be held accountable when things go badly? But if transparency and accountability were really the concern, why wasn’t DDSN made a cabinet agency decades ago?

Watch closely. When lawmakers “give” an agency to the governor, the agency always comes with strings.

So in 2017, when we hear a lot about restructuring the Department of Disabilities and Special Needs, pay very close attention.

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Guest column

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Disability statistics

South Carolina's Department of Disabilities and Special Needs serves residents with severe, lifelong disabilities including autism, traumatic brain injury and spinal cord injury.

The American Community Survey estimates that 6 percent of South Carolinians have a cognitive disability that would qualify for DDSN services.

Nearly 20 percent of Lancaster County's residents have some type of disability. Here are the percentages for all disability types:

	South Carolina	Lancaster County
Percentage of disabled children ages 5-20	17.0	19.4
Percentage of disabled adults ages 21-64	15.4	19.4
Percentage of disabled persons below poverty level	22.4	26.0

Source: Data compiled by the American Community Survey. These statistics do not include disabled individuals currently living in institutions or group homes.