

# LEGISLATIVE OVERSIGHT COMMITTEE MEETING

Tuesday, December 19, 2017

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South Carolina  
House of Representatives



Legislative Oversight Committee

*Tuesday, December 19, 2017*

*Room 110 - Blatt Building*

*10:00 a.m.*

*Pursuant to Committee Rule 4.9, S.C. ETV shall be allowed access for internet streaming whenever technologically feasible.*

**AGENDA**

- I. Approval of minutes
- II. Discussion of the following:
  - Executive Subcommittee's Study of the State Election Commission (*study presentation made to the full Committee on November 13, 2017*); and
  - Healthcare and Regulatory Subcommittee's Study of the Department of Health and Environmental Control (*study presentation made to the full Committee on October 16, 2017; opportunity for full Committee to ask agency questions of agency representatives on November 13, 2017*); and
  - any other studies of agencies, if notice is received on or before December 19, 2017, in accordance with Standard Practice 12.5
- III. Discussion of recommendations to the Speaker for agencies to schedule for study in 2018
- IV. Discussion of Committee administrative matters
- V. Adjournment

*Chair Wm. Weston J. Newton*

*First Vice-Chair:  
Laurie Slade Funderburk*

## **Legislative Oversight Committee**

*Katherine E. (Katie) Arrington  
Gary E. Clary  
Chandra E. Dillard  
MaryGail K. Douglas  
Phyllis J. Henderson  
Joseph H. Jefferson Jr.  
Robert L. Ridgeway, III  
Tommy M. Stringer  
Bill Taylor*



**South Carolina House of Representatives**

*Bruce W. Bannister  
William K. (Bill) Bowers  
Neal Collins  
Raye Felder  
William M. "Bill" Hixon  
Mandy Powers Norrell  
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### **Legislative Oversight Committee Meeting**

**Monday, November 13, 2017  
Blatt Building Room 110  
10:30 a.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, November 13, 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. Chairman Weston Newton calls the meeting to order.
- III. Representative Gary E. Clary moves to approve the minutes from the Committee’s meeting on October 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	✓			
Bruce W. Bannister	✓			
William K. Bowers				✓
Gary E. Clary	✓			
Neal Collins	✓			
Chandra E. Dillard	✓			
MaryGail Douglas	✓			
Raye Felder	✓			
Laurie Slade Funderburk	✓			
Phyllis Henderson				✓
Bill Hixon	✓			
Joseph H. Jefferson, Jr.	✓			
Mandy Powers Norrell				✓
Robert L. Ridgeway, III				✓
Todd Rutherford				✓
Tommy Stringer				✓
Edward R. Tallon	✓			
Bill Taylor				✓
Robert Q. Williams	✓			
Wm. Weston J. Newton	✓			

**Discussion of the Department of Public Safety**

- I. The Committee continues its discussion of the study of the Department of Public Safety.
  - a. Director Leroy Smith addresses the Committee regarding the department’s progress on the State Inspector General office’s recently released report on the agency regarding climate and leadership.
  - b. Sergeant David Whatley (Florence County) shares his concerns about the Department of Public Safety and resigns from his position.
  - c. Members ask questions, which Sgt. Whatley answers, about various topics, including, but not limited to:
    - i. Disparity of punishment;
    - ii. Office of Professional Responsibility’s chain of command; and
    - iii. Morale.
  - d. Members ask questions, which Director Smith and his staff answers, about various topics, including, but not limited to:
    - i. Transporting civilians to ceremonies, receptions and other events;
    - ii. Troopers accompanying college football coaches and teams;
    - iii. Director Smith’s response Inspector General’s report;
    - iv. Decrease in number of Troopers;
    - v. Travel policies; and
    - vi. Morale.
  - e. Representative Gary E. Clary requests the Department of Public Safety provide the Committee a cost breakdown of the travel miles and time involved (for Majors and above) on a monthly and yearly basis.
  
- IV. Representative Eddie Tallon moves to approve the Subcommittee Report on the Department of Public Safety, as presented. A roll call vote is held, and the motion passes.

<b>Representative Tallon’s motion to approve the approve the Subcommittee Report on the Department of Public Safety, as presented:</b>	<b>Yea</b>	<b>Nay</b>	<b>Not Voting: Present</b>	<b>Not Voting: Absent</b>
Katherine E. Arrington	✓			
Bruce W. Bannister			✓	
William K. Bowers				✓
Gary E. Clary	✓			

Neal Collins	✓			
Chandra E. Dillard			✓	
MaryGail Douglas	✓			
Raye Felder	✓			
Laurie Slade Funderburk	✓			
Phyllis Henderson				✓
Bill Hixon	✓			
Joseph H. Jefferson, Jr.	✓			
Mandy Powers Norrell	✓			
Robert L. Ridgeway, III				✓
Todd Rutherford				✓
Tommy Stringer				✓
Edward R. Tallon	✓			
Bill Taylor				✓
Robert Q. Williams	✓			
Wm. Weston J. Newton	✓			

### **Commission for Minority Affairs**

- I. Director Thomas Smith responds to the testimony given at the public input hearing on October 16, 2017.

### **Department of Natural Resources**

- II. Director Alvin Taylor responds to testimony given at the public input hearing on October 16, 2017.
- III. Representative Joseph H. Jefferson, Jr., commends the agency for a project that has come to fruition in his district.

### **State Election Commission**

- I. Representative Gary E. Clary provides an overview of the Executive Subcommittee's study of the State Election Commission.
- II. Members ask questions, which Director Marci Andino and her staff answers, about various topics, including, but not limited to:
  - a. Scheduling of primaries and municipal elections;
  - b. Orientation for new board members;
  - c. Absentee ballots;

- d. Responsibility for elections;
- e. County usage;
- f. Notification of polling place changes to the public; and
- g. Election results protests.

III. Members ask questions, which Mr. Will Roberts, Mapping Program Director with the Revenue and Fiscal Affairs Office, answers about various topics, including, but not limited to:

- a. Geographic boundaries; and
- b. Geodetic surveys.

IV. A constituent, Ms. Kim Murphy, addresses the committee regarding her concerns about issues relating to county boundaries.

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

- I. The Committee continues its discussion of the Department of Health and Environmental Control.
- II. Members ask questions which Acting Director David Wilson answers, about various topics, including, but not limited to:
  - a. Beach base line and set-back line;
  - b. Certificates of Need; and
  - c. Former agency heads having consulting arrangements with DHEC.

### **Human Affairs Commission**

- I. Committee Vice-Chair, Representative Laurie Slade Funderburk, provides an overview of the Economic Development, Transportation, and Natural Resources Subcommittee's study of the Human Affairs Commission.
- II. Members ask questions which Director Ray Buxton and his staff, answers, about various topics, including, but not limited to:
  - a. Number of Housing complaints/investigations;
  - b. Documents stored with the Department of Archives and History; and
  - c. Possibility of consolidation of the Human Affairs Commission and the Commission for Minority Affairs.

- III. Representative Joseph H. Jefferson, Jr., moves to approve the Subcommittee Report on the Human Affairs Commission, as presented. A roll call vote is held, and the motion passes.

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

- IV. Chairman Newton provides information regarding next agencies to study, which will be discussed further at an upcoming meeting.

- V. There being no further business; the meeting is adjourned.



# STATE ELECTION COMMISSION FOLLOW-UP DOCUMENTS

## Recommendations

### **SECTION 5-15-80.** Results of political party primaries; protests and contests.

The results of any political party primary shall be declared by the party conducting the election by 1:00 p.m. on Thursday following the primary. Protests and contests shall be filed in writing with the municipal party chairman no later than noon on Monday following certification ~~within two days after the day of the declaration of the results of the election and the municipal party executive committee shall determine such protests on Thursday following the deadline to file a protest within five days after the filing thereof.~~ From the decision of the municipal party committee an appeal may be made to the Board of State Canvassers of Municipal Primaries as provided in Section 7-17-580. Notice and grounds of appeal must be filed in writing with the chairman of the Board of State Canvassers of Municipal Primaries within five days following the date on which the decision of the municipal committee is declared.

Any appeal thereafter shall be to the court of common pleas of the county in which the municipality is situate. Notice and grounds of appeal shall be served on the opposing parties or their attorneys within ten days following the decision of the Board of State Canvassers of Municipal Primaries.

### **SECTION 5-15-100.** Functions, powers and duties of municipal election commission.

The municipal election commission shall be vested with the functions, powers and duties of Municipal Supervisors of Registration if no such supervisors have been appointed pursuant to Section 7-5-640, and shall also have the functions, powers and duties of commissioners of election, as set forth in Section 7-5-10 and other provisions of Title 7. The municipal election commission shall insure proper books of registration are provided for each ward or precinct, shall prepare and distribute ballots and election materials, appoint managers of election for each polling place and otherwise supervise and conduct all municipal, special and general elections. The managers shall ~~certify~~ report the results of the election to the commission within one day and the commission shall declare the results ~~results not later than three days by 1:00 p.m. on Friday~~ following the election.

Nominees in a party primary or party convention and nominees by petition shall be certified to the municipal election commission within the time specified herein and when so certified, the commission shall place the names of such nominees upon the ballots.

**SECTION 5-15-130. Procedures for contesting results of election.**

~~Within forty-eight hours after the closing of the polls~~No later than noon on Wednesday following certification, any candidate may contest the result of the election as reported by the managers by filing a written notice of such contest together with a concise statement of the grounds therefor with the Municipal Election Commission. On Monday following the deadline to file a protest, ~~Within forty-eight hours after the filing of such notice~~, the Municipal Election Commission shall, after due notice to the parties concerned, conduct a hearing on the contest, decide the issues raised, file its report together with all recorded testimony and exhibits with the clerk of court of the county in which the municipality is situated, notify the parties concerned of the decisions made, and when the decision invalidates the election the council shall order a new election as to the parties concerned.

Neither the mayor nor any member of council shall be eligible to pass on the issues arising in any contest in which he is a party.

## **From the S.C. Code of Laws:**

### **SECTION 7-7-10.** Voting precincts established.

For the purpose of holding any general, primary, or special election in this State, the voting precincts and voting places in the several counties of the State shall be designated, fixed, and established by the General Assembly. Nothing in this chapter prohibits a county board of voter registration and elections from establishing multiple polling places within a precinct, provided that voters are assigned to these polling places alphabetically or geographically as determined by the county board of voter registration and elections and approved by a majority of that county's legislative delegation. A voter must be notified in writing of his transfer to a new polling place and the location of the new polling place.

### **SECTION 7-7-15.** Notice of change in polling place.

When a polling place established by statute or ordinance or by an entity allowed by law to establish polling places is changed the entity charged with conducting elections at the polling place shall post at the time of the first election held after the change a notice on or next to the door of the entrance of the previous polling place stating in printing with letters large enough to be read easily by a person with normal vision from a distance of at least twenty feet the location of the new polling place and the address and telephone number of the entity in charge of the conduct of the election.

### **SECTION 7-7-910.** Designated polling places; alternative polling place.

(A) Subject to the provisions of Section 7-7-920 and Section 7-5-440 and except as provided in subsection (B) of this section, each elector must be registered and, unless otherwise specified on his voting certificate, shall vote at the designated polling place within the precinct of his residence, but in incorporated municipalities in which officers are elected by wards or other municipal subdivisions, electors must be registered and shall vote at their designated polling places.

(B)(1) For purposes of this subsection, an "emergency situation" means the designated polling place is not available for use as a polling place on the election day after the first notice of the election is published.

(2) If a designated polling place in a precinct is unavailable for use during an election as a result of an emergency situation, the authority charged by law with conducting the election shall designate an alternative polling place to be used for the electors in that precinct for any election occurring during the emergency situation. An alternative polling place for an emergency situation must be approved by the majority of the legislative delegation if the designation occurs more than seven days prior to the election. If an alternative polling place for an emergency situation is designated seven days or less prior to the election, the authority charged by law with conducting the election must notify the members of the legislative delegation of the alternative polling place.

(3) The alternative polling place is not required to be within the precinct of the elector's residence; however, the authority charged by law with conducting the election may designate an alternative polling place outside the precinct only if no other location within the precinct is available for use as a polling place. If an alternative polling place is outside the precinct, it must be located in an

adjoining precinct. The alternative polling place must be selected with consideration of the distance the electors would be required to travel in order to vote.

(4) Every attempt must be made to notify electors of the alternative polling place before the election and on the day of the election through the media and by posted notice at the designated polling place.

(C) If an alternative polling place outside of the precinct is selected pursuant to subsection (B) of this section, the authority charged by law with conducting the election shall certify in writing to the State Election Commission that no other location within the precinct is available for use as a polling place and that the selection of a polling place was made with consideration of the distance electors would have to travel to vote.

## **From the Voter Registration and Elections Handbook:**

### **4.5 Changing the Polling Place Location**

If a polling location changes, the Board must:

- Notify each voter in writing of his transfer to a new polling place and the location of the new polling place (7-7-10). This can be done by sending these voters a postcard. A new VR card is not necessary.
- Enter the new polling place location into VREMS
- Post a notice on or next to the entrance door of the previous polling place for the first election held after the change in location. This notice must include the location of the new polling place and the address and telephone number of the Board. The notice must be printed with letters large enough to be read easily by a person with normal vision from a distance of at least 20 feet (7-7-15).

### **4.7 Polling Places Used In an Emergency Situation**

Each voter shall vote at the designated polling place within the precinct of his residence except during an “emergency situation.” An emergency situation means, after the first notice of the election is published, the designated polling place is not available for use as a polling place on election-day.

If a designated polling place is unavailable for use as a result of an emergency situation, the Board shall designate an alternative polling place to be used for the electors in that precinct. An alternative polling place must be approved by the majority of the legislative delegation if the designation occurs more than seven days prior to the election. If an alternative polling place for an emergency situation is designated seven days or less prior to the election, the Board must notify the members of the legislative delegation of the alternative polling place.

The alternative polling place is not required to be within the precinct of the elector's residence; however, the Board may designate an alternative polling place outside the precinct only if no other location within the precinct is available for use as a polling place. If an alternative polling place is outside the precinct, it must be located in an adjoining precinct. The alternative polling place must be selected with consideration of the distance the electors would be required to travel in order to vote.

Every attempt must be made to notify electors of the alternative polling place before the election and on the day of the election through the media and by posting a notice at the designated polling place.

If an alternative polling place outside of the precinct is selected, the Board shall certify in writing to the SEC that no other location within the precinct is available for use as a polling place and that the selection of a polling place was made with consideration of the distance electors would have to travel to vote.

The Board must also make a change in VREMS to show the name and address of the emergency polling location of any precinct. When the election is over, and the original polling location is available, the Board must change the polling location and address back to its original form.

**Legislative Oversight Committee**  
South Carolina House of Representatives  
Post Office Box 11867  
Columbia, South Carolina 29211  
Telephone: (803) 212-6810 • Fax: (803) 212-6811



# Notification of the Executive Subcommittee Study

of the State Election Commission  
Friday, September 1, 2017

In accordance with Standard Practice 12.5, notice is hereby provided that the Executive Subcommittee's oversight study of the State Election Commission is available for consideration by the full committee.

The Honorable Gary E. Clary  
Executive Subcommittee Chair

cc: The Honorable Laurie Slade Funderburk  
The Honorable Weston J. Newton  
The Honorable Robert Q. Williams

# Legislative Oversight Committee

## Study of the South Carolina State Election Commission *September 1, 2017*



FULL COMMITTEE OPTIONS STANDARD PRACTICE 13	FULL COMMITTEE ACTION(S)	DATE(S) OF FULL COMMITTEE ACTION(S)
(1) Refer the study and investigation back to the subcommittee or an ad hoc committee for further evaluation; (2) Approve the subcommittee’s study; or (3) further evaluate the agency as a full committee, utilizing any of the available tools of legislative oversight available		

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# AGENCY SNAPSHOT

## State Election Commission

### History

Independent agency for almost half a century (since 1968)  
First state in the nation to have a statewide voter registration system

### Major Programs

#### **Voter Services**

- (1) Maintains statewide voter registration system providing election-specific databases to produce ballots for county and municipal election commissions
- (2) Provides election support services and technical assistance related to statewide voting system to counties
- (3) Oversees election security and provides guidance to counties

#### **Public Information/Training**

- (1) Administers mandatory statewide training and certification program for county and municipal election officials
- (2) Conducts ongoing training events and workshops
- (3) Furnishes poll manager training program/materials
- (4) Educates the public on the voter registration and election process
- (5) Dispenses information regarding elections and agency activities

#### **Administration**

Provides leadership and direction for the agency, including administration, finance and support services

#### **ISSUES**

- Replacing aging voting equipment
- Securing elections in an ever changing field of cyber security threats
- Meeting demands of voters (e.g., including more opportunities to vote prior to election day and improved accessibility of polling places)

#### **SUCCESSES**

- Conducting five statewide elections and partners with federal/state agencies to enhance security in 2016
- Conducting first county compliance audits in 2015, after being given responsibility over county boards of voter registration and elections in 2014
- Holding voting system fair to become familiar with current systems available around the country in 2015
- Implementing photo identification system in 2013

Figure 1. Snapshot of agency's history, major programs, successes, and issues.<sup>1</sup>

# EXECUTIVE SUMMARY

## *Purpose of Oversight Study*

As stated in SC Code of Laws § 2-2-20(B), “[t]he **purpose of these oversight studies** and investigations is to **determine if agency laws and programs** within the subject matter jurisdiction of a standing committee:

(1) **are being implemented** and carried out **in accordance with the intent of the General Assembly; and**  
(2) **should be continued, curtailed, or eliminated.**” In making these determinations, the Subcommittee evaluates (1) the application, administration, execution, and effectiveness of the agency’s laws and programs, (2) the organization and operation of the agency, and (3) any conditions or circumstances that may indicate the necessity or desirability of enacting new or additional legislation pertaining to the agency.<sup>2</sup>

## *Study Process*

The House Legislative Oversight Committee’s (Committee) process for studying the State Election Commission (agency, Election Commission, or SEC) includes actions by the full Committee; Executive Subcommittee (Subcommittee); the agency; and the public. A summary of the key dates and actions from January 10, 2017, to July 31, 2017 are listed below in Figure 2.

### Legislative Oversight Committee Actions

- January 10, 2017 - Schedules the agency for study by the Executive Subcommittee.
- January 17, 2017 - Informs agency it has been selected for study.
- February 9 - March 13, 2017 - Solicits input from the public about the agency through an **online public survey**.
- March 9, 2017 - Holds **Meeting #2** with the agency to receive **public input**.

### Executive Subcommittee Actions

- February 15, 2017 - Holds **Meeting #1**, a **work session**, to discuss questions to send the agency.
- April 5, 2017 - Holds **Meeting #3** to discuss how county and district boundaries for elections are mapped.
- April 18, 2017 - Holds **Meeting #4** to discuss the agency's mission; responsibilities; successes; challenges and issues; emerging issues; history; and governing body.
- May 3, 2017 - Holds **Meeting #5** to receive testimony from a constituent and discuss deliverables (i.e. products and services); organizational units; and goals.
- May 9, 2017 - Holds **Meeting #6** to continue discussion of deliverables; organizational units; and goals.
- June 13, 2017 - Holds **Meeting #7** to tour the agency and to discuss resources available; methodology utilized to allocate resources to accomplish its strategic plan; and details about each of its goals, including, but not limited to, resources allocated, and performance measures.
- June 27, 2017 - Holds **Meeting #8** to discuss recommendations.

- July 31, 2017 - Holds **Meeting #9**, a **work session**, to discuss recommendations.

### State Election Commission Actions

- March 31, 2015 - Submits its **Annual Restructuring and Seven-Year Plan Report**.
- January 12, 2016 - Submits its **Annual Restructuring Report**.
- September 20, 2016 - Submits its **2015-16 Accountability Report/2017 Annual Restructuring Report**.
- April 14, 2017 - Submits its **Program Evaluation Report**.

### Public's Actions

- February 9, 2017 - March 13, 2017 - Provides input about agency via **online public survey**.
- March 9, 2017 - Provides **testimony** to the full Committee.
- April 5, 2017 - Provides **testimony** to the Subcommittee.
- May 3, 2017 - Provides **testimony** to the Subcommittee.
- June 27, 2017 - Provides **testimony** to the Subcommittee.
- July 31, 2017 - Provides **testimony** to the Subcommittee.
- **Ongoing** - Public may submit written comments on the Oversight Committee's webpage on the General Assembly's website ([www.scstatehouse.gov](http://www.scstatehouse.gov)).

*Figure 2. Summary of key dates and actions of the study process from January 10, 2017, to July 31, 2017.*

## Finding and Recommendations

The Subcommittee has one **finding** arising from its study of the agency, acknowledging differences in interpretations of county boundaries and its potential impact on elections. During the study process, representatives from the Revenue and Fiscal Affairs Office testify if you ask two different counties where the boundary between them is located, you may get two different answers.<sup>3</sup> Also, during the study process, a constituent testifies as to concerns that may arise with county boundary discrepancies including, taxation without representation, if a county tax map is utilized as the boundary of the county instead of the boundary described in state statute.

Acknowledging differences in interpretations of county boundaries and its potential impact on elections, the Subcommittee finds until 2030, or such time as the South Carolina Geodetic Survey Office of Revenue and Fiscal Affairs surveys and maps the county boundaries as expressed in statute, practical problems may arise under various interpretations of a county boundary, including but not limited to, taxation without representation.

The Subcommittee has **eighteen substantive recommendations** arising from its study of the agency. These recommendations fall into four categories: (1) pre-election; (2) election; (3) training; and (4) county boundaries utilized for elections. These recommendations are summarized in Table 1.

There are **no specific recommendations with regards to continuance of agency programs or elimination of agency programs**.

Table 1. Summary of eighteen recommendations arising from the study process.

RECOMMENDATIONS
Pre-Election
1. <b>Voter Registration</b> - Revise state voter registration applications to include a “Yes” and “No” box beside each eligibility qualification.
2. <b>Incapacity</b> - Obtain notification when a court deems an individual mentally incapacitated so the agency may update the voter registration database.
3. <b>Voter Registration Books</b> - Allow additional time for individuals to register to vote by changing the deadline to register to vote from 30 to 25 days prior to an election.*
4. <b>Substitution of Nominee</b> - Limit the time prior to an election when a candidate may resign for non-political reasons and a substitute candidate may be nominated.*
5. <b>Certification of Candidates</b> - Allow the agency sufficient time to prepare for elections by applying the August 15th requirement for certifying candidates in a statewide general election to all candidates and questions to be voted on in the general election except Presidential and Vice-Presidential candidates.*
Elections
6. <b>Municipal Elections</b> - Standardize municipal elections by holding no more than three in an odd numbered year.*
7. <b>Primaries</b> - Hold non-partisan primaries on a different day than partisan primaries.*
8. <b>Poll Workers</b> - Allow a voter registered in South Carolina to serve as a poll worker anywhere in the state.*
9. <b>Absentee Ballots</b> - Remove the requirement of a witness signature on the envelope of a mail-in absentee ballot as the signatures cannot be verified.*
Training
10. <b>County Board Orientation</b> - Require County Registration and Election Board Members to participate in an orientation, approved by the State Election Commission, within 30 days of appointment to a county board.*

## County Boundaries Utilized for Elections

### In General

**11. Official Map** - Clarify South Carolina's official county boundary map is held by Revenue and Fiscal Affairs Office or its successor entity.\*

### Surveying Geographic Coordinates

**12. Initial Public Notice** - Expand notification efforts during the county boundary geographic coordinate surveying process.\*

**13. Streamline Process** - Streamline the geographic coordinate survey process by prohibiting simultaneous occurrence of: (1) a county annexing property impacting an individual boundary line of a county; and (2) SC Geodetic Survey surveying the same boundary line for its geographic coordinates.\*

### After Geographic Coordinates Finalized

**14. Post-Work Notice** - Expand notification efforts after the geographic coordinate surveying process.\*

**15. County Usage** - Confirm usage of boundary geographic coordinates by impacted counties.\*

**16. Voter Database** - Address practical problems with updating the voter database during the geographic coordinate surveying process.\*

**17. Future Annexations** - Provide for accuracy of county boundary lines after initial geographic coordinates are finalized (i.e., update the existing annexation process).\*

**18. Enforcement** - Create an enforcement mechanism to ensure adherence to boundary geographic coordinates (i.e., authorize a private cause of action by a citizen).\*

*Table Note: Asterisks denote recommendations to the General Assembly; all other recommendations are to the agency.*

# AGENCY OVERVIEW

## *History*

The State Election Commission has provided the Committee with an overview of the agency's history.<sup>4</sup> In addition, Committee staff has confirmed the accuracy of any assertion of legislative action.

In 1968, the State Election Commission is created as an independent agency, and Mr. James B. Ellisor is named executive director, a position he holds until 1992. South Carolina organizes the first statewide voter registration system in the country.

In 1984, the SEC implements the federal Voting Accessibility for the Elderly and Handicapped Act. The same year the first two counties, Orangeburg and Spartanburg, in the state are provided online access to the statewide voter registration system.<sup>5</sup>

The State Election Commission launches a statewide project to replace paper ballots in 1986. Also, the agency implements voter registration by mail and the federal Uniformed and Overseas Citizens Absentee Voting Act. It transitions six counties to use electronic voting machines.<sup>6</sup> Those counties include Berkeley, Charleston, Colleton, Dorchester, Fairfield, and Greenwood.<sup>7</sup>

In 1992, the agency begins conducting statewide primaries. Prior to 1992, statewide primaries are conducted by political parties. Ms. Lynn McCants is named executive director of the SEC.

By 1993, all county election boards have online access to the statewide voter registration system. Mr. James F. Hendrix becomes executive director of the SEC in 1994, and he serves in the position for eight years.

The State Election Commission begins a training and certification program for county boards and launches a website providing information to voters in 1995. The SEC implements the National Voter Registration Act (i.e., Motor Voter) and participates in a technology exhibit for the U.S. Department of Commerce showcasing electronic voting machines in the state.

In 2000, the SEC participates in the Voting over the Internet Project, which is sponsored by the U.S. Department of Defense, Federal Voting Assistance Program.

Ms. Marci Andino becomes executive director of the agency in 2003, a position she currently holds. The same year the agency implements the federal Help America Vote Act (HAVA). Prior to enactment of HAVA, counties use different types of voting equipment including: (1) direct recording electronic voting machines; (2) punch cards; and (3) mark sense optical scan system.<sup>8</sup> Additionally, there are a number of dissimilar absentee voting systems in use.<sup>9</sup>

In 2004, the SEC implements a statewide electronic voting system in fifteen counties, moves the agency website to a new platform (i.e., scVOTES.org), and combines its Voter Services and Election Services Divisions to create the Public Information and Training Division. The statewide electronic voting system is completed in 2005. This is the first time South Carolina has a single voting system.



For military and overseas voters, the SEC implements instant voting (i.e., rank choice) in runoffs in 2006. This enables timely reporting of runoff votes from overseas voters, as runoffs are two weeks after a primary. The agency develops and begins using electronic voter registration lists at polling places and launches an intranet site to provide election related information to, as well as communicate with, county election officials.

The agency conducts the presidential preference primaries for the first time in 2008. In total, it conducts five statewide elections that year.

In 2010, the agency implements the federal Military and Overseas Voter Empowerment Act. Also, it develops and implements an electronic ballot delivery system for military and overseas citizens.

The agency implements the statewide voter registration and election management system in 2011. Also, the agency develops a voting system audit program to validate vote totals.

In 2012, the agency implements an online voter registration system, conducts the Republican presidential preference primary, and participates in an audit by the Legislative Audit Council.

During fiscal year 2012-13, the General Assembly provides recurring funding for the agency to conduct primaries and general elections.

In 2013, the agency implements photo identification requirements for voting. Also that year, the U.S. Supreme Court strikes down Section 4 of Voting Rights Act (i.e., requirement for pre-clearance of election changes by the U.S. Department of Justice.)

In 2014, the agency is given supervisory responsibility over county boards of voter registration and elections; responsibility for conducting county compliance audits and other postelection analysis; and responsibility for conducting candidate filing, which was previously conducted by political parties. Also, the agency creates an information security position.

The agency conducts the first county compliance audits in 2015, creates an area representative position, and holds a voting system fair to become familiar with current voting systems available around the country.

In 2016, the agency creates a staff attorney position, four additional area representative positions, and it conducts five statewide elections.<sup>10</sup>

## Organization

### Governing Body

The State Election Commission is composed of five commissioners, with at least one from the majority political party and at least one from the largest minority political party in the General Assembly.<sup>11</sup> Each commissioner is appointed by the Governor for a four-year term, and unless otherwise stated, holds the position until a successor is appointed.<sup>12</sup>

Commissioners are prohibited from (1) participating in political management or in a political campaign during their term of office, (2) making a contribution to a candidate, and (3) knowingly attending a fundraiser held for the benefit of a candidate.<sup>13</sup> Violators are subject to removal by the Governor.<sup>14</sup>

The chairman of the commission is appointed by the Governor and serves a two-year term.<sup>15</sup> Table 2 lists the current commissioners and the date they were appointed.

Table 2. Agency commissioners and initial appointment dates.

Commissioner	Date Appointed
Billy Way, Jr., Chair	September 2012 (4.5 years)
Mark A. Benson	September 2010 (6.5 years)
Marilyn Bowers	September 2011 (5.5 years)
Nicole Spain White	November 2011 (5.5 years)
E. Allen Dawson	September 2012 (4.5 years)

The commission meets in Columbia, South Carolina at least once each month and at such times as considered necessary by the commission.<sup>16</sup> The commission may change the location of the meeting for convenience of the commission or any parties scheduled to appear before the commission.<sup>17</sup>

The commission appoints an executive director of the agency who reports directly to, and serves at the pleasure of, the commission.<sup>18</sup> The executive director is the chief administrative officer for the State Election Commission.<sup>19</sup>

Table 3. Executive directors of the agency and their years of service.

Executive Director	Years of Service
Marci Andino	2003 - Present (14 years)
James F. Hendrix	1994 - 2002 ( 8 years)
Lynn McCants	1992 - 1994 ( 2 years)
James B. Ellisor	1968 - 1992 (35 years)

## Organizational Units

The agency's Program Evaluation Report (PER) includes information about its organizational units.<sup>20</sup> Every agency has some type of organization and hierarchy as reflected in the agency's organizational chart. Within the organization are separate units. An agency may refer to these units as departments, divisions, functional areas, cost centers, etc. Each unit is responsible for contributing to the agency's ability to provide services and products. Figure 3 includes the agency's organizational chart, current as of May 4, 2017.

To ensure agency employees understand how their work contributes to the agency's overall ability to provide effective services and products in an efficient manner, each organizational unit has at least one (and in most cases multiple), objectives, strategies, or goals for which it is solely responsible.

**Administration** is one of the agency's organizational units. This unit provides leadership and direction for the agency, including administration, finance and support services. Table 4 provides additional information about the unit.

Table 4. State Election Commission Organizational Unit: Administration.

Details:	2013-14	2014-15	2015-16
What is the turnover rate?	60%	0%	0%
Is employee satisfaction evaluated?	Yes	Yes	Yes
Is anonymous employee feedback allowed?	Yes	Yes	Yes
Do any positions require a certification (e.g., teaching, medical, accounting, etc.)	No	No	Yes
Did the agency pay for, or provide classes/instruction needed to maintain all, some, or none of required certifications?	N/A	N/A	Yes

**Voter Services** is another organizational unit of the agency. This unit provides and supports the statewide voter registration system; provides election-specific databases to produce ballots for county and municipal election commissions; provides counties with election support services and technical assistance related to statewide voting system; and provides election security oversight and guidance to counties. Table 5 provides additional information about the unit.

Table 5. State Election Commission Organizational Unit: Voter Services.

Details:	2013-14	2014-15	2015-16
What is the turnover rate?	13%	10%	15%
Is employee satisfaction evaluated?	Yes	Yes	Yes
Is anonymous employee feedback allowed?	Yes	Yes	Yes
Do any positions require a certification (e.g., teaching, medical, accounting, etc.)	No	No	No
Did the agency pay for, or provide classes/instruction needed to maintain all, some, or none of required certifications?	No	No	No

**Public Information/Training** is the third organizational unit of the agency. This unit administers mandatory statewide training and certification programs for county and municipal election officials; provides ongoing training events and workshops; provides a poll manager training program and materials; educates the public on the voter registration and election process; and provides information regarding elections and agency activities. Table 6 includes additional information about the unit.

Table 6. State Election Commission Organizational Unit: Public Information/Training.

Details:	2013-14	2014-15	2015-16
What is the turnover rate?	0%	0%	0%
Is employee satisfaction evaluated?	Yes	Yes	Yes
Is anonymous employee feedback allowed?	Yes	Yes	Yes
Do any positions require a certification (e.g., teaching, medical, accounting, etc.)	No	No	No
Did the agency pay for, or provide classes/instruction needed to maintain all, some, or none of required certifications?	No	No	No

### Organizational Chart

Figure 3 includes an organizational chart, current as of May 4, 2017. In the chart, Administrative Manager I, Janet Reynolds, serves as Director of the Administration unit; Program Manager I, Chris Whitmire, serves as Director of the Public Information/Training unit; and Program Manager I, Howard Snider, serves as Director of the Voter Services unit. Program Manager I, Vacant, supervises the area representatives the agency has recently hired.<sup>21</sup>

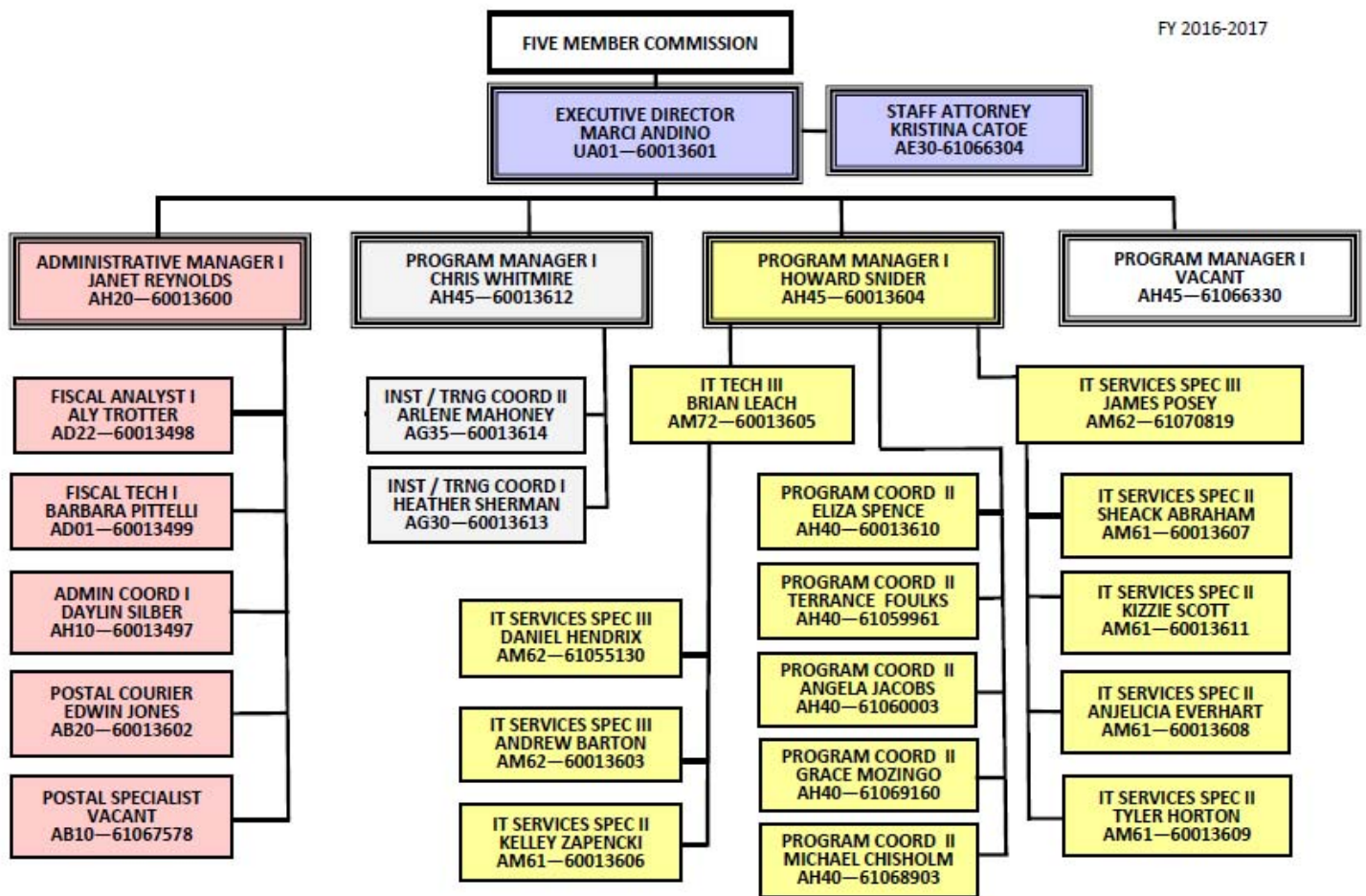


Figure 3. Organizational chart provided by the agency, current as of May 4, 2017.<sup>22</sup>

### *Relationship with County Boards of Registration and Elections*

County Boards of Registration and Elections are separate entities from the State Election Commission. While the **agency is not involved in the appointment of members to these boards, it is responsible for setting standards for these boards.** Appendix A includes information about the appointment of members, names of members by county, and a list of County Boards of Registration and Elections responsibilities.

### *Products, Services, and Customers*

During the study process, the **agency is asked to provide a list of all its deliverables** (i.e., products and services) as well as additional information related to laws, customers, costs, and potential negatives impacts, about each deliverable. Table 7 includes a list of the agency's 53 deliverables.

Table 7. List of agency's 53 products and services.

Item #	Product or Service	Does law require, allow, or not address it?	Does agency know the number of potential customers?	Does agency know the number of customers served?	Does the agency evaluate customer service?	Does the agency know the cost it incurs, per unit, to provide the product or service?	Does the law allow the agency to charge for it to cover the agency's costs?
1	Provide registration offices and polling places that are accessible to voters with disabilities and voters age 65 and older	Require; 42 U.S.C. §§ 1973ee-ee6. (1984); (Voting Accessibility for the Elderly and Handicapped)	No	No	No	No	No
2	Take appropriate steps to ensure communication with applicants, participants and members of the public with disabilities are as effective as communications with other individuals	Require; 42 U.S.C. § 12101, et seq. (1990); (Americans with Disabilities Act)	No	No	No	No	No
3	Provide opportunity to register to vote at certain agencies	Require; 52 U.S.C. § 20501, et seq. (1993); (National Voter Registration Act)	No	No	No	No	No
4	Provide programs and procedures for provisional voting, voting information, updating and upgrading voting equipment, establishing statewide voter registration databases, voter identification and administrative complaints	Require; 52 U.S.C. §§ 20901-21145 (2002); (Help America Vote Act)	No	No	No	No	No
5	Allow qualified service members and overseas citizens to register to vote and vote absentee	Require; 52 U.S.C. §§ 20301-20311, (1986); (Uniformed and Overseas Citizens Absentee Voting Act)	No	No	No	No	No

Item #	Product or Service	Does law require, allow, or not address it?	Does agency know the number of potential customers?	Does agency know the number of customers served?	Does the agency evaluate customer service?	Does the agency know the cost it incurs, per unit, to provide the product or service?	Does the law allow the agency to charge for it to cover the agency's costs?
6	Send electronic communications materials and absentee ballots to UOCAVA voters at least 45 days prior to the election	Require; 42 U.S.C. § 1973ff-1 (2009); (Military and Overseas Voter Empowerment Act)	No	No	No	No	No
7	Conduct a training and certification program for municipal officials	Require; 7-3-20	No	Yes	Yes	No	Yes
8	Furnish precinct lists to a qualified elector	Require; 7-3-20	Yes	Yes	No	Yes	Yes
9	Audit the County Board of Voter Registration and Elections	Require; 7-3-20	Yes	Yes	No	No	No
10	Maintain master file of all qualified electors by county and precinct	Require; 7-3-20	No	No	No	No	No
11	Delete names of electors for certain statutory reasons	Require; 7-3-20	No	No	No	No	No
12	Furnish County Boards of Voter Registration and Elections with a master list of all registered voters in the county	Require; 7-3-20	Yes	Yes	No	Yes	No
13	Provide corrective action plan for non-compliant county Board of Voter Registration and Election members	Require; 7-3-25	Yes	Yes	No	No	No
14	Notify the Governor of any county board of voter registration and election official that fails to meet training and certification requirements	Require; 7-3-25	Yes	Yes	No	No	No
15	Notify any elector whose name has been deleted for reason of conviction or change of address	Require; 7-3-30	No	Yes	No	No	No

Item #	Product or Service	Does law require, allow, or not address it?	Does agency know the number of potential customers?	Does agency know the number of customers served?	Does the agency evaluate customer service?	Does the agency know the cost it incurs, per unit, to provide the product or service?	Does the law allow the agency to charge for it to cover the agency's costs?
16	Provide training and certification for County officials	Require; 7-5-10	Yes	Yes	Yes	Yes	Yes
17	Provide supplement to county boards to defray expenses of the voter registration office	Require; 7-5-40	Yes	Yes	No	No	No
18	Provide written notification to any person who registers to vote and is found qualified to vote	Require; 7-5-125	No	Yes	No	No	No
19	Furnish voter registration forms to County Boards of Voter Registration and Elections	Require; 7-5-155	No	Yes	No	Yes	No
20	Maintain electronic voter registration application on the SEC website	Require; 7-5-185	No	Yes	No	No	No
21	Maintain statewide voter registration database	Require; 7-5-186	Yes	Yes	No	No	No
22	Provide method of complaint regarding interference with voter registration or privacy of decision to register	Require; 7-5-310	No	Yes	No	No	No
23	Remove of elector from official list	Require; 7-5-340	No	No	No	No	No
24	Prepare duplicate registration books for each ward or precinct for every county	Require; 7-5-660	Yes	Yes	No	No	No
25	Conduct candidate filing	Require; 7-11-15	No	Yes	No	No	No
26	Conduct presidential preference primary for certified political parties receiving at least five percent of the popular vote	Require; 7-11-20	Yes	Yes	No	Yes	No



Item #	Product or Service	Does law require, allow, or not address it?	Does agency know the number of potential customers?	Does agency know the number of customers served?	Does the agency evaluate customer service?	Does the agency know the cost it incurs, per unit, to provide the product or service?	Does the law allow the agency to charge for it to cover the agency's costs?
27	Furnish petition forms to county election officials and interested persons	Allows; 7-11-80	No	No	No	Yes	No
28	Conduct primaries for federal, state and offices included in more than one county, countywide and less than countywide offices, specialist purpose districts	Require; 7-13-15	Yes	Yes	No	Yes	No
29	Conduct party primaries	Require; 7-13-40	Yes	Yes	No	Yes	No
30	Establish regular hours and publish notice of candidate filing	Require; 7-13-45	No	Yes	No	Yes	No
31	Conduct second or other primaries	Require; 7-13-50	Yes	Yes	No	Yes	No
32	Provide training and certification program for poll managers	Require; 7-13-72	Yes	Yes	No	No	No
33	Direct size and the color of the ballot	Require; 7-13-320	No	No	No	No	No
34	Place petition nominee on appropriate ballot	Require; 7-13-351	No	No	No	No	No
35	Print and deliver ballots for presidential electors, state officers, US Senators and members of Congress	Require; 7-13-340	Yes	No	No	No	No
36	Provide ballots that have proposed constitutional amendments	Require; 7-13-410	No	No	No	No	No
37	Prepare separate ballots for each political party holding a primary	Require; 7-13-610	Yes	No	No	No	No
38	Provide ballot labels	Require; 7-13-1360	No	No	No	No	No

Item #	Product or Service	Does law require, allow, or not address it?	Does agency know the number of potential customers?	Does agency know the number of customers served?	Does the agency evaluate customer service?	Does the agency know the cost it incurs, per unit, to provide the product or service?	Does the law allow the agency to charge for it to cover the agency's costs?
39	Establish form of a sign to be displayed at polling places using optical scan devise	Require; 7-13-1371	No	No	No	No	No
40	Establish ballot forms	Require; 7-13-1371	No	No	No	No	No
41	Approve Voting System	Require; 7-13-1620	No	No	No	No	No
42	Approve One Voting System	Require; 7-13-1655	No	No	No	No	No
43	Determine form application for absentee ballot	Require; 7-15-340	Yes	Yes	No	Yes	No
44	Send ballots to qualified electors under Uniformed and Overseas Citizens Absentee Voting Act at least forty-five days prior to any election	Require; 7-15-406	Yes	Yes	No	Yes	No
45	Standards and guidelines for voting systems to count absentee ballots	Require; 7-15-470	No	No	No	No	No
46	Certify statement of all votes cast	Require; 7-17-240	No	Yes	No	No	No
47	Document declaration of elected officials	Require; 7-17-250	No	No	No	No	No
48	Decide cases held by State Board of Canvassers	Require; 7-17-260	No	No	No	No	No
49	Furnish jury list	Require; 14-7-130	Yes	Yes	No	Yes	No
50	Disburse aid to counties for county voter registration and elections board members	Require; Proviso 101.1 (County Boards of Voter Registration and Election Compensation), 2016-2017, Appropriations Act Part 1B)	Yes	Yes	No	Yes	No
51	Disburse additional funds to State Board of Canvassers for Protests and Hearings	Allows; Proviso 101.3 (Board of State Canvassers Compensation), 2016-2017, Appropriations Act Part 1B	Yes	Yes	No	Yes	No

Item #	Product or Service	Does law require, allow, or not address it?	Does agency know the number of potential customers?	Does agency know the number of customers served?	Does the agency evaluate customer service?	Does the agency know the cost it incurs, per unit, to provide the product or service?	Does the law allow the agency to charge for it to cover the agency's costs?
52	Provide training courses with common curriculum available in various locations of the state	Require; Proviso 101.7 (Training and Certification Program), 2016-2017, Appropriations Act Part 1B	Yes	Yes	Yes	Yes	Yes
53	Submit information technology and security plan to Department of Administration	Require; Proviso 117.114 (Information Technology and Security Plans), 2016, 2017, Appropriations Act Part 1B	No	No	No	No	No

The **agency has various sources of revenue including both recurring and one-time revenue.** Table 8 provides information about the agency’s revenue sources for the past three fiscal years.

*Table 8. Sources of agency revenue for fiscal year 2014-15, fiscal year 2015-16, and estimates for fiscal year 2016-17.*

<u>Source of Revenue</u>	<u>Recurring or one-time?</u>	<u>2014-15 Revenue</u>	<u>2015-16 Revenue</u>	<u>2016-17 Revenue Estimate</u>
General Appropriations	Recurring	\$0	\$0	\$0
General Revenue	Recurring	\$539	\$2,012	\$0
Candidate Filing Fees	Recurring	\$78,287	\$1,215,574	\$10,000
Training Program	Recurring	\$15,165	\$18,500	\$15,000
Sale of List Program	Recurring	\$104,637	\$175,957	\$100,000
Presidential Preference Primaries	One-time	\$0	\$360,000	\$0
Help America Vote Act Grant	One-time	\$5,476	\$4,755	\$4,000
Federal Voting Assistance Program Grant	One-time	\$0	\$8,652	\$0
Totals		\$204,104	\$1,785,450	\$129,000

### *Other Agencies Serving Similar Customers/Products/Services*

During the study of an agency the **Committee asks the agency if there are any other agencies serving similar customers or providing similar products or services.** The State Election Commission does not believe the products and services it provides are within the mission of any other state agency.<sup>23</sup>

### *Strategic Resource Allocation and Performance*

During the study of an agency, the **Committee asks an agency how it allocates its human and financial resources to accomplish its goals** (i.e., broad expression of a long-term priority) **and objectives** (i.e., specific, measurable and achievable description of an effort the agency is implementing to achieve a goal) in the agency’s strategic plan.<sup>24</sup> The agency states it does not spend any funds on items not directly related to its strategic plan. Tables 9-13 includes an overview of the agency's strategic plan and resources allocated to its goals and objectives and amounts not utilized.<sup>25</sup>

Table 9.1. Agency Goal 1: Provide for a system of voter registration that is free of barriers - strategies, objectives, and resource (human and financial) allocations.

**GOAL 1 Provide for a system of voter registration that is free of barriers.**

Responsible Employee(s): Mr. Howard Snider (responsible for more than three years)

Strategies and Objectives:	2015-16		2016-17	
	Number of FTEs authorized <sup>26</sup> (Number of equivalents)	Total spent (Percentage of total funds spent)	Number of FTEs authorized (Number of equivalents)	Total budgeted (Percentage of total funds spent)
<ul style="list-style-type: none"> <li>• Strategy 1.1 - Maintain a statewide voter registration system that is convenient, accessible and meets the needs of counties                             <ul style="list-style-type: none"> <li>○ Objective 1.1.1 - Provide a system that is available and take all reasonable measures to ensure cyber security of the voter registration system</li> <li>○ Objective 1.1.2 - Support county users in use of system to maintain accurate voter records</li> </ul> </li> <li>• Strategy 1.2 - Ensure citizens have accessible methods to register to vote                             <ul style="list-style-type: none"> <li>○ Objective 1.2.1 - Provide registration by mail, online voter registration, and in person registration at county offices and other designated voter registration agencies</li> </ul> </li> </ul>	26.5 (1.2)	\$413,930 (6.567%)	26.5 (1.3)	\$500,000 (5.46%)
	26.5 (1.8)	\$444,870 (7.05%)	26.5 (2.1)	\$500,000 (5.46%)
	26.5 (0.5)	\$73,209 (1.16%)	26.5 (0.5)	\$75,000 (0.82%)

Table 9.2. Performance measures associated with goal 1.

Performance Measure	Type of Measure	2012-13	2013-14	2014-15	2015-16	2016-17
Total active registered voters	Input/Activity	Actual: 2,911,101 Target: Did not exist (DNE)	Actual: 2,843,744 Target: DNE	Actual: 2,889,904 Target: DNE	Actual: 3,081,855 Target: DNE	Target: DNE
Voters registered in current fiscal year	Input/Activity	Actual: 218,989 Target: DNE	Actual: 139,903 Target: DNE	Actual: 158,213 Target: DNE	Actual: 244,741 Target: DNE	Target: DNE
Voters made inactive	Input/Activity	Actual: 68,280 Target: DNE	Actual: 180,441 Target: DNE	Actual: 82,610 Target: DNE	Actual: 60,025 Target: DNE	Target: DNE
Percentage of county election officials using electionnet*	Input/Activity	Data Not Available	Actual: 45% Target: 100%	Actual: 49% Target: 100%	Actual: 60% Target: 100%	Target: 100%
Percentage of registrations...						
submitted online	Outcome	Actual: 9.6% Target: DNE	Actual: 3.5% Target: DNE	Actual: 7.2% Target: DNE	Actual: 22.1% Target: DNE	Target: DNE
received by mail	Input/Activity	Actual: 31.3% Target: DNE	Actual: 16.2% Target: DNE	Actual: 15.4% Target: DNE	Actual: 11.3% Target: DNE	Target: DNE
in office	Input/Activity	Actual: 12% Target: DNE	Actual: 5.9% Target: DNE	Actual: 6.5% Target: DNE	Actual: 5.6% Target: DNE	Target: DNE
at Department of Motor Vehicles	Input/Activity	Actual: 46.1% Target: DNE	Actual: 73% Target: DNE	Actual: 68.1% Target: DNE	Actual: 58.5% Target: DNE	Target: DNE
at other public service agencies	Input/Activity	Actual: 0.9% Target: DNE	Actual: 1.4% Target: DNE	Actual: 2.8% Target: DNE	Actual: 1.9% Target: DNE	Target: DNE
Training and certification program ...						
Number of participants	Input/Activity	Actual: 507 Target: DNE	Actual: 493 Target: DNE	Actual: 517 Target: DNE	Actual: 505 Target: DNE	Target: DNE
Percentage not in compliance with requirements	Outcome	Actual: 7.1% Target: 0%	Actual: 4.9% Target: 0%	Actual: 3.9% Target: 0%	Actual: 4.5% Target: 0%	Target: 0%
Classes offered	Output	Actual: 18 Target: DNE	Actual: 28 Target: DNE	Actual: 26 Target: 25	Actual: 28 Target: 25	Target: 25
Total class attendees	Input/Activity	Actual: 504 Target: DNE	Actual: 663 Target: DNE	Actual: 657 Target: 625	Actual: 642 Target: 625	Target: 625
Total other training events	Output	Actual: 17 Target: DNE	Actual: 26 Target: DNE	Actual: 21 Target: DNE	Actual: 22 Target: DNE	Target: DNE

Table Note: All measures are agency selected, except percentage of registrations submitted at Department of Motor Vehicles and at other public service agencies, which are required by the federal government. "DNE" means did not exist. ElectionNET is a secure election portal for sharing information between the SEC and the 46 county voter registration and elections offices. For each measure, the agency identified which "type of measure" it considered the performance measure.

Table 10.1. Agency Goal 2: Certify and support a statewide voting system that meets state law, federal voting system standards and is accessible for all voters - strategies, objectives, and resource (human and financial) allocations.

**GOAL 2**      **Certify and support a statewide voting system that meets state law, federal voting system standards, and is accessible for all voters**

Responsible Employee(s):    Mr. Howard Snider (responsible for more than three years)

<u>Strategies and Objectives:</u>	<u>2015-16</u>		<u>2016-17</u>	
	Number of FTEs authorized <sup>27</sup> (Number of equivalents)	Total spent (Percentage of total funds spent)	Number of FTEs authorized (Number of equivalents)	Total budgeted (Percentage of total funds spent)
<ul style="list-style-type: none"> <li>• Strategy 2.1 - Support the statewide voting system ensuring it is easy to use, accurate and secure                             <ul style="list-style-type: none"> <li>○ Objective 2.1.1 - Produce election-specific databases and ballots according to state law and ballot standards</li> <li>○ Objective 2.1.2 - Support users in set-up, testing, usage, maintenance and secure storage of voting system</li> <li>○ Objective 2.1.3 - Audit vote totals prior to certification of election results</li> </ul> </li> </ul>	26.5 (3)	\$217,272 (3.44%)	26.5 (3.3)	\$200,000 (2.18%)
	26.5 (1)	\$266,843 (4.23%)	26.5 (1.3)	\$250,000 (2.73%)
	26.5 (0.8)	\$89,767 (1.42%)	26.5 (1.1)	\$100,000 (1.09%)

Table 10.2. Performance measures associated with goal 2.

Performance Measure	Type of Measure	2012-13	2013-14	2014-15	2015-16	2016-17
Number of elections held in state	Input/Activity	Actual: 185 Target: Did not exist (DNE)	Actual: 313 Target: DNE	Actual: 166 Target: 166	Actual: 336 Target: DNE	Target: DNE
Number of counties served by SEC database coders	Input/Activity	Actual: 39 Target: 39	Actual: 39 Target: 39	Actual: 39 Target: 39	Actual: 39 Target: 39	Target: 39
Number of audits conducted on county election results	Input/Activity	Actual: 114 Target: DNE	Actual: 301 Target: DNE	Actual: 312 Target: DNE	Actual: 626 Target: DNE	Target: DNE
Number of final audits failed on county election results	Outcome	Actual: 3 Target: 0	Actual: 2 Target: 0	Actual: 0 Target: 0	Actual: 0 Target: 0	Target: 0

Table Note: All performance measures are agency selected and not required by either the state or federal government. For each measure, the agency identified which "type of measure" it considered the performance measure.

Table 11.1. Agency Goal 3: Support counties in conducting voter registration and fair, open and impartial elections - strategies, objectives, and resource (human and financial) allocations.

**GOAL 3 Support counties in conducting voter registration and fair, open and impartial elections**

Responsible Employee(s): Mr. Chris Whitmire and Mr. Howard Snider (Both responsible for more than three years)

<u>Strategies and Objectives Associated:</u>	<u>2015-16</u>		<u>2016-17</u>	
	Number of FTEs authorized <sup>28</sup> (Number of equivalents)	Total spent (Percentage of total funds spent)	Number of FTEs authorized (Number of equivalents)	Total budgeted (Percentage of total funds spent)
<ul style="list-style-type: none"> <li>• Strategy 3.1 - Provide supervision, training, guidance and resources to counties to aid in voter registration and elections                             <ul style="list-style-type: none"> <li>○ Objective 3.1.1 - Provide guidance and training for county and municipal election officials and poll managers</li> <li>○ Objective 3.2.1 - Provide candidate filing system, absentee tracking and ballot delivery tools, photo ID production, paper and electronic voter registration lists and capturing voter history</li> </ul> </li> <li>• Strategy 3.2 - Ensure compliance with state and federal laws and agency policies and procedures                             <ul style="list-style-type: none"> <li>○ Objective 3.2.1 - Conduct county compliance audits and assessments</li> </ul> </li> <li>• Strategy 3.3 - Provide public education and information                             <ul style="list-style-type: none"> <li>○ Objective 3.3.1 - Provide voters with online access to their voter record, polling place, absentee ballot request and tracking, sample ballot, and status of provisional ballot</li> <li>○ Objective 3.3.2 - Increase public knowledge of voting rights, responsibilities, and procedures</li> <li>○ Objective 3.3.3 - Provide information, statistics and election results</li> </ul> </li> </ul>	26.5 (2.8)	\$388,429 (6.15%)	26.5 (3.1)	\$410,000 (4.47%)
	26.5 (1.4)	\$98,291 (1.56%)	26.5 (1.4)	\$150,000 (1.64%)
	26.5 (1.4)	\$140,228 (2.22%)	26.5 (3.0)	\$200,000 (2.18%)
	26.5 (0.3)	\$44,428 (0.70%)	26.5 (0.3)	\$100,000 (1.09%)
	26.5 (0.8)	\$280,335 (4.44%)	26.5 (0.9)	\$220,000 (2.40%)
	26.5 (1.1)	\$120,691 (1.91%)	26.5 (1.2)	\$150,000 (1.64%)



Table 11.2. Performance measures associated with goal 3.

Performance Measure	Type of Measure	2012-13	2013-14	2014-15	2015-16	2016-17
Number of SEC voter educations events	Output	Actual: 66 Target: Did not exist (DNE)	Actual: 32 Target: DNE	Actual: 25 Target: DNE	Actual: 41 Target: DNE	Target: DNE
Twitter followers	Input/Activity	Data Not Available	Actual: 968 Target: DNE	Actual: 1,084 Target: DNE	Actual: 1,341 Target: DNE	Target: DNE
Facebook likes	Input/Activity	Data Not Available	Actual: 3,080 Target: DNE	Actual: 3,091 Target: DNE	Actual: 3,509 Target: DNE	Target: DNE
Number of candidates filed for federal, state and county level offices in most recent general election	Input/Activity	Data Not Available	Actual: 1,339 (2014 GE) Target: DNE	Actual: 1,339 (2014 GE) Target: DNE	Actual: 1,604 (2016 GE) Target: DNE	Target: DNE
Filing Fees collected for...						
Statewide primaries	Input/Activity	Actual: \$5,936 Target: DNE	Actual: \$907,396 Target: DNE	Actual: N/A	Actual: \$1,210,926 Target: DNE	Target: DNE
Special primaries	Input/Activity	Actual: \$69,424 Target: DNE	Actual: \$14,651 Target: DNE	Actual: \$78,287 Target: DNE	Actual: \$4,648 Target: DNE	Target: DNE
Presidential preference primaries	Input/Activity	N/A	N/A	N/A	Actual: \$360,000 Target: DNE	Target: DNE
Scvotes.org...						
Total visits	Input/Activity	Actual: 370,524 Target: DNE	Actual: 176,420 Target: DNE	Actual: 169,247 Target: DNE	Actual: 237,217 Target: DNE	Target: DNE
Percentage returning visits	Input/Activity	Actual: 19.1% Target: DNE	Actual: 35% Target: DNE	Actual: 27% Target: DNE	Actual: 26% Target: DNE	Target: DNE
Percentage new visits	Input/Activity	Actual: 80.9% Target: DNE	Actual: 65% Target: DNE	Actual: 73% Target: DNE	Actual: 74% Target: DNE	Target: DNE

Table Note: All measures are agency selected except, tracking filing fees collected for statewide primaries; special primaries; and presidential preference primaries, which are required by state government. Also, agency selected for goal 3, all measures listed with goal 2 in Table 10.2; and the following listed with goal 1 in Table 9.2: Percentage of county election officials using electionnet; and Training and certification program number of participants, percentage not in compliance with requirements, classes offered, total class attendees, and total other training events. For each measure, the agency identified which "type of measure" it considered the performance measure.

Table 12.1. Agency Goal 4: Effectively oversee all agency programs and operations - strategies, objectives, and resource (human and financial) allocations.

**GOAL 4 Effectively oversee all agency programs and operations**

Responsible Employee(s): Ms. Janet Reynolds (Responsible for more than three years)

Strategies and Objectives Associated:	2015-16		2016-17	
	Number of FTEs authorized <sup>29</sup> (Number of equivalents)	Total spent (Percentage of total funds spent)	Number of FTEs authorized (Number of equivalents)	Total budgeted (Percentage of total funds spent)
<ul style="list-style-type: none"> <li>• Strategy 4.1 - Manage administrative and business activities of the agency                             <ul style="list-style-type: none"> <li>○ Objective 4.1.1 - Prepare annual budget and fiscal impact statements, and process payroll, accounts payable, accounts receivable, county election reimbursements, and county board member stipends</li> <li>○ Objective 4.2.1 - Provide support services to include human resources, legal, procurement, records management, fleet management, election supplies and shipping</li> </ul> </li> </ul>	26.5 (1.7)	\$3,477,377 (55.08%)	26.5 (1.7)	\$6,010,000 (65.58%)
	26.5 (2.2)	\$257,598 (04.08%)	26.5 (2.8)	\$300,000 (03.27%)

Table 12.2. Performance measures associated with goal 4.

Performance Measure	Type of Measure	2012-13	2013-14	2014-15	2015-16	2016-17
Training and certification program fees	Input/Activity	Actual: \$7,700 Target: DNE	Actual: \$16,725 Target: DNE	Actual: \$15,165 Target: DNE	Actual: \$18,500 Target: DNE	Target: DNE
Sale of voter registration lists	Input/Activity	Actual: \$78,736 Target: DNE	Actual: \$108,621 Target: DNE	Actual: \$104,637 Target: DNE	Actual: \$175,957 Target: DNE	Target: DNE
Sale of publications	Input/Activity	Actual: \$55 Target: DNE	Actual: \$12 Target: DNE	Actual: \$39 Target: DNE	Actual: \$12 Target: DNE	Target: DNE
Voting system update/certification fees	Input/Activity	Actual: \$0 Target: DNE	Actual: \$1,000 Target: DNE	Actual: \$500 Target: DNE	Actual: \$2,000 Target: DNE	Target: DNE
Number of poll managers used (general election or primary/runoff)	Input/Activity	Actual: 14,306 (General) Target: DNE	Actual: 18,782 (Primary/Runoff) Target: DNE	Actual: 13,168 (General Election) Target: DNE	Actual: 12,274 (Primary/Runoff) Target: DNE	Target: DNE
Protests heard	Outcome	Actual: 3 Target: 0	Actual: 0 Target: 0	Actual: 0 Target: 0	Actual: 0 Target: 0	Target: 0
Appeals heard	Outcome	Actual: 5 Target: 0	Actual: 0 Target: 0	Actual: 3 Target: 0	Actual: 1 Target: 0	Target: 0

Table Note: Number of poll managers used, protests heard, and appeals heard are agency selected; all others are required by state government. For each measure, the agency identified which "type of measure" it considered the performance measure.

During the study, **the agency is asked to provide the amount of funds remaining at the end of the year by fund source and restrictions** on how the funds may be utilized. Table 13 includes this information.

Table 13. Details about the agency's different sources of funds and amounts remaining at the end of fiscal years 2015-16 and 2016-17 available to the agency.

Source of funds	State, other or federal funding?	Recurring or one-time?	External restrictions (from state or federal government, grant issuer, etc.) on use of funds:	2015-16		2016-17	
				Total available to spend this fiscal year:	Cash Balance Remaining (Percentage of total available from source)	Total est. to have available to spend this fiscal year:	Cash Balance Not Budgeted to Spend (Percentage of total available from source)
• General Appropriations	State	Recurring	None	\$7,264,086	\$4,116,468 56.67%	\$9,622,787	\$747,787 7.77%
• General Revenue	Other	Recurring	No authority to spend funds	\$0	\$0 0%	\$0	\$0 0%
• Candidate Filing Fees	Other	Recurring	SC Code of Law 7-11-15	\$1,300,000	\$500,927 38.53%	\$1,300,000	\$1,290,000 99.23%
• Training Program	Other	Recurring	Proviso 101.70	\$35,000	\$26,136 74.67%	\$35,000	\$5,000 14.29%
• Sale of List Program	Other	Recurring	SC Code of Law 7-3-20(C)(10); Proviso 101.4	\$305,700	\$206,960 67.70%	\$305,700	\$155,700 50.93%
• Help America Vote Act Grant	Federal	One-Time	Help America Vote Act; State Plan Proviso 101.10	\$450,249	\$399,929 88.82%	\$403,929	\$303,929 75.24%
• Presidential Preference Primaries	State	One-Time	SC Code of Law 7-11-20(B)(2)(a)	\$2,200,000	\$0 0%	\$0	\$0 0%
• FVAP/EVAT Grant	Federal	One-Time	Federal Voting Assistance Program	\$8,652	\$0 0%	\$0	\$0 0%
<b>Totals</b>				<b>\$11,563,687</b>	<b>\$5,250,418 45.40%</b>	<b>\$11,672,171</b>	<b>\$2,502,416 21.45%</b>

# STUDY PROCESS

## *Agency Selection*

The State Election Commission is a state agency subject to legislative oversight.<sup>30</sup> On January 10, 2017, the **Committee schedules SEC for study** by the Executive Subcommittee.<sup>31</sup>

The **Committee notifies the agency** about the study on January 17, 2017.<sup>32</sup> The notification letter is in Appendix B. As the Committee encourages **collaboration in its legislative oversight process**, the Speaker, standing committee chairs in the House, members of the House, Clerk of the Senate, and Governor receive notice about the agency study.

## *Subcommittee Membership*

The **Executive Subcommittee of the House Legislative Oversight Committee is studying the agency**.<sup>33</sup> The study begins during the 122<sup>nd</sup> General Assembly. Throughout the study, the Honorable Gary E. Clary serves as chair. Subcommittee Members are listed below:

- The Honorable Gary E. Clary (122<sup>nd</sup> General Assembly);
- The Honorable Laurie Slade Funderburk (122<sup>nd</sup> General Assembly);
- The Honorable Wm. Weston J. Newton (122<sup>nd</sup> General Assembly); and
- The Honorable Robert Q. Williams (122<sup>nd</sup> General Assembly).

## *Agency Reports to Legislative Oversight Committee*

During the legislative oversight process, the **Committee asks the agency to conduct self-analysis** by requiring it to complete and submit Annual Restructuring Reports, a Seven-Year Plan for cost savings and increased efficiencies, and a Program Evaluation Report which serves as the base document for the study. These reports are available to the public on the Committee's website.

### *Seven-Year Plan for Cost Savings and Increased Efficiencies*

S.C. Code of Laws § 1-30-10 requires agencies to submit "a seven year plan that provides initiatives and/or planned actions that implement cost savings and increased efficiencies of services and responsibilities within the projected seven-year period."<sup>34</sup> The agency submits its plan on March 31, 2015.<sup>35</sup>

### *Restructuring Report*

The Annual Restructuring Report fulfills the requirement in SC Code of Laws § 1-30-10(G)(1) that annually each agency report to the General Assembly "detailed and comprehensive recommendations for the purposes of merging or eliminating duplicative or unnecessary divisions, programs, or personnel within each department to provide a more efficient administration of government services."<sup>36</sup> The **agency submits its Annual Restructuring Reports (ARR)** on January 12, 2016, and September 20, 2016.<sup>37</sup> The agency's 2015-16 Agency Accountability Report to the Governor and General Assembly serves as its 2017 Annual Restructuring Report.<sup>38</sup>

## *Program Evaluation Report*

When an agency is selected for study, the Committee may acquire evidence or information by any lawful means, including, but not limited to, "requiring the agency to prepare and submit to the investigating committee a Program Evaluation Report (PER) by a date specified by the investigating committee."<sup>39</sup> SC Code of Laws § 2-2-60 outlines what an investigating committee's request for a program evaluation report must contain. It also provides a list of information an investigating committee may request.

The **PER serves as the base document for the Subcommittee's study of the agency.** The Committee sends guidelines for the agency's PER on February 13, 2017. The agency submits the report on April 14, 2017.<sup>40</sup>

## *Information from the Public*

**Public input is a cornerstone of the House Legislative Oversight Committee's process.**<sup>41</sup> There are a variety of opportunities for public input during the legislative oversight process. Members of the public have an opportunity to participate anonymously in a public survey, provide comments anonymously via a link on the Committee's website, and appear in person before the Subcommittee.<sup>42</sup>

### *Public Survey*

From February 9, 2017, to March 13, 2017, the Committee posts an **online survey to solicit comments from the public about the State Election Commission** and three other agencies.<sup>43</sup> In an effort to communicate this public input opportunity widely, a statewide media release is issued.<sup>44</sup> House Members are provided copies of this media release and are encouraged to share notice of this public input opportunity with their constituents.

There are 619 responses to the survey, with at least one response coming from 45 of South Carolina's 46 counties.<sup>45</sup> These comments are not considered testimony.<sup>46</sup> As noted in the survey, "input and observations from those citizens who [chose] to provide responses are very important . . . because they may help direct the Committee to potential areas for improvement with these agencies."<sup>47</sup> Documents related to the public survey are in Appendix C. The **public is informed of a continuous opportunity to submit written comments about agencies online** after the public survey closes.<sup>48</sup>

Of those that respond to questions related to the SEC, 67% have a positive or very positive opinion of the agency.<sup>49</sup> Over 69% of respondents form their opinions via personal or business experience with the agency. Most of the respondents that provide written comments refer to the county boundary lines, agency's helpfulness during elections, and voter registration systems.<sup>50</sup> Responses to online surveys are posted on the Committee's webpage verbatim. They are not the comments or expression of the House Legislative Oversight Committee, any of its Subcommittees, or the House of Representatives.

### *Public Input via Committee Website*

Throughout the course of the study, the public is able to submit comments anonymously on the Committee website.<sup>51</sup> Any comments received are posted to the Committee's webpage verbatim. They are not the comments or expression of the House Legislative Oversight Committee, any of its Subcommittees, or the House of Representatives. One person submits a comment sharing a link to a 2015 report issued by Protection and Advocacy for People with Disabilities, Inc., entitled, "The Right to Vote in South Carolina:

People with disabilities still have unequal access to the electoral process.”<sup>52</sup> Appendix D includes public input received via the Committee website.

### *Public Input via In-Person Testimony*

The Committee offers the public an opportunity to appear and provide sworn testimony.<sup>53</sup> A meeting dedicated to public input is held on March 9, 2017.<sup>54</sup> A press release announcing this opportunity is sent to media outlets statewide on February 16, 2017.<sup>55</sup> Public testimony is received at the full Committee meeting and multiple Subcommittee meetings.

## *Meetings*

The full Committee meets with, or about, the agency on two occasions, and the Subcommittee meets with, or about, the agency on eight occasions. All meetings are open to the public and stream live online; also, the videos are archived and the minutes are available online. A timeline of meetings is in Figure 2 beginning on page seven.

### *122<sup>nd</sup> General Assembly (2017-2018)*

#### *January 2017*

On **January 10, 2017**, the full Committee selects the agency for study.<sup>56</sup> Appendix E includes the meeting packet.

#### *February 2017*

On **February 15, 2017**, the Subcommittee holds **Meeting # 1**, a member work session.<sup>57</sup> Among other things, the Subcommittee Chair provides an update on the status of the study of the agency, and the Subcommittee discusses questions to send the agency. Appendix F includes the meeting packet; Subcommittee’s February 21, 2017, letter to the agency; and agency’s March 3, 2017, response.

#### *March 2017*

On **March 9, 2017**, the full Committee holds **Meeting # 2** to receive public input about the agency.<sup>58</sup> A constituent from Richland County/Lexington County, and the Government Affairs Liaison for the Municipal Association of South Carolina testify about the agency.<sup>59</sup> As the constituent from Richland County/Lexington County testifies at subsequent meetings, unless otherwise noted, the term “constituent” refers to this individual. Members ask questions, which the constituent answers. The Subcommittee Chair requests the agency provide information related to the constituents’ testimony. Appendix G includes the statewide media release inviting the public to provide testimony; meeting packet; and documents provided by the agency after the meeting related to the county boundary and school board election dispute.

#### *April 2017*

On **April 5, 2017**, the Subcommittee holds **Meeting # 3** with the agency to receive an overview of how boundary lines applicable to elections are set within a county or election district.<sup>60</sup> Representatives from the Revenue and Fiscal Affairs Office (RFA) provide a presentation entitled, “Election Boundaries: Precincts, Districts, Census, Counties.”<sup>61</sup> Members ask questions, which representatives from RFA answer. Also,

present at the meeting are various representatives from the State Election Commission.<sup>62</sup> Members ask questions to agency representatives about the agency's role in determining boundaries applicable to elections. The agency executive director answers these questions. Further testimony is received from the constituent about election boundaries. Members ask questions, which the constituent answers. Appendix H includes the meeting packet.

On **April 18, 2017**, the Subcommittee holds **Meeting # 4** with the agency to discuss and analyze information related to the agency's mission; responsibilities; successes; challenges and issues; emerging issues; history; and governing body.<sup>63</sup> Members ask questions about topics including, but not limited to, (1) voter registration, including methods by which an individual's qualifications to vote (e.g., over 18, citizenship, etc.) are verified and locations where individuals can register to vote; (2) measures in place to prevent hacking of voter systems; (3) poll worker training; (4) precinct locations; and (5) early voting. Appendix I includes the meeting packet; agency's presentation; Subcommittee's April 19, 2017, letter to the agency; Subcommittee's April 19, 2017, letter to the Department of Motor Vehicles (DMV) about drivers' licenses and identification cards utilized to verify an individual is qualified to vote; DMV's April 26, 2017, response to the Subcommittee; and the SEC's April 28, 2017, response to the Subcommittee.

### *May 2017*

On **May 3, 2017**, the Subcommittee holds **Meeting # 5** with the agency. The Subcommittee receives further testimony from the constituent on county precinct lines and boundary maps.<sup>64</sup> Members ask questions, which the constituent and the RFA Precinct Demographics Manager answer. The SEC discusses its services, products, customers, organizational units, and goals. Members ask questions on topics including, but not limited to, (1) customer service, (2) cost to the agency per product/service it provides, and (3) training of County Registration and Election Board members. The agency executive director answers the questions. Appendix J includes the meeting packet and documents the constituent provides to the Subcommittee during the meeting.

On **May 9, 2017**, the Subcommittee holds **Meeting # 6** with the agency.<sup>65</sup> The agency executive director presents information on the agency's services and products, organizational units, overall agency goals, resources, and methodology for allocating its resources. Members ask questions related to the following topics: (1) ballot printing; (2) verification of citizenship voter qualification; (3) voter information for sale including what is for sale, revenue generated from sales, entities who typically purchase the information, and limitations on how information can be used; and (4) fees charged in presidential preference primaries. The agency executive director answers the questions.

The agency's Director of the Public Information and Training Division, presents information on the agency's training and certification program. Members ask questions on the following topics, which the SEC Director of the Public Information and Training Division answers: (1) compliance requirements for appointed County Registration and Election Board members; (2) steps taken when a county board member is non-compliant, including removal; (3) training schedule; (4) number of required classes; and (4) possible board member orientation/primer.

SEC Director of Administration, presents information related to the organizational chart, new area representatives, and employee demographics. Members ask questions which the SEC Director of Administration answers. Appendix K includes the meeting packet; agency presentation; Subcommittee's May 11, 2017, letter to the agency; agency's May 24, 2017, response to the Subcommittee; Subcommittee's June 12, 2017, letter to interested parties to invite public input on revisions to statutes



that may help clarify any situations relating county boundaries; and South Carolina Association of Registration and Election Officials, Inc.'s June 22, 2017, letter to the Subcommittee.<sup>66</sup>

### *June 2017*

On **June 13, 2017**, the Subcommittee holds **Meeting # 7** with the agency.<sup>67</sup> The Subcommittee tours the agency. After the tour, the Subcommittee discusses resources available to the agency, including funding and employees; relationships with other entities the agency utilizes to leverage its resources; methodology the agency utilizes to allocate resources to accomplish its strategic plan; and the following for each agency goal:

- a. strategies and objectives for achieving the goal;
- b. agency personnel who have primary responsibility and accountability for the strategies and objectives;
- c. additional information the agency reviews when prioritizing how to allocate its resources to each strategy and objective;
- d. actual amount of resources allocated; and
- e. key outcome and efficiency performance measures.

The agency executive director presents information on issues impacting the agency's budget, including cybersecurity, voting system, and special elections to fill vacancies. Members ask questions, which the agency executive director answers.

SEC Director of Administration, presents information on appropriations/authorization of funds, carry forward funds, revenue generated, cash balances, other similar agencies, and methodology for allocation of resources. Members ask questions on topics including: (1) election fees, total costs, and how elections are funded since fees do not cover the costs, and (2) national grants (e.g., federal Voter Assistance Program and Help America Vote Act), including limitations on how those funds can be used. SEC Director of Administration answers the questions.

SEC Director of Voter Services, presents information on the organizational units, agency goal one - system voter registration, and agency goal two - statewide voting system. SEC Director of the Public Information and Training Division, presents information on agency goal three - support counties in conducting voter registration and elections.

Further, the SEC Director of the Public Information and Training Division presents the agency's response to the Subcommittee's May 11, 2017, letter. Topics of the letter include: (1) SC political party fees, (2) candidate filing fees in other states; and (3) removal from the voter registration list. Members ask questions about (1) citizenship verification when individuals register to vote, (2) updating voter lists; and (3) voter information available for sale. SEC Director of the Public Information and Training Division answers the questions. SEC Director of Administration presents information on the agency's goal four - oversee agency programs. Members ask various questions, which agency representatives answer. Appendix L includes the meeting packet and agency presentation.

On **June 27, 2017**, the Subcommittee holds **Meeting # 8** with the agency to discuss the agency's recommendations for law changes and/or major internal changes that may improve efficiency and outcomes or update laws; to receive any constituent testimony about these, or any other, recommendations; and to discuss additional potential recommendations and findings.<sup>68</sup> The agency

executive director presents responses to the Subcommittee's follow up questions from the prior meeting. Further, the agency director discusses the agency's recommendations.

Subcommittee members ask questions about municipal and special elections, which the agency executive director answers. A representative of the Municipal Association of South Carolina (MASC), provides testimony municipality election dates.<sup>69</sup> Subcommittee members question the MASC representative about uniform election dates, referendums and municipal voter turnout, which the representative answers. Members ask agency representatives questions about hacking preventive measures, which agency representatives answer. A representative from The League of Women Voters of South Carolina comments on the work of the Subcommittee.<sup>70</sup> The constituent further testifies about county boundaries and potential issues in SC Code of Law § 27-2-105 (clarification of county boundaries; role of South Carolina Geodetic Survey; contested case hearings). Subcommittee members ask questions about recommendations, state mapping, and boundary lines, which the constituent answers. RFA Executive Director and RFA Precinct Demographics Manager, further testify about county boundary line issues. Subcommittee members ask questions, which the RFA representatives answer. Appendix M includes the meeting packet; agency presentation; Subcommittee's June 29, 2017, letter to the agency; MASC's June 28, 2017, letter to the Subcommittee; correspondence related to the Presidential Advisory Commission on Election Integrity (PACEI) request for SC voter information (June - July 2017); U.S. Department of Justice's June 28, 2017, letter to the agency; and agency's July 7, 2017, response to the Subcommittee.

### *July 2017*

On **July 31, 2017**, the Subcommittee holds **Meeting #9** with the agency to receive an update on the requests the agency received from PACEI and the U.S. Department of Justice; further discuss potential recommendations and findings; and receive any constituent testimony.<sup>71</sup> The agency executive director testifies about the requests from PACEI and the U.S. Department of Justice and the status of the agency's communication with these federal entities. The First Vice President of SC Association of Registration and Election Officials (SCARE), comments on the work of the SEC.<sup>72</sup> The Director of Elections in York County, who is also the Chair of the Legislative Committee of SCARE, provides testimony on SCARE's legislative priorities.<sup>73</sup> Members ask questions about the following topics, which SCARE's legislative committee chair answers: (1) early voting and (2) pay for poll workers. Members ask about procedures if a natural disaster disrupts an election, which SCARE's legislative committee chair and SEC's executive director answer. The constituent further testifies about county boundary lines. Appendix N includes the meeting packet and potential recommendations and findings.

### *Study Process Completion*

Pursuant to Committee Standard Practice 12.4, **Subcommittee members may provide a separate written statement for inclusion with the Subcommittee's Study.** After receipt of any written statements from Subcommittee members, the Subcommittee Chair, pursuant to Committee Standard Practice 12.5, shall notify the Committee Chair in writing that a Subcommittee Study is available for consideration by the full Committee.

Once the Committee Chair receives written notice from the Subcommittee chair, the Committee chair shall, pursuant to Committee Standard Practice 13.1, include the Subcommittee Study on the agenda for a full committee meeting. During a full Committee meeting at which the Subcommittee Study is discussed, the Committee may vote, pursuant to Committee Standard Practice 13.2, to (1) refer the study and

investigation back to the Subcommittee for further evaluation; (2) approve the Subcommittee's study; or (3) further evaluate the agency as a full Committee, utilizing any of the resources of legislative oversight available.

When the Committee approves a study, **any member of the Committee may provide a written statement for inclusion with the study.** The study, and written statements, are published online and the agency, as well as all House Standing Committees, receive a copy. The Committee shall offer at least one briefing to members of the House about the contents of the final oversight study approved by the Committee.<sup>74</sup> The Committee Chair may provide briefings to the public about the final oversight study.<sup>75</sup>

**To support the Committee's ongoing oversight by maintaining current information about the agency, the agency receives an annual Request for Information.**

# FINDING & RECOMMENDATIONS

## *Finding*

The Subcommittee has one **finding** arising from its study of the agency, acknowledging differences in interpretations of county boundaries and its potential impact on elections. During the study process, representatives from the Revenue and Fiscal Affairs Office testify if you ask two different counties where the boundary between them is located, you may get two different answers.<sup>76</sup> Also, during the study process, a constituent testifies as to concerns that may arise with county boundary discrepancies including, taxation without representation, if a county tax map is utilized as the boundary of the county instead of the boundary described in state statute.

Acknowledging differences in interpretations of county boundaries and its potential impact on elections, the Subcommittee finds until 2030, or such time as the South Carolina Geodetic Survey Office of Revenue and Fiscal Affairs surveys and maps the county boundaries as expressed in statute, practical problems may arise under various interpretations of a county boundary, including but not limited to, taxation without representation.

## *Recommendations*

### *General Information*

The following recommendations include areas identified for potential improvement by the Subcommittee. The Subcommittee recognizes these recommendations will not satisfy everyone nor address every issue or potential area of improvement at the agency. These recommendations are based on the agency's self-analysis requested by the full Committee, discussions with the agency and constituents during multiple meetings, and analysis of the information obtained by the Subcommittee. This information, including, but not limited to, the Program Evaluation Report, Accountability Report, Restructuring Report and videos of meetings with the agency, is available on the Committee's website.

### *Continue*

The Subcommittee does not have any specific recommendations with regards to continuance of agency programs.

### *Curtail (i.e. Revise)*

The Subcommittee has **eighteen substantive recommendations** arising from its study of the agency. These recommendations fall into four categories: (1) pre-election; (2) election; (3) training; and (4) county boundaries utilized for elections. An overview of these recommendations is provided in Table 1 on page 9. Appendix O includes the text of recommendations as adopted by the Subcommittee.

#### *Recommendations for pre-election*

The Subcommittee has **five recommendations related to pre-election issues**, and a summary is in Table 14.

Table 14. Summary of recommendations for pre-election.

RECOMMENDATIONS	
Pre-Election	
1.	<b>Voter Registration</b> - Revise state voter registration applications to include a “Yes” and “No” box beside each eligibility qualification.
2.	<b>Incapacity</b> - Obtain notification when a court deems an individual mentally incapacitated so the agency may update the voter registration database.
3.	<b>Voter Registration Books</b> - Allow additional time for individuals to register to vote by changing the deadline to register to vote from 30 to 25 days prior to an election.*
4.	<b>Substitution of Nominee</b> - Limit the time prior to an election when a candidate may resign for non-political reasons and a substitute candidate may be nominated.*
5.	<b>Certification of Candidates</b> - Allow the agency sufficient time to prepare for elections by applying the August 15th requirement for certifying candidates in a statewide general election to all candidates and questions to be voted on in the general election except Presidential and Vice-Presidential candidates.*

Table Note: Asterisks denote recommendations to the General Assembly; all other recommendations are to the agency.

1. **Voter Registration** - The Subcommittee recommends the agency revise state voter registration applications to include a “Yes” and “No” box beside each eligibility qualification. Currently, the application requires the person registering to individually indicate yes or no beside two of the qualifications at the top of the form, but then groups other qualifications together at the bottom, as seen in Figure 4. The County Registration and Election Board relies on an individual’s signed affirmation that the individual meets all of the qualifications required to vote.<sup>77</sup>

The diagram shows a South Carolina voter registration mail application form. The form is divided into several sections. At the top, there are two columns of questions: 'Are you a citizen of the United States of America?' and 'Will you be 18 years of age on or before election day?'. Below these are fields for 'NAME' (Last, First, MI), 'SEX' (Male, Female), 'RACE' (Black/African American, White, Asian, Hispanic, Native American, Other), and 'SOCIAL SECURITY NUMBER'. There are also fields for 'ADDRESS WHERE YOU LIVE' (Street, City, State, Zip Code) and 'MAILING ADDRESS' (Street or Post Office Box, City, State, Zip Code). A 'BIRTHDATE' section includes fields for Month, Day, and Year. A 'PHONE #' section includes fields for Home and Work. A 'PREVIOUS REGISTRATION/NAME' section includes fields for Precinct, County, and Previous Name. At the bottom, there is a 'Voter Declaration' section with a list of affirmations: 'I swear or affirm that: -I am a citizen of the United States of America -I will be 18 years of age on or before Election Day -I am a resident of South Carolina, this county and precinct -I am not under a court order declaring me mentally incompetent -I am not confined in any public prison resulting from a conviction of a crime -I have never been convicted of a felony or offense against the election laws OR if previously convicted, I have served my entire sentence, including probation or parole, or I have received a pardon for the conviction -the address listed above is my only legal place of residence, and I claim no other place as my legal residence'. To the right of the declaration is a large empty box labeled 'Attach ID Here'. Annotations include 'Individual Boxes' pointing to the top section, 'Grouping' pointing to the bottom section, and 'Attach ID Here' pointing to the large empty box.

Figure 4. SC mail-in voter registration application.

**2. Incapacity** - The Subcommittee recommends the agency obtain notification when a court deems an individual mentally incapacitated so the agency may update the voter registration database. Pursuant to statute, an individual “is disqualified from being registered or voting if he: is mentally incompetent as adjudicated by a court of competent jurisdiction.”<sup>78</sup> Changes in mental capacity may occur after initial registration (e.g. accident or illness). The agency updates the voter database based on information it receives about voter qualifications. Currently, there is no requirement for courts to send a notice to the agency when this occurs.<sup>79</sup>

**3. Voter Registration Books** - The Subcommittee recommends the General Assembly allow additional time for individuals to register to vote by changing the deadline to register to vote from 30 to 25 days prior to an election. Proposed language to implement this recommendation is included in Table 15.

The deadline to register to vote varies depending on the method of registration (e.g., in person, by mail, or online).<sup>80</sup> A 25-day time period allows the deadline to occur on a weekday for elections held on both Tuesdays and Saturdays.<sup>81</sup> According to the SEC executive director, the 30-day deadline has been in place for decades.<sup>82</sup> A deadline is necessary to allow for receipt and review of registrations and production and distribution of a voter registration list.<sup>83</sup> However, the agency asserts 30 days is no longer necessary. The agency believes it may be possible to shorten the time even more in the future, but it prefers to reduce the time in small increments to gauge effectiveness.<sup>84</sup> In regards to federal regulations, the agency states the time period can be no more than 30-days.<sup>85</sup>

Table 15. Proposed statutory changes to allow additional time for individuals to vote.

Statute	Proposed Language <sup>86</sup>
7-5-150	<p><b>§ 7-5-150. Closing registration books; registration of persons coming of age while books closed.</b></p> <p>The registration books shall be closed <del>thirty</del> <u>twenty four</u> days before each election, but only as to that election or any second race or runoff resulting from that election, and shall remain closed until the election has taken place, anything in this article to the contrary notwithstanding; provided that the registration books shall be closed <del>thirty</del> <u>twenty four</u> days before the June primary and shall remain closed until after the second primary and shall likewise be closed <del>thirty</del> <u>twenty four</u> days before the November general election. They shall thereafter be opened from time to time in accordance with the provisions of this article. Any person eligible to register who has been discharged or separated from his service in the Armed Forces of the United States, and returned home too late to register at the time when registration is required, is entitled to register for the purpose of voting in the next ensuing election after the discharge or separation from service, up to 5:00 p.m. on the day of the election. This application for registration must be made at the office of the board of voter registration and elections in the county in which the person wishes to register, and if qualified, the person must be issued a registration notification stating the precinct in which he is entitled to vote and a certification to the managers of the precinct that he is entitled to vote and should be placed on the registration rolls of the precinct. Persons who become of age during this period of <del>thirty</del> <u>twenty four</u> days shall be entitled to register before the closing of the books if otherwise qualified.</p>

7-5-155

**§ 7-5-155. Registration of electors by mail.**

- (a) Notwithstanding any other provision of law, the following procedures may be used in the registration of elections in addition to the procedure otherwise provided by law.
- (1) Subject to the provision of § 7-5-150, any qualified citizen may register to vote by mailing or having delivered a complete state registration by mail application form or a completed national registration by mail application form prescribed by the Federal Election Commission not later than thirty twenty five days before any election to his county board of voter registration and elections. The postmark date of a mailed application is considered the day of mailing. If the postmark date is missing or illegible, the county board of voter registration and elections must accept the application if it is received by mail no later than five days after the close of registration books before any election.
- (2) If the county board of voter registration and election determines that the applicant is qualified and his application is legible and complete, the board shall mail the voter written notification of approval on a form to be prescribed and provided by the State Election Commission pursuant to § 7-5-180. When the county board of voter registration and elections mails the written notification of approval, it must do so without requiring the elector to sign anything in the presence of a member of the board, a deputy member, or a registration clerk and the attestation of the elector's signature is not required so long as the conditions set forth above are met.
- (3) Any application must be rejected for any of the following reasons:
- (i) any portion of the application is not complete;
  - (ii) any portion of the application is illegible in the opinion of a member and the clerk of the board;
  - (iii) the board is unable to determine, from the address stated on the application, the precinct in which the voter should be assigned or the election districts in which he is entitled to vote.
- (4) Any person whose application is rejected must be notified of the rejection together with the reason for rejection. The applicant must further be informed that he still has a right to register by appearing in person before the county board of voter registration and elections or by submitting the information by mail necessary to correct his rejected application. The form for notifying applicants of rejection must be prescribed and provided by the State Election Commission pursuant to § 7-5-180.
- (b) Every application for registration by mail shall contain spaces for home and work telephones numbers of the applicant and the applicant shall enter the numbers on the application where applicable.
- (c) The State Election Commission shall furnish a sufficient number of application forms to the county boards of voter registration and elections and voter registration agencies specified in § 7-5-310(B) so that distribution of the application forms may be made to various locations throughout the counties and mailed to persons requesting them.
- County boards of voter registration and elections shall distribute application forms to various locations in their respective counties, including city halls and public libraries, where they must be readily available to the public.

	<p>(d) The original application must remain on file in the office of the county board of voter registration and elections.</p> <p>(e) The State Election Commission may promulgate regulations to implement the provisions of this section.</p>
<p>7-5-185</p>	<p><b>§ 7-5-185. Electronic applications for voter registration.</b></p> <p>(A) A person who is qualified to register to vote and who has a valid South Carolina driver's license or state identification card issued by the Department of Motor Vehicles may submit an application for voter registration electronically on the Internet website of the State Election Commission.</p> <p>(B)(1) An application submitted pursuant to this section is effective upon receipt of the application by the State Election Commission if the application is received <del>thirty twenty</del> <u>five</u> days before an election to be held in the precinct of the person submitting the application.</p> <p>(2) The applicant shall attest to the truth of the information provided in the application.</p> <p>(3) For voter registration purposes, the applicant shall assent to the use of his signature from his driver's license or state identification card issued by the Department of Motor Vehicles.</p> <p>(4) For each electronic application, the State Election Commission shall obtain an electronic copy of the applicant's signature from his driver's license or state identification card issued by the Department of Motor Vehicles directly from the Department of Motor Vehicles with no fee.</p> <p>(5) An application submitted pursuant to this section must contain the applicant's name, sex, race, social security number, date of birth, residence address, mailing address, telephone number of the applicant, and location of prior voter registration. The applicant must affirm that he is not under a court order declaring him mentally incompetent, confined in a public prison, has never been convicted of a felony or offense against the election laws, or if previously convicted, that he has served his entire sentence, including probation and parole time, or has received a pardon for the conviction. Additionally, the applicant must attest to the following: "I do solemnly swear (or affirm) that I am a citizen of the United States and that on the date of the next ensuing election, I will have attained the age of eighteen years and am a resident of South Carolina, this county, and of my precinct. I further swear (or affirm) that the present residence address listed herein is my sole legal place of residence and that I claim no other place as my legal residence." An applicant convicted of fraudulently applying for registration is guilty of perjury and is subject to the penalty for that offense.</p> <p>(C) Upon submission of an application pursuant to this section, the electronic voter registration system shall provide immediate verification that the:</p> <p>(1) applicant has a South Carolina driver's license or state identification card issued by the Department of Motor Vehicles and that the number for that driver's license or identification card provided by the applicant matches the number for that person's driver's license or state identification card that is on file with the Department of Motor Vehicles;</p> <p>(2) date of birth provided by the applicant matches the date of birth for that person, which is on file with the Department of Motor Vehicles;</p>



	<p>(3) name provided by the applicant matches the name for the person which is on file with the Department of Motor Vehicles; and</p> <p>(4) State Election Commission employs security measures to ensure the accuracy and integrity of voter registration applications submitted electronically pursuant to this section.</p> <p>(D) Should there be a failure to match any of the information required in this section with the Department of Motor Vehicles, the State Election Commission immediately shall notify the applicant of the failure to match information and inform the applicant that his application for registration was not accepted.</p> <p>(E) The State Election Commission may promulgate regulations necessary to effectuate the provisions of this section.</p>
7-5-220	<p><b>§ 7-5-220. Certificates shall be invalid at election within <del>thirty</del> <u>twenty four</u> days of issuance.</b></p> <p>Except as provided in Section 7-5-150, registration made <del>thirty</del> <u>twenty four</u> days or less before any election is not valid for that election or any second race or runoff resulting from that election but such registration shall be valid in any other election.</p>
7-5-330	<p><b>§ 7-5-330. Voter registration application; discretionary removal of elector.</b></p> <p>(A) In the case of registration with a motor vehicle application under Section 7-5-320, the valid voter registration form of the applicant must be completed at the Department of Motor Vehicles no later than <del>thirty</del> <u>twenty five</u> days before the date of the election.</p> <p>(B) In the case of registration by mail under Section 7-5-155, the valid voter registration form of the applicant must be postmarked no later than <del>thirty</del> <u>twenty five</u> days before the date of the election.</p> <p>(C) In the case of registration at a voter registration agency, the valid voter registration form of the applicant must be completed at the voter registration agency no later than <del>thirty</del> <u>twenty five</u> days before the date of the election.</p> <p>(D) In any other case, the valid voter registration form of the applicant must be received by the county board of voter registration and elections no later than <del>thirty</del> <u>twenty five</u> days before the date of the election.</p> <p>(E)(1) The county board of voter registration and elections shall:</p> <p>(a) send notice to each applicant of the disposition of the application; and</p> <p>(b) ensure that the identity of the voter registration agency through which a particular voter is registered is not disclosed to the public.</p> <p>(2) If the notice sent pursuant to the provisions of subitem (a) of this item is returned to the county board of voter registration and elections as undeliverable, the elector to whom it was sent must be reported by the board to the State Election Commission. The State Election Commission must place the elector in an inactive status on the master file and may remove this elector upon compliance with the provisions of Section 7-5-330(F).</p> <p>(F)(1) The State Election Commission may not remove the name of a qualified elector from the official list of eligible voters on the ground that the qualified elector has changed residence unless the qualified elector:</p> <p>(a) confirms in writing that the qualified elector has changed residence to a place outside the county in which the qualified elector is registered; or</p> <p>(b)(i) has failed to respond to a notice described in item (2); and</p>

	<p>(ii) has not voted or appeared to vote and, if necessary, correct the county board of voter registration and elections record of the qualified elector's address, in an election during the period beginning on the date of the notice and ending on the day after the date of the second general election that occurs after the date of the notice.</p> <p>(2) "Notice", as used in this item, means a postage prepaid and preaddressed return card, sent by forwardable mail, on which the qualified elector may state his current address, together with a statement to the following effect:</p> <p>(a) if the qualified elector did not change his residence, or changed residence but remained in the same county, the qualified elector shall return the card no later than <del>thirty</del> <u>twenty five</u> days before the date of the election. If the card is not returned, affirmation or confirmation of the qualified elector's address may be required before the qualified elector is permitted to vote during the period beginning on the date of the notice and ending on the day after the date of the second general election that occurs after the date of the notice, and if the qualified elector does not vote in an election during that period, the qualified elector's name must be removed from the list of eligible voters;</p> <p>(b) if the qualified elector has changed residence to a place outside the county in which the qualified elector is registered, information as to how the qualified elector can re-register to vote.</p> <p>(3) The county board of voter registration and elections shall correct an official list of eligible voters in accordance with change of residence information obtained pursuant to the provisions of this subsection.</p> <p>(4) The program required pursuant to the provisions of subsection (F) of this section must be completed no later than ninety days before the date of a statewide primary or general election.</p>
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**4. Substitution of Nominee** - The Subcommittee recommends the General Assembly limit the time prior to an election when a candidate may resign for non-political reasons and a substitute candidate may be nominated.<sup>87</sup> Currently, there is no time limit specified for candidate resignations which creates the potential for a candidate resignation to impact the timing of the election.<sup>88</sup> Also, this proposed change assists overseas citizens and members of the military, to whom the agency must mail a ballot at least 45 days prior to an election, in voting for the replacement candidate in an election.<sup>89</sup>

**5. Certification of Candidates** - The Subcommittee recommends the General Assembly allow the agency sufficient time to prepare for elections by applying the August 15th requirement for certifying candidates in a statewide general election to all candidates and questions to be voted on in the general election except Presidential and Vice-Presidential candidates. For a statewide general election, political parties currently must certify candidates by noon on August 15th, but several school districts and municipalities do not comply because candidate filing opens/closes after the certification date.<sup>90</sup> This recommendation affords the agency and counties time to prepare databases for the ballots to be used in the general election to be built and tested; further, it helps ensure overseas citizens and members of the military voting absentee are mailed ballots at least 45 days prior to an election as required by law.<sup>91</sup>

### *Recommendations for elections*

The Subcommittee has **four recommendations related to elections**, and a summary is in Table 16.

Table 16. Summary of recommendations for elections.

RECOMMENDATIONS	
Elections	
6.	<b>Municipal Elections</b> - Standardize municipal elections by holding no more than three in an odd numbered year.*
7.	<b>Primaries</b> - Hold non-partisan primaries on a different day than partisan primaries.*
8.	<b>Poll Workers</b> - Allow a voter registered in South Carolina to serve as a poll worker anywhere in the state.*
9.	<b>Absentee Ballots</b> - Remove the requirement of a witness signature on the envelope of a mail-in absentee ballot as the signatures cannot be verified.*

Table Note: Asterisks denote recommendations to the General Assembly.

**6. Municipal Elections** - The Subcommittee recommends the General Assembly standardize municipal elections by holding no more than three in an odd numbered year. Municipal general elections are held in all twelve months of the year.<sup>92</sup> Each municipality governing body may, by ordinance, establish ward lines and times for general and special elections within the municipality.<sup>93</sup> According to the agency, as of January 2015, 45% of municipalities hold elections in November of odd years, 13% hold elections in November of even years, and 42% hold elections on Tuesdays throughout the year.<sup>94</sup>

The agency requests the general elections of municipalities be standardized to the first Tuesday of November in odd numbered years to avoid conflict with statewide general elections held in even calendar years, simplify the conduct of elections, provide cost savings for counties and municipalities, improve voter education on the dates of municipal elections, and encourage more participation in municipal elections.<sup>95</sup> When asked about cost savings for the agency, the agency executive director testifies those savings, if any, may be seen at the county level.<sup>96</sup>

The SC Association of Registration and Election Officials, Inc. (SCARE) supports a single date as expressed in testimony and a letter to the Subcommittee.<sup>97</sup> The Municipal Association of South Carolina (MASC) agrees standardization of general election dates is helpful but prefers several potential dates for municipalities to hold their general elections.<sup>98</sup>

Appendix P includes a chart with election types, dates, coordinating entities, and average costs.

**7. Primaries** - The Subcommittee recommends the General Assembly hold non-partisan primaries on a different day than partisan primaries. Most elections of school district trustees include a non-partisan filing period with candidate placement on the general election ballot.<sup>99</sup> At least, one school district holds a non-partisan primary on the same day as the statewide primaries (i.e., the second Tuesday in June of even-numbered years).<sup>100</sup> This recommendation seeks to provide uniformity in the election of school district trustees and to avoid voter confusion on primary day for the general election as all other ballots issued to voters are based upon party preference expressed by the voter at the polls.<sup>101</sup>

**8. Poll Workers** - The Subcommittee recommends the General Assembly allow a voter registered in South Carolina to serve as a poll worker anywhere in the state.<sup>102</sup> This recommendation seeks to expand the pool of potential poll workers to include colleges students and those who live further than an adjoining county, among others.<sup>103</sup> During the study process, a representative from SCARE testifies there are counties that have difficulty recruiting poll workers.<sup>104</sup>

**9. Absentee Ballots** - The Subcommittee recommends the General Assembly remove the requirement of a witness signature on the envelope of a mail-in absentee ballot as the signatures cannot be verified. This recommendation seeks to streamline the absentee voting process by acknowledging there is no way to validate the witness signature required on the back of the envelope when an individual submits an absentee ballot.<sup>105</sup>

*Recommendation for training*

The Subcommittee has **one recommendation related to training**.

**10. County Board Orientation** - The Subcommittee recommends the General Assembly require County Registration and Election Board Members to participate in an orientation, approved by the State Election Commission, within 30 days of appointment to a county board. This recommendation seeks to provide new board members basic training, relative to their duties, in a timely manner.<sup>106</sup> Currently, each member of the board must complete a training and certification program conducted by the agency within 18 months after initial appointment.<sup>107</sup> If a member does not complete the program within that time, the Governor, upon notification, must remove the member from the board unless an extension is granted to complete the program based upon exceptional circumstances.<sup>108</sup> In making this concept recommendation, the Subcommittee anticipates these compliance provisions being applicable to the new orientation program. While the agency currently does not have an orientation, during the study process testimony is received that it is open to considering an online orientation available to newly appointed board members.<sup>109</sup>

*Recommendations for county boundaries utilized for elections*

The Subcommittee has **eight recommendations related to county boundaries utilized for elections**, and a summary is in Table 18.

*Table 18. Summary of recommendations for county boundaries utilized for elections.*

RECOMMENDATIONS
County Boundaries Utilized for Elections
<u>In General</u>
<b>11. Official Map</b> - Clarify South Carolina’s official county boundary map is held by Revenue and Fiscal Affairs Office or its successor entity.*
<u>Surveying Geographic Coordinates</u>
<b>12. Initial Public Notice</b> - Expand notification efforts during the county boundary geographic coordinate surveying process.*
<b>13. Streamline Process</b> - Streamline the geographic coordinate survey process by prohibiting simultaneous occurrence of: (1) a county annexing property impacting an individual boundary line of a county; and (2) SC Geodetic Survey surveying the same boundary line for its geographic coordinates.*
<u>After Geographic Coordinates Finalized</u>
<b>14. Post-Work Notice</b> - Expand notification efforts after the geographic coordinate surveying process.*
<b>15. County Usage</b> - Confirm usage of boundary geographic coordinates by impacted counties.*
<b>16. Voter Database</b> - Address practical problems with updating the voter database during the geographic coordinate surveying process.*

**17. Future Annexations** - Provide for accuracy of county boundary lines after initial geographic coordinates are finalized (i.e., update the existing annexation process).\*

**18. Enforcement** - Create an enforcement mechanism to ensure adherence to boundary geographic coordinates (i.e., authorize a private cause of action by a citizen).\*

*Table Note: Asterisks denote recommendations to the General Assembly.*

**11. Official Map** - The Subcommittee recommends the General Assembly clarify South Carolina's official county boundary map is held by Revenue and Fiscal Affairs Office (RFA) or its successor entity. This recommendation seeks to provide clarity to government and private entities on the issue of the authority of maps held by RFA.<sup>110</sup> During the study process, RFA personnel testify the federal Census Bureau has requested statutes that show the state has authority to determine county boundaries.<sup>111</sup> Notably, individual boundaries of each of the states' 46 counties are described in separate state statutes.<sup>112</sup>

**12. Initial Public Notice** - The Subcommittee recommends the General Assembly expand notification efforts during the county boundary geographic coordinate surveying process. More specifically, the Subcommittee recommends the General Assembly require SCGS: (1) send notice to the county administrator and publish this notice (a) in a local newspaper, and (b) on RFA's website 30 days prior to SCGS starting their work of surveying the geographic coordinates of an individual county boundary; and (2) work with the county administrator to hold a public meeting, after SCGS has preliminary geographic coordinates, to provide information on the preliminary coordinates and obtain additional public input prior to finalizing the plat of the individual county boundary line. This recommendation seeks to provide more opportunities for public involvement at the start of the process of geographically surveying a county boundary line.<sup>113</sup> Currently, SCGS has an informal process for communicating with counties prior to starting its work and there is a process outlined in statute after SCGS finishes its work.<sup>114</sup> Appendix P includes a flow chart of the process with sample correspondence sent to involved parties. The Subcommittee recommendation seeks to codify SCGS' informal process.

**13. Streamline Process** - The Subcommittee recommends the General Assembly streamline the geographic coordinate surveying process by prohibiting simultaneous occurrence of: (1) a county annexing property impacting an individual boundary line of a county; and (2) SC Geodetic Survey surveying the same boundary line to position geographic coordinates. This recommendation seeks to minimize potential confusion over boundaries while SCGS is in the process of surveying a particular boundary line.<sup>115</sup> Notably, the recommendation impacts only counties - not municipalities.<sup>116</sup> According to representatives of SCGS and the Municipal Association of South Carolina, municipal annexations have no effect on county lines.<sup>117</sup>

**14. Post-Work Notice** - The Subcommittee recommends the General Assembly expand notification efforts after the geographic coordinate surveying process. Under current law, RFA is required to provide geographic coordinates of a boundary to the Secretary of State, Department of Archives, and Register of Deeds in each affected county.<sup>118</sup> This recommendation seeks to alert additional impacted entities as to which map of the county boundary to utilize.<sup>119</sup> Additional impacted entities include: State Election Commission; County Registration and Election Boards; county council; county assessor; county emergency services; and affected school boards. RFA testifies this is no great additional burden.<sup>120</sup>

**15. County Usage** - The Subcommittee recommends the General Assembly confirm usage of boundary geographic coordinates by impacted counties. More specifically, the Subcommittee recommends the General Assembly require a county council, within 180 days of receiving the geographic coordinates of a boundary (which may only be one boundary line of the county and not the county's entire boundary) from SCGS, to provide written confirmation to RFA that the county has taken necessary steps, which may include

grandfathering in certain residents for periods of time as long as those residents are not being taxed in an area in which they cannot vote, to adhere to the boundary geographic coordinates for all purposes, including but not limited to, elections, tax assessments, emergency services, school districts, and permits. This recommendation seeks to minimize discrepancies in county boundary interpretations (e.g., avoid taxation without representation).<sup>121</sup>

During the study process, RFA provides an example of unclear county boundaries, which is included in Figure 5.<sup>122</sup>

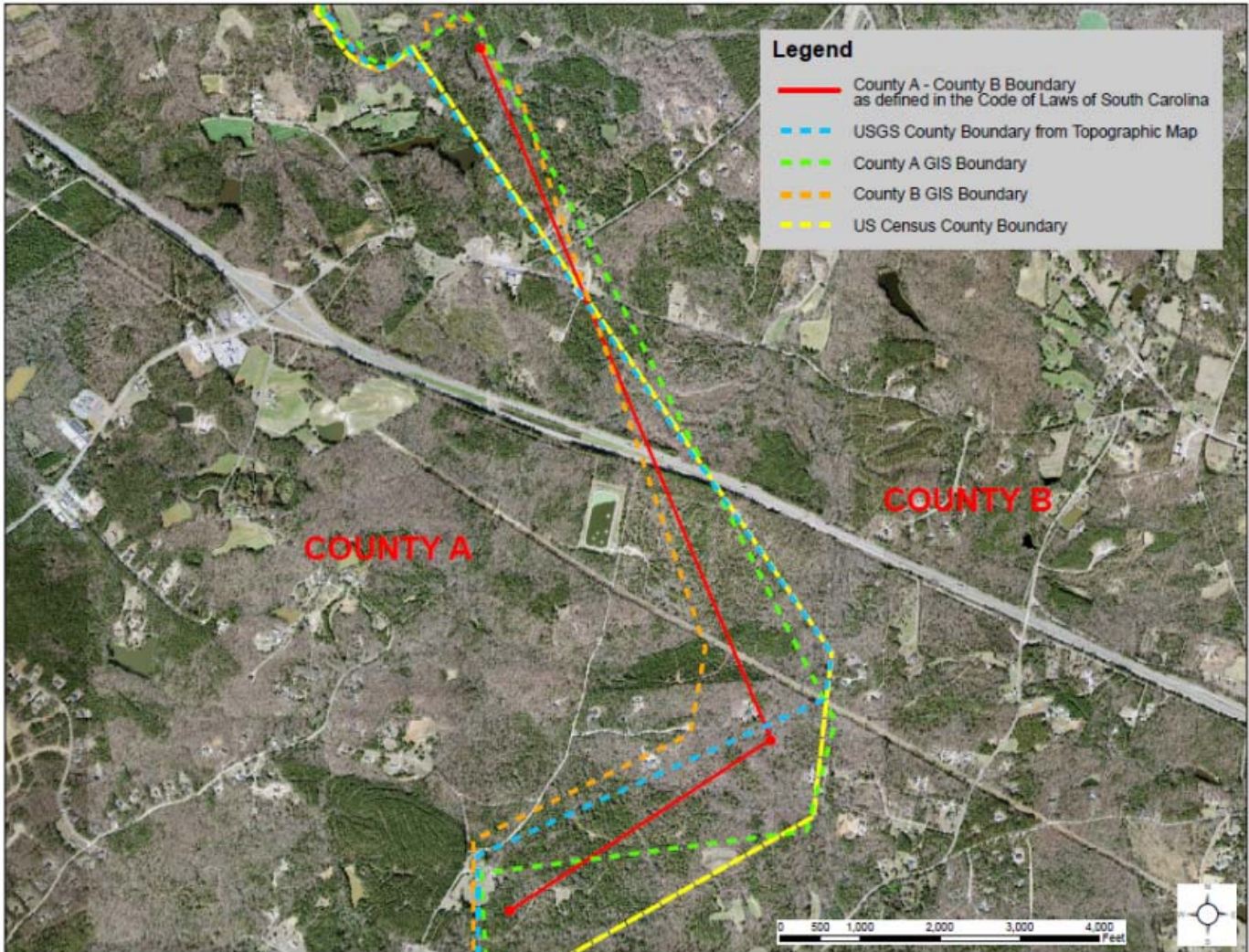


Figure 5. Example of different interpretations of county boundary line provided by SCGS (Best viewed in color).

As background, in Act 262 of 2014, the General Assembly has found:

1. that exact and **precise locations of boundaries** of this state's political subdivisions **are critical for the efficient provision of services**, enforcement of property rights, and election of public officials;
2. that the **passage of time and growth in society has led to confusion over statutory county descriptions and the locations of county boundary lines**;
3. that **technology now exists to cost-effectively provide definite and permanent markers** of boundary lines;
4. that it is necessary for the effective and efficient operation of state government and its political subdivisions that county boundaries are clearly and accurately determined as expeditiously as possible; and
5. that the South Carolina Geodetic Survey is the appropriate instrument to vest with the necessary authority to resolve county boundary issues.<sup>123</sup> (emphasis added)

The General Assembly has further found it appropriate to statutorily allow SCGS to clarify unclear boundaries.<sup>124</sup> The statutory geographic coordinate surveying process is conducted on each individual county boundary line - not the entire county boundary at once - as the statutory description of a county is broken down into the different individual boundary lines (e.g., Abbeville County is bounded as follows: **on the southwest** by the Savannah River, by which it is separated from Georgia; **on the northwest** by Anderson County, from which it is separated by a line (the old Indian boundary) drawn from a marked black gum, on the east bank of the Savannah River, at the foot of Grape Shoals, N. 50° E. to a willow oak, marked "A. & P.," on the south side of Saluda River; **on the northeast** by Laurens County, from which it is separated by the Saluda River, and by Greenwood County; and on the southeast by McCormick County.)<sup>125</sup> At the completion of the process the geographic coordinates of the individual line surveyed take effect since the geographic coordinates mark the individual line already described in statute.<sup>126</sup>

If a county desires a different boundary, there is a process for annexing land of another county. The State Constitution states in part, "[t]hat before any existing County line is altered the question shall be first submitted to the qualified electors of the territory proposed to be taken from one County and given to another, and shall have received two thirds of the votes cast."<sup>127</sup>

**16. Voter Database** - The Subcommittee recommends the General Assembly address practical problems with updating the voter database during the geographic coordinate surveying process, which SCGS strives to complete by the 2030 census.<sup>128</sup> Given the amount of time SCGS anticipates it will take to complete this process, this recommendation seeks to ensure the map which governs where a citizen votes is the same map which governs the county in which a citizen is taxed.<sup>129</sup>

**17. Future Annexations** - The Subcommittee recommends the General Assembly provide for accuracy of county boundary lines after initial geographic coordinate surveying (i.e., update the existing annexation process). More specifically, the Subcommittee recommends the General Assembly update statutes to ensure that after initial geographic coordinates of a boundary line take effect, (1) any future annexations impacting that line include geographic coordinates and descriptions of the proposed new line, which SCGS will verify, as part of the information available to those within the counties who are voting on the annexation (vote by citizens is required as part of the current process to annex), and (2) within 30 days of the certification of election results approving an annexation, counties must provide the geographic coordinates and description of the new boundary line to SCGS who will update the official map. This recommendation seeks greater efficiency in utilization of government resources.<sup>130</sup>

**18. Enforcement** - The Subcommittee recommends the General Assembly authorize a private cause of action, which includes reasonable attorney's fees, against any county that, after 180 days of receiving the geographic coordinates of a boundary line from SCGS, taxes citizens outside the county boundary's geographic coordinates, contained in the official county boundary map held by RFA.<sup>131</sup> While statute states the geographic coordinates of a boundary line take effect at the end of the geographic coordinate surveying process, RFA representatives testify that when a county actually complies with the geographic coordinates is out of their control.<sup>132</sup>

### *Eliminate*

The Subcommittee does not have any specific recommendations with regards to elimination of agency programs.

### *Follow Up*

The Subcommittee recommends the full Committee may follow up with the agency at any time about (1) the status of implementing the Committee's recommendations, and (2) any other questions the full Committee has for the agency.



## SELECTED AGENCY INFORMATION

**State Election Commission. "Program Evaluation Report, 2017."**

<http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/ElectionCommission/PER%20Extension%20Request%20Granted%203.31.17.pdf> (last accessed July 10, 2017).

**State Election Commission. "Restructuring and Seven-Year Plan Report, 2015."**

<http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/2015AgencyRestructuringandSevenYearPlanReports/2015%20Election%20Commission.pdf> (last accessed July 10, 2017).

**State Election Commission. "Agency Accountability Report, 2015-16."**

<http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/ElectionCommission/Reports%20&%20Audits%20-%20Reports%20and%20Reviews/Accountability%20Report%20-%202015-2016.pdf> (last accessed July 10, 2017).

**State Election Commission. "Annual Request for Information, 2017."**

[http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/FilesforAllAgenciesNewWebsite/2017%20-%20ARR%20Guidelines%20\(June%2020,%202016\).pdf](http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/FilesforAllAgenciesNewWebsite/2017%20-%20ARR%20Guidelines%20(June%2020,%202016).pdf) (last accessed July 10, 2017).

**SC House of Representatives, Legislative Oversight Committee. "February/March 2017 Survey Results."**

[http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/SurveysforAllAgencies/Results%20from%202017%20Survey%20of%20DDSN;%20Election%20Commission;%20Human%20Affairs%20Commission;%20and%20John%20de%20la%20Howe%20School%20\(2\\_9%20-3\\_13\).PDF](http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/SurveysforAllAgencies/Results%20from%202017%20Survey%20of%20DDSN;%20Election%20Commission;%20Human%20Affairs%20Commission;%20and%20John%20de%20la%20Howe%20School%20(2_9%20-3_13).PDF) (last accessed July 10, 2017).

# CONTACT INFORMATION

## Committee Contact Information

### Physical:

South Carolina House of Representatives  
Legislative Oversight Committee  
1105 Pendleton Street, Blatt Building Room 228

### Mailing:

Post Office Box 11867  
Columbia, South Carolina 29211

Telephone: 803-212-6810

### Online:

You may visit the South Carolina General Assembly Home Page (<http://www.scstatehouse.gov>) and click on "Citizens' Interest" then click on "House Legislative Oversight Committee Postings and Reports". This will list the information posted online for the committee; click on the information you would like to review. Also, a direct link to committee information is <http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee.php>.

## Agency Contact Information

### Physical:

State Election Commission  
1122 Lady Street, Suite 500  
Columbia, South Carolina 29201

### Mailing

Post Office Box 5987  
8301 Parklane Road  
Columbia, South Carolina 29250

Telephone: 803-734-9060

Fax: 803-734-9366

Email: [elections@elections.sc.gov](mailto:elections@elections.sc.gov)

Online: <https://www.scvotes.org/>

# ENDNOTES

<sup>1</sup> Visual Summary Figure 1 is compiled from information in the State Election Commission study materials available online under "Citizens' Interest," under "House Legislative Oversight Committee Postings and Reports," and then under "State Election Commission," <http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyPHPFiles/ElectionCommission.php> (accessed July 7, 2017).

<sup>2</sup> *SC Code of Laws* § 2-2-20(C).

<sup>3</sup> SC House of Representatives, House Legislative Oversight Committee, "April 5, 2017 - Meeting Minutes," under "Committee Postings and Reports," under "House Legislative Oversight Committee," and under "The State Election Commission," <http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/SubcommitteeMinutes/ExecutiveSub/April%205,%202017%20-%20Meeting%20Minutes.pdf> (accessed July 10, 2017). A video of the meeting is available at <http://www.scstatehouse.gov/video/videofeed.php>. See 27:36 in the archived video. Hereinafter, "April 5, 2017 - Subcommittee Meeting Minutes." See also, SC House of Representatives, House Legislative Oversight Committee, "June 27, 2017 - Meeting Minutes," under "Committee Postings and Reports," under "House Legislative Oversight Committee," and under "The State Election Commission," <http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/SubcommitteeMinutes/ExecutiveSub/June%2027,%202017%20-%20Meeting%20Minutes%20-%20SEC.pdf> (accessed August 10, 2017). A video of the meeting is available at <http://www.scstatehouse.gov/video/videofeed.php>. See 01:22:09 in the archived video. Hereinafter, "June 27, 2017 - Subcommittee Meeting Minutes."

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<sup>4</sup> SC House of Representatives, House Legislative Oversight Committee, “Agency PER (Updated May 2017),” under “Committee Postings and Reports,” under “House Legislative Oversight Committee,” and under “State Election Commission”

[http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/ElectionCommission/PER%20Submission%20-%20UPDATED%20pdf%20-%20Election%20Commission%20\(May%209,%202017\).pdf](http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/ElectionCommission/PER%20Submission%20-%20UPDATED%20pdf%20-%20Election%20Commission%20(May%209,%202017).pdf). Hereinafter, “Agency PER.”

<sup>5</sup> Janet Reynolds, State Election Commission Director of Administration, email message to Charles Appleby, Legal Counsel to House Legislative Oversight Committee, August 24, 2017.

<sup>6</sup> Ibid.

<sup>7</sup> Ibid.

<sup>8</sup> Ibid.

<sup>9</sup> Ibid.

<sup>10</sup> In 2016, the State Election Commission conducted the following: two presidential preference primaries, statewide primary and runoff, and general election.

<sup>11</sup> *SC Code of Laws Sec. 7-3-10(a)*.

<sup>12</sup> Ibid.

<sup>13</sup> *SC Code of Laws Sec. 7-3-10(e)*.

<sup>14</sup> Ibid.

<sup>15</sup> *SC Code of Laws Sec. 7-3-10(b)*.

<sup>16</sup> *SC Code of Laws Sec. 7-3-10(c)*.

<sup>17</sup> Ibid.

<sup>18</sup> *SC Code of Laws Sec. 7-3-20(A)*.

<sup>19</sup> Ibid.

<sup>20</sup> Agency PER at page 47.

<sup>21</sup> SC House of Representatives, House Legislative Oversight Committee, “May 9, 2017 - Meeting Minutes,” under “Committee Postings and Reports,” under “House Legislative Oversight Committee,” and under “The State Election Commission,”

<http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/SubcommitteeMinutes/ExecutiveSub/May%209,%202017%20Meeting%20Minutes.pdf> (accessed July 10, 2017). A video of the meeting is available at <http://www.scstatehouse.gov/video/videofeed.php>. See 01:16:48 in the archived video. Hereinafter, “May 9, 2017 - Subcommittee Meeting Minutes.”

<sup>22</sup> SC House of Representatives, House Legislative Oversight Committee, “Organization Chart (as of May 2017),” under “Structure/Employees,” under “The State Election Commission,” and under “House Legislative Oversight Committee,”

[http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/ElectionCommission/Structure&Laws%20-%20Org%20Chart%20&%20Employees/Organization%20Chart%20\(as%20of%20May%209,%202017\).pdf](http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/ElectionCommission/Structure&Laws%20-%20Org%20Chart%20&%20Employees/Organization%20Chart%20(as%20of%20May%209,%202017).pdf) (accessed July 10, 2017).

<sup>23</sup> Agency PER.

<sup>24</sup> Department of Administration, Executive Budget Office, “2016-17 Accountability Report Technical Assistance Guide,” under Agency Accountability Reports <http://www.admin.sc.gov/files/FY%202016-17%20Accountability%20Report%20Technical%20Assistance.pdf> (accessed July 21, 2017). See also, Agency PER.

<sup>25</sup> SC House of Representatives, House Legislative Oversight Committee, “Presentation by Election Commission (May 9, 2017 Subcommittee Meeting),” under “Mission, Goals & Strategic Plan,” under “The State Election Commission,” and under “House Legislative Oversight Committee,”

[http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/ElectionCommission/Presentation%20by%20Election%20Commission%20\(May%209,%202017%20Subcommittee%20Meeting\).pdf](http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/ElectionCommission/Presentation%20by%20Election%20Commission%20(May%209,%202017%20Subcommittee%20Meeting).pdf) (accessed August 24, 2017). The methodology the agency utilizes includes the agency assigning expenditures to objectives. The agency compares each employee’s job duties to individual objectives based on percentage of time spent performing job duties related to the objective. All agency expenditures and cost of employee salaries/benefits are included in the amount assigned to each objective.

<sup>26</sup> Kevin Paul, Assistant Director of State Human Resources, Department of Administration, email message to House Oversight Committee Legal Counsel Charles Appleby, May 5, 2017.

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<sup>27</sup> Ibid.

<sup>28</sup> Ibid.

<sup>29</sup> Ibid.

<sup>30</sup> *SC Code of Laws Sec. 2-2-10(1)*.

<sup>31</sup> SC House of Representatives, House Legislative Oversight Committee, “January 10, 2017 Meeting Minutes,” under “Committee Postings and Reports,” under “House Legislative Oversight Committee,” and under “Full Committee Minutes,”

<http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/FullCommitteeMinutes/January102017.pdf> (accessed July 10, 2017). A video of the meeting is available at

<http://www.scstatehouse.gov/video/videofeed.php>. Hereinafter, “January 10, 2017 - Full Committee Meeting Minutes.”

<sup>32</sup> SC House of Representatives, House Legislative Oversight Committee, “Letter from Oversight Committee to the Election Commission (January 17, 2017),” under “Committee Postings and Reports,” under “House Legislative Oversight Committee,” and under “The State Election Commission,”

<http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/ElectionCommission/Election%20Commission%20-Notification%20Letter%20to%20Agency%201.17.17.pdf> (accessed July 10, 2017).

<sup>33</sup> SC House of representatives, House Legislative Oversight Committee, “Subcommittees -2017,” under “Committee Information,” under “House Legislative Oversight Committee,”

<http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/Subcommittee%20Assignments%20-%202017.pdf> (accessed July 10, 2017).

<sup>34</sup> *S.C. Code of Laws Sec. 1-30-10*.

<sup>35</sup> SC House of Representatives, House Legislative Oversight Committee, “Restructuring & Seven Year Plan,” under “Committee Postings and Reports,” under “House Legislative Oversight Committee,” and under “The State Election Commission,”

<http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/2015AgencyRestructuringandSevenYearPlanReports/2015%20Election%20Commission.pdf> (accessed July 10, 2017).

<sup>36</sup> *SC Code of Laws Sec. 1-30-10*.

<sup>37</sup> SC House of Representatives, House Legislative Oversight Committee, “2016 Annual Restructuring Report,” under “Committee Postings and Reports,” under “House Legislative Oversight Committee,” and under “The State Election Commission,”

<http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/2016%20ARR/2016%20Agency%20Restructuring%20ReportElectionCommission.PDF> (accessed July 10, 2017). SC House of Representatives, House Legislative Oversight Committee, “2017 Annual Restructuring Report,” under “Committee Postings and Reports,” under “House Legislative Oversight Committee,” and under “The State Election Commission,”

<http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/ElectionCommission/Reports%20&%20Audits%20-%20Reports%20and%20Reviews/Accountability%20Report%20-%202015-2016.pdf> (accessed July 10, 2017).

<sup>38</sup> SC House of Representatives, House Legislative Oversight Committee, “2015-16 Agency Accountability Report/2017ARR,” under “Committee Postings and Reports,” under “House Legislative Oversight Committee,” and under “The State Election Commission,”

<http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/ElectionCommission/Reports%20&%20Audits%20-%20Reports%20and%20Reviews/Accountability%20Report%20-%202015-2016.pdf> (accessed August 24, 2017).

<sup>39</sup> *SC Code of Laws Sec. 2-2-50*.

<sup>40</sup> Agency PER.

<sup>41</sup> A brochure about the House Legislative Oversight’s Committee process is available online. Also, there are ongoing opportunities to request notification when meetings are scheduled and to provide feedback about state agencies under study that can be found online.

<http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/Brochure%205.18.17.pdf> (accessed August 10, 2017).

<sup>42</sup> SC House of Representatives, House Legislative Oversight Committee.

<http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee.php> (accessed July 10, 2017).

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<sup>43</sup> Other agencies in the public survey include Department of Disabilities and Special Needs; Human Affairs Commission; and John de la Howe School.

<sup>44</sup> SC House of Representatives, House Legislative Oversight Committee, “Press Release announcing Public Survey (February 9, 2017),” under “Public Survey & Public Input via LOC webpage” under “Committee Postings and Reports,” under “The State Election Commission,” [http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/ElectionCommission/Media%20Release%20-%20Public%20Survey%20Open%20\(February%209,%202017\)%20\(pdf\).pdf](http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/ElectionCommission/Media%20Release%20-%20Public%20Survey%20Open%20(February%209,%202017)%20(pdf).pdf) (accessed July 10, 2017).

<sup>45</sup> SC House of Representatives, House Legislative Oversight Committee, “Results from the 2017 Survey of the Department of Disabilities and Special Needs; State Election Commission; Human Affairs Commission; and John de la Howe School,” under “Committee Postings and Reports,” under “House Legislative Oversight Committee,” and under “The State Election Commission,” [http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/SurveysforAllAgencies/Results%20from%202017%20Survey%20of%20DDSN;%20Election%20Commission;%20Human%20Affairs%20Commission;%20and%20John%20de%20la%20Howe%20School%20\(2\\_9%20-3\\_13\).PDF](http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/SurveysforAllAgencies/Results%20from%202017%20Survey%20of%20DDSN;%20Election%20Commission;%20Human%20Affairs%20Commission;%20and%20John%20de%20la%20Howe%20School%20(2_9%20-3_13).PDF) (accessed July 10, 2017). Hereinafter, “February/March 2017 Survey Results.”

<sup>46</sup> Committee Standard Practice 10.4.

<sup>47</sup> February/March 2017 Survey Results.

<sup>48</sup> SC House of Representatives, House Legislative Oversight Committee, “Submit Public Input,” under “Committee Postings and Reports,” under “House Legislative Oversight Committee” <http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee.php> (accessed July 10, 2017).

<sup>49</sup> February/March 2017 Survey Results.

<sup>50</sup> Ibid.

<sup>51</sup> Committee Standard Practice 10.4.2. This standard practice allows for the redaction of profanity.

<sup>52</sup> SC House of Representatives, House Legislative Oversight Committee, “Public input about Election Commission received via Committee webpage,” under “Public Survey & Public Input via LOC webpage” under “Committee Postings and Reports,” under “The State Election Commission,” <http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/ElectionCommission/2.21.17%20Public%20Input%20Recieved%20Via%20Web%20Link.pdf> (accessed July 10, 2017).

<sup>53</sup> The Chair of either the Committee or Executive Subcommittee has the discretion to allow testimony during meetings.

<sup>54</sup> SC House of Representatives, House Legislative Oversight Committee, “March 9, 2017 Meeting Minutes,” under “Committee Postings and Reports,” under “House Legislative Oversight Committee,” and under “Full Committee Minutes,” <http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/FullCommitteeMinutes/March%209,%202017%20Mtg%20Minutes.pdf> (accessed July 10, 2017). A video of the meeting is available at <http://www.scstatehouse.gov/video/videofeed.php>. Hereinafter, “March 9, 2017 - Full Committee Meeting Minutes.”

<sup>55</sup> SC House of Representatives, House Legislative Oversight Committee, “Statewide Media Release Inviting the Public to Provide Testimony About Six Agencies Under Study (February 16, 2017),” under “Public Survey & Public Input via LOC webpage” under “Committee Postings and Reports,” under “The State Election Commission,” <http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/ElectionCommission/2.16.17%20Media%20Release.PDF> (accessed July 10, 2017).

<sup>56</sup> January 10, 2017 - Full Committee Meeting Minutes.

<sup>57</sup> SC House of Representatives, House Legislative Oversight Committee, “February 15 , 2017 - Meeting Minutes,” under “Committee Postings and Reports,” under “House Legislative Oversight Committee,” and under “The State Election Commission,” <http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/SubcommitteeMinutes/ExecutiveSub/February%2015,%202017%20-%20Meeting%20Minutes.pdf> (accessed July 10, 2017). A video of the meeting is available at <http://www.scstatehouse.gov/video/videofeed.php>.

<sup>58</sup> March 9, 2017 - Full Committee Meeting Minutes.

<sup>59</sup> Ms. Kim Murphy, constituent from Richland County/Lexington County; Mr. Tiger Wells, the Government Affairs Liaison for the Municipal Association of South Carolina testify about the agency.

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<sup>60</sup> April 5, 2017 - Subcommittee Meeting Minutes.

<sup>61</sup> Mr. Frank Rainwater, Executive Director; Mr. Will Roberts, Precinct Demographics Manager; Mr. David Ballard, County Boundary Program Manager, Professional Land Surveyor.

<sup>62</sup> Ms. Marci Andino, Executive Director; Ms. Janet Reynolds, Director of Administration; Mr. Chris Whitmire, Director of Training and Public Information; Mr. Howard Snider, Director of Voter Services; and Ms. Kristina Catoe, Staff Attorney.

<sup>63</sup> SC House of Representatives, House Legislative Oversight Committee, "April 18 , 2017 - Meeting Minutes," under "Committee Postings and Reports," under "House Legislative Oversight Committee," and under "The State Election Commission,"

<http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/SubcommitteeMinutes/ExecutiveSub/April182017Minutes.pdf> (accessed July 10, 2017). A video of the meeting is available at

<http://www.scstatehouse.gov/video/videofeed.php>. Hereinafter, "April 18, 2017 - Subcommittee Meeting Minutes."

<sup>64</sup> SC House of Representatives, House Legislative Oversight Committee, "May 3 , 2017 - Meeting Minutes," under "Committee Postings and Reports," under "House Legislative Oversight Committee," and under "The State Election Commission,"

<http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/SubcommitteeMinutes/ExecutiveSub/May%203,%202017%20-%20Meeting%20Minutes.pdf> (accessed July 10, 2017). A video of the meeting is

available at <http://www.scstatehouse.gov/video/videofeed.php>. Hereinafter, "May 3, 2017 - Subcommittee Meeting Minutes."

<sup>65</sup> May 9, 2017 - Subcommittee Meeting Minutes.

<sup>66</sup> Interested parties include: The League of Women Voters of South Carolina; Municipal Association of South Carolina; South Carolina Association of Counties; and South Carolina Association of Registration and Election Officials, Inc.

<sup>67</sup> SC House of Representatives, House Legislative Oversight Committee, "June 13, 2017 - Meeting Minutes," under "Committee Postings and Reports," under "House Legislative Oversight Committee," and under "The State Election Commission,"

<http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/SubcommitteeMinutes/ExecutiveSub/June%2013,%202017%20Meeting%20Minutes.pdf> (accessed July 10, 2017). A video of the meeting is

available at <http://www.scstatehouse.gov/video/videofeed.php>. Hereinafter, "June 13, 2017 - Subcommittee Meeting Minutes."

<sup>68</sup> June 27, 2017 - Subcommittee Meeting Minutes.

<sup>69</sup> Mr. Scott Slatton is the representative from the Municipal Association of South Carolina.

<sup>70</sup> Ms. Lynn Teague is the representative from The League of Women Voters of South Carolina. See June 27, 2017 - Subcommittee Meeting Minutes at 52:25 in the archived video.

<sup>71</sup> SC House of Representatives, House Legislative Oversight Committee, "July 31, 2017 - Meeting Minutes," under "Committee Postings and Reports," under "House Legislative Oversight Committee," and under "The State Election Commission," (Minutes will be posted once they are approved by the Subcommittee). A video of the meeting is available at <http://www.scstatehouse.gov/video/videofeed.php>. Hereinafter, "July 31, 2017 - Subcommittee Meeting Minutes."

<sup>72</sup> Ms. Katy Smith is First Vice President of SC Association of Registration and Election Officials.

<sup>73</sup> Ms. Wanda Hemphill is the Director of Elections in York County and Chairman of the Legislative Committee of the South Carolina Association of Registration and Election Officials, Inc.

<sup>74</sup> Committee Standard Practice 14.1.

<sup>75</sup> Committee Standard Practice 14.2.

<sup>76</sup> SC House of Representatives, House Legislative Oversight Committee, "April 5 , 2017 - Meeting Minutes," under "Committee Postings and Reports," under "House Legislative Oversight Committee," and under "The State Election Commission,"

<http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/SubcommitteeMinutes/ExecutiveSub/April%205,%202017%20-%20Meeting%20Minutes.pdf> (accessed July 10, 2017). A video of the meeting is

available at <http://www.scstatehouse.gov/video/videofeed.php>. See 27:36 in the archived video. Hereinafter, "April 5, 2017 - Subcommittee Meeting Minutes." See also, SC House of Representatives, House Legislative

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Oversight Committee, "June 27, 2017 - Meeting Minutes," under "Committee Postings and Reports," under "House Legislative Oversight Committee," and under "The State Election Commission," <http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/SubcommitteeMinutes/ExecutiveSub/June%2027,%202017%20-%20Meeting%20Minutes%20-%20SEC.pdf> (accessed August 10, 2017). A video of the meeting is available at <http://www.scstatehouse.gov/video/videofeed.php>. See 01:22:09 in the archived video. Hereinafter, "June 27, 2017 - Subcommittee Meeting Minutes."

<sup>77</sup> May 9, 2017 - Subcommittee Meeting Minutes at 22:57 in the archived video. See also, June 13, 2017 - Subcommittee Meeting Minutes at 46:41 in the archived video.

<sup>78</sup> *SC Code of Laws Sec. 7-5-120(B)(1)*.

<sup>79</sup> June 13, 2017 - Subcommittee Meeting Minutes at 01:06:20 in the archived video.

<sup>80</sup> SC House of Representatives, House Legislative Oversight Committee, "Presentation by Election Commission regarding agency recommendations (June 27, 2017 Subcommittee Meeting)," under "Mission, Goals & Strategic Plan," under "House Legislative Oversight Committee," and under "The State Election Commission," [http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/ElectionCommission/SEC%20Presentation%20\(June%2027,%202017\).pdf](http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/ElectionCommission/SEC%20Presentation%20(June%2027,%202017).pdf) (accessed August 24, 2017). Hereinafter, "Agency June 27, 2017 Presentation." See also, June 27, 2017 - Subcommittee Meeting Minutes.

<sup>81</sup> June 27, 2017 - Subcommittee Meeting Minutes at 13:57 in the archived video. See also, SC House of Representatives, House Legislative Oversight Committee, "Letter from Election Commission to Oversight Subcommittee (July 7, 2017)," under "Correspondence," under "House Legislative Oversight Committee," and under "The State Election Commission," [http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/ElectionCommission/Letter%20from%20Election%20Commission%20to%20Oversight%20Subcommittee%20with%20attachment%20\(July%207,%202017\).pdf](http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/ElectionCommission/Letter%20from%20Election%20Commission%20to%20Oversight%20Subcommittee%20with%20attachment%20(July%207,%202017).pdf) (accessed August 24, 2017). Hereinafter, "Agency July 7, 2017 letter to the Subcommittee."

<sup>82</sup> April 18, 2017 - Subcommittee Meeting Minutes at 16:51 in the archived video.

<sup>83</sup> *Ibid.*

<sup>84</sup> June 27, 2017 - Subcommittee Meeting Minutes at 12:07 in the archived video.

<sup>85</sup> *Ibid.* at 13:24 in the archived video.

<sup>86</sup> Agency July 7, 2017 letter to the Subcommittee at page 5.

<sup>87</sup> *SC Code of Laws Sec. 7-11-50*.

<sup>88</sup> Agency June 27, 2017 Presentation.

<sup>89</sup> SC House of Representatives, House Legislative Oversight Committee, "Summary Chart (see Meeting Minutes for list of recommendations approved by the Subcommittee)," under "Potential Recommendations," under "Other Materials," under "House Legislative Oversight Committee," and under "The State Election Commission," <http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/ElectionCommission/Potential%20Recommendations%20and%20Findings%20-%20Summary%20Chart.pdf> (accessed August 24, 2017). Hereinafter, "Potential Recommendations and Findings - Excel Chart." See also, Agency PER (Recommendations section).

<sup>90</sup> S.C. Code Ann. § 7-13-350. All nominees in a party primary or party convention must be submitted to the party charged with preparing the ballot no later than noon on August 15 for a general election; Presidential and Vice-Presidential candidates must be certified by noon on the first Tuesday following the first Monday in September. See also, June 27, 2017 - Subcommittee Meeting Minutes at 9:40 in the video. See also, Act No. 505 of 1996. All persons desiring to be a candidate for District Board of Education in Chesterfield County must file notice of candidacy during the filing period beginning on the first Tuesday in September at noon and running for two weeks. See also, Act No. 185 of 1997. All candidates for the McCormick County Board of Trustees must file not later than noon September 1 of a general election year. See also, Agency June 27, 2017 Presentation (Law Change #2).

<sup>91</sup> Agency PER (Recommendations Section). See also, Potential Recommendations and Findings - Excel Chart.

<sup>92</sup> July 31, 2017 - Subcommittee Meeting Minutes at 15:40 in the video. (Rep. Williams Q: How this will make it better than previous? Director Andino A: Thank you. The recommendation is to have all municipal elections held in November of the odd year. Currently, municipal elections are held throughout the calendar year with a high concentration in November of the odd year. We do have some that fall in November of even year which would be the general election it makes the ballot longer and it also requires two voter registration lists. So it would reduce long lines, moving the municipals off of the general election ballot. It also provides for some consistency. Right now,

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they are held in 12 months of the year, so voters experience confusion because they don't know when the election is. If they're all held at the same time, then it would become a standard that November is time for a municipal election.)

<sup>93</sup> *SC Code of Laws Sec. 5-15-50.*

<sup>94</sup> June 27, 2017 - Subcommittee Meeting Minutes at 18:00 in the archived video.

<sup>95</sup> Agency PER (Recommendations section). See also, Potential Recommendations and Findings - Excel Chart.

<sup>96</sup> June 27, 2017 - Subcommittee Meeting Minutes at 35:15 in the archived video.

<sup>97</sup> SC House of Representatives, House Legislative Oversight Committee, "Letter from SC Association of Registration and Election Officials, Inc. to Oversight Subcommittee (June 22, 2017)," under "Correspondence," under "House Legislative Oversight Committee," and under "The State Election Commission,"

[http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/ElectionCommission/Letter%20from%20SC%20Association%20of%20Registration%20and%20Election%20Officials,%20Inc.%20\(June%2022,%202017\).pdf](http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/ElectionCommission/Letter%20from%20SC%20Association%20of%20Registration%20and%20Election%20Officials,%20Inc.%20(June%2022,%202017).pdf) (accessed August 24, 2017). South Carolina Association of Registration and Election Officials, Inc., is strongly in support of election standardization for a variety of reasons. By limited and standardized dates, the logistics of conducting elections would be better streamlined, and it would create a measure of cost savings to both the state and counties. It would also assist in reducing voter confusion and fatigue and decreasing the strain on facilities and poll workers.

<sup>98</sup> SC House of Representatives, House Legislative Oversight Committee, "Letter from Municipal Association of South Carolina (MASC) to the Oversight Subcommittee (June 28, 2017)," under "Correspondence," under "House Legislative Oversight Committee," and under "The State Election Commission,"

[http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/ElectionCommission/Letter%20from%20Municipal%20Association%20to%20Oversight%20Subcommittee%20\(June%2028,%202017\).pdf](http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/ElectionCommission/Letter%20from%20Municipal%20Association%20to%20Oversight%20Subcommittee%20(June%2028,%202017).pdf) (accessed August 24, 2017). Municipal Association of South Carolina (MASC) previously proposed that general elections could be held once per calendar quarter in an even or odd year to provide cities and towns the option to choose a date closest to their current election dates but is willing to discuss other potential options. MASC believes the following effects of changing election dates should be considered: (1) Terms of many elected council members across the state will have to be shortened or lengthened (currently councils choose whether or not to shorten or lengthen their terms when they change their election dates and MASC believes council prerogative should be retained); and (2) Councils will need to modify their existing election ordinances to accommodate a new election date, so legislation should allow councils time to modify their ordinances. See also, June 27, 2017 - Subcommittee Meeting Minutes at 22:00 and 27:21 in the archived video. See also, July 31, 2017 - Subcommittee Meeting Minutes at 20:45 in the archived video.

<sup>99</sup> Agency PER (Recommendations section).

<sup>100</sup> The school district is in Kershaw County. See also, Agency July 7, 2017 letter to the Subcommittee. See also, Act. No. 930 of 1970.

<sup>101</sup> Agency PER (Recommendations section).

<sup>102</sup> *SC Code of Laws Sec. 7-13-110.* Poll managers to be residents and registered electors of counties; assistants.

<sup>103</sup> July 31, 2017 - Subcommittee Meeting Minutes at 1:43:25 in the archived video.

<sup>104</sup> *Ibid.*

<sup>105</sup> *Ibid.* at 1:44:30 in the archived video.

<sup>106</sup> The agency explained the certification and training for individuals newly appointed to a county board as follows,

Once appointed to a county board, they have 18 months to complete our training and certification.

We offer classes every month mainly in Columbia, but do go out to various locations. We also offer classes in conjunction with county association meetings (summer and winter). We also offer some classes on Saturday, and go to different locations. There are some core classes. There are classes that county board chairs are required to take. There is a different curriculum for staff and board members. Board members have to take 6 classes to become certified. Once certified, we ask them to take one continuing education class. We give continuing education credit if they attend a county legislative conference. We also accept credits from technical school or college, through the county association. If it is something that is a minimum 3 hour class, we let them use that as well.

The core classes and electives are election related. Then there is a long list of professional development classes also offered. At the beginning and end of each year, the agency performs an analysis of the needs of the participants and, based on that analysis sets a schedule of classes for the year. As part of this analysis the agency reviews the needs of



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new appointments, continuing education needs of existing board members, and needs the agency has identified during an election year. The agency believes there is a need for an onboarding process before the individual assumes the position and has a document which provides an overview of the county, online training, and expects the County Director to provide some introduction as well. May 3, 2017 - Subcommittee Meeting Minutes at 1:09:00; 1:11:04; and 1:11:45 in the archived video. See also, May 9, 2017 - Subcommittee Meeting Minutes at 36:20; 37:30; 38:14; 38:40; and 39:44 in the archived video.

<sup>107</sup> *SC Code of Laws Sec. 7-5-10(D)(1)*.

<sup>108</sup> *SC Code of Laws Sec. 7-5-10(D)(2)*.

<sup>109</sup> May 9, 2017 - Subcommittee Meeting Minutes at 41:55; 45:05; and 49:15 in the archived video.

<sup>110</sup> SC House of Representatives, House Legislative Oversight Committee, "Additional Information," under "Potential Recommendation," under "Other Materials," under "House Legislative Oversight Committee," and under "The State Election Commission,

"<http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/ElectionCommission/Potential%20Recommendations%20and%20Findings%20-%20Additional%20Information.pdf> (accessed August 24, 2017). Hereinafter, "Potential Recommendations and Findings - Additional Information."

<sup>111</sup> May 3, 2017 - Subcommittee Meeting Minutes at 43:50 and 47:44 in the archived video.

<sup>112</sup> *SC Code of Laws Sec. 4-1-10*. See also, SC Code of Laws Title 4, Chapter 3.

<sup>113</sup> Potential Recommendations and Findings - Additional Information. See also, July 31, 2017 - Subcommittee Meeting Minutes at 01:09:00 in the archived video.

<sup>114</sup> *SC Code of Laws Sec. 27-2-105(A)(3)*.

<sup>115</sup> Potential Recommendations and Findings - Additional Information.

<sup>116</sup> July 31, 2017 - Subcommittee Meeting Minutes at 52:52 and 54:10 in the archived video.

<sup>117</sup> *Ibid.* at 59:45 and 01:03:41 in the archived video.

<sup>118</sup> *SC Code of Laws Sec. 27-2-105(B)(6)*.

<sup>119</sup> Potential Recommendations and Findings - Additional Information.

<sup>120</sup> David Ballard, County Boundary Program Manager, Professional Land Surveyor with the Revenue and Fiscal Affairs Office, telephone call with House Oversight Committee Legal Counsel Charles Appleby, July 2017.

<sup>121</sup> Potential Recommendations and Findings - Additional Information.

<sup>122</sup> SC House of Representatives, House Legislative Oversight Committee, "Election Boundaries: Precincts, Districts, Census, Counties - presentation by SC Revenue and Fiscal Affairs Office to Oversight Subcommittee (April 5, 2017)," under "County Boundaries," under "Other Materials," under "House Legislative Oversight Committee," and under "The State Election Commission,

<http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/ElectionCommission/Election%20Boundaries%20-%20Precincts,%20Districts,%20Census,%20Counties%20-%20presentation%20by%20RFA%20to%20Oversight%20Subcommittee.pdf> (accessed August 24, 2017).

<sup>123</sup> Act 262 of 2014, Section 1(A).

<sup>124</sup> Act 262 of 2014, Section 1(B). The General Assembly further finds that it is appropriate statutorily to allow the South Carolina Geodetic Survey, with appropriate procedural safeguards, administratively to adjust or otherwise clarify disputed or unclear boundaries. However, in providing the statutory administrative process and procedural safeguards in the amendments to Section 27-2-105 of the 1976 Code as contained in this act, the General Assembly in no way restricts the plenary authority of the General Assembly by legislative enactment to adjust or otherwise clarify existing county boundaries.

<sup>125</sup> *SC Code of Laws Sec. 27-2-105(A)(6)*. When the certified boundary plat is no longer subject to appeal, the SCGS under cover of a letter signed by the Chief of the SCGS shall provide an appropriate revised boundary map to the Secretary of State, the South Carolina Department of Archives, and the register of deeds in each affected county. The date of the SCGS director's cover letter is the date the revised boundaries take effect. See also, *SC Code of Laws Sec. 4-3-10*. Abbeville County.

<sup>126</sup> *Ibid.*

<sup>127</sup> SC Constitution, Article 7, Section 7.

<sup>128</sup> April 5, 2017 - Subcommittee Meeting Minutes at 25:45 in the archived video.

<sup>129</sup> Potential Recommendations and Findings - Additional Information.

<sup>130</sup> Potential Recommendations and Findings - Additional Information.

<sup>131</sup> April 5, 2017 - Subcommittee Meeting Minutes at 32:40 in the archived video.

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<sup>132</sup> Ibid. at 30:52 in the archived video. If a county does not follow the geographically positioned boundary as required in statute, no state entity enforces the requirement. July 31, 2017 - Subcommittee Meeting Minutes at 01:21:25 in the archived video. A private cause of action serves as the mechanism of enforcement to avoid taxation of a citizen in a county where they do not have representation. July 31, 2017 - Subcommittee Meeting Minutes at 01:21:06; 01:22:08; and 01:23:00 in the archived video. As opposed requiring a county to immediately make all of the changes, if any are needed, the Subcommittee's recommendation 15 provides the county half a year. Notably, if the geographically positioned line, which is positioned based on the current description of the boundary in state law, is the same as the county has been utilizing, no changes are needed by the county.

<sup>133</sup> Agency July 7, 2017 letter to the Subcommittee.

<sup>134</sup> Ibid.

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**Committees:**

Agriculture, Natural Resources and  
Environmental Affairs  
Legislative Oversight

**House of Representatives**  
State of South Carolina

August 31, 2017

**Member Statement for the Subcommittee Study of the State Election Commission**

I am including this statement to thank the Legislative Oversight Committee staff for working so hard to ensure the State Election Commission received proper direction in answering questions and responding to necessary requests from the Committee. Additionally, I want to thank the State Election Commission for being transparent and providing information in a timely manner. Agency staff's professionalism and attention to detail are remarkable attributes that reflect highly on the agency and its continued success.

However, I feel it is very important for the agency to maintain the integrity of information it possesses about citizens of South Carolina. I understand there have been several requests to release certain data on voters in this state. The agency must remain vigilant and resilient to the many challenges that may arise. I am confident their leadership team will make the best choice for all the citizens of South Carolina. Secure technology that maintains the privacy of information is paramount when it comes to issues of importance to voters in our state.

The citizens of this great state must be able to reassure themselves that information about them is protected, safe from hackers and others with criminal intent.

The Honorable Robert Q. Williams  
Subcommittee Member  
SC House of Representative District 62

**Legislative Oversight Committee**  
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# **Notification of the Healthcare and Regulatory Subcommittee Study**

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

September 29, 2017

In accordance with Standard Practice 12.5, notice is hereby provided that the Healthcare and Regulatory Subcommittee oversight study of the Department of Health and Environmental Control is available for consideration by the full committee.

Honorable Phyllis J. Henderson  
Healthcare and Regulatory Subcommittee Chair

cc: The Honorable William K. "Bill" Bowers  
The Honorable MaryGail K. Douglas  
The Honorable Bill Taylor

# Legislative Oversight Committee

## Study of the Department of Health and Environmental Control *September 29, 2017*



FULL COMMITTEE OPTIONS STANDARD PRACTICE 13	FULL COMMITTEE ACTION(S)	DATE(S) OF FULL COMMITTEE ACTION(S)
(1) Refer the study and investigation back to the subcommittee or an ad hoc committee for further evaluation; (2) Approve the subcommittee's study; or (3) further evaluate the agency as a full committee, utilizing any of the available tools of legislative oversight available		

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# AGENCY SNAPSHOT

## Department of Health and Environmental Control

**HISTORY**  
 Formed from separate entities dating back to 1848, the Department of Health and Environmental Control is formed in 1973 to comprehensively address the state's public health needs.

4 Central Office Locations  
 59 Health Department Locations  
 17 Environmental Affairs Locations

Service Locations

### Agency Mission

To improve the quality of life for all South Carolinians by protecting and promoting the health of the public and the environment.

3,492,440 Authorized Positions

\$812,609,798 .00

Fiscal Year 2015-16 Resources

### Highlights

Successful event responses reduce adverse impacts on public and environmental health (e.g. October 2015 flood, food handler Hepatitis A outbreak, and tuberculosis outbreak).

Permit and license time reduction result in better service to businesses (e.g. reducing Certificate of Need average decision time from 118 to 40 days).

High-quality work to protect public and environmental health gains national prominence for emergency medical services (EMS) breakthroughs, Special Supplemental Nutrition Program for Women, Infants and Children (WIC), Brownsfield cleanup, Environmental justice, Underground Storage Tank Program, Central Cancer Registry, Radiochemistry Lab, Defense Installation Restoration Program, Best Chance Network, and Food Protection.

### Challenges

Obsolete and outdated information technology systems reduce performance and security (e.g. DHEC data center and network).

Inadequate space, degraded facilities, and outdated structures affect morale and reduce operational efficiency and productivity.

Noncompetitive compensation and condition of facilities impact talent recruitment and retention.

Figure 1. Snapshot of agency's history, highlights, challenges, and Fiscal Year 2016-17 resources.<sup>1</sup>

# EXECUTIVE SUMMARY

## *Purpose of Oversight Study*

As stated in SC Code §2-2-20(B), “[t]he **purpose of these oversight studies** and investigations is to **determine if agency laws and programs** within the subject matter jurisdiction of a standing committee: (1) **are being implemented** and carried out **in accordance with the intent of the General Assembly; and** (2) **should be continued, curtailed, or eliminated.**” In making these determinations the **Subcommittee** evaluates (1) the application, administration, execution, and effectiveness of the agency’s laws and programs, (2) the organization and operation of the agency, and (3) any conditions or circumstances that may indicate the necessity or desirability of enacting new or additional legislation pertaining to the agency.<sup>2</sup>

## *Study Process*

The House Legislative Oversight Committee’s (Committee) process for studying the Department of Health and Environmental Control (agency, department, or DHEC) **includes actions by the full Committee; Healthcare and Regulatory Subcommittee (Subcommittee); the agency; and the public.** Key dates and actions from January 28, 2016, to July 19, 2017, are listed below in Figure 2.

### Legislative Oversight Committee’s Actions

- January 28, 2016 - Schedules the agency for study.
- February 4, 2016 - Informs agency it has been selected for study.
- May 1-31, 2016 - Solicits input from the public about the agency in the form of an **online public survey.**

### Healthcare and Regulatory Subcommittee’s Actions

- April 27, 2016 - Holds **entry meeting** with the agency, to discuss study procedural issues.
- January 24, 2017 - Holds **Meeting #1**, a **public input meeting**, and receives an overview of the agency.
- February 9, 2017 - Holds **Meeting #2** to discuss the agency’s mission; vision; strategic plan; performance; improvements; development of new budgeting techniques; regulatory authority; and Savannah River Site.
- February 23, 2017 - Holds **Meeting #3** to receive an overview of the agency's history and programs.
- March 23, 2017 - Holds **Meeting #4** to address questions relating to strategic planning; environmental issues; and health issues.
- April 20, 2017 - Holds **Meeting #5** to discuss the agency's strategic planning, performance measures, and partners relating to Goal 1 (Health Services) and Goal 2 (Environmental Affairs)

- May 9, 2017 - Holds **Meeting #6** to discuss the agency's strategic planning, performance measures, and partners relating to Goal 3 (Health Regulations) and Goal 4 (Operations).
- June 20, 2017 - Holds **Meeting #7** to discuss the agency's recommendations for statutory changes.
- July 19, 2017 - Holds **Meeting #8**, a work session, to address recommendations.

## Department of Health and Environmental Control's Actions

- March 2015 - Submits its **Annual Restructuring and Seven-Year Plan Report**.
- January 12, 2016 - Submits its **2016 Annual Restructuring Report**.
- August 24, 2016 - Submits its **Program Evaluation Report**.
- January 2017 - Meets with constituents that provide input at the January 24, 2017, Subcommittee meeting.

## Public's Actions

- May 1, 2016 - May 31, 2016 - Provides input about agency via **online public survey**.
- January 24, 2017 - Provides **testimony** to Subcommittee.
- Ongoing - Public may submit written comments on the Committee's webpage on the General Assembly's website ([www.scstatehouse.gov](http://www.scstatehouse.gov)).

*Figure 2. Summary of key dates and actions of the study process, January 28, 2016, - July 19, 2017.*

## Recommendations

The Subcommittee has **47 recommendations arising** from its study of the agency, 42 to curtail or revise programs and five to eliminate programs. These recommendations fall into four categories: (1) general (i.e., agency-wide), (2) environmental, (3) health regulations, and (4) health services; recommendation topics are included in Table 1.<sup>3</sup>

*Table 1. List of recommendation topics by agency program division.<sup>4</sup>*

Program Division	Topics
	<b>Curtail (Revise)</b>
<b>Agency wide</b>	<ul style="list-style-type: none"> <li>• Email Notice of Decisions</li> </ul>
<b>Environmental Affairs</b>	<ul style="list-style-type: none"> <li>• Solid Waste Policy and Management Act</li> <li>• Hazardous Waste Management Act (5)</li> </ul>
<b>Health Regulations</b>	<ul style="list-style-type: none"> <li>• Certificate and Need (2)</li> <li>• Hearing Aids (6)</li> <li>• Body Piercing</li> <li>• Tattooing</li> <li>• Emergency Medical Services Act (2)</li> </ul>
<b>Health Services</b>	<ul style="list-style-type: none"> <li>• Vital Statistics (5)</li> <li>• Contagious and Infectious Diseases (8)</li> <li>• Emergency Health Powers Act</li> </ul>

	<ul style="list-style-type: none"> <li>• Tuberculosis (3)</li> <li>• Community Oral Health Coordinator</li> <li>• Dental Practices Act</li> <li>• Care of the Newly Born</li> <li>• SC Health Care Professional Compliance Act</li> <li>• Infants and Toddlers with Disabilities Act</li> </ul>
<b>Eliminate</b>	
<b>Agency wide</b>	<ul style="list-style-type: none"> <li>• District Advisory Boards of Health</li> <li>• Catawba Health District</li> </ul>
<b>Environmental Affairs</b>	<ul style="list-style-type: none"> <li>• Hazardous Waste Management Research Fund</li> <li>• Coastal Zone Appellate Panel</li> </ul>
<b>Health Services</b>	<ul style="list-style-type: none"> <li>• Contagious and Infectious Diseases</li> <li>• Osteoporosis Prevention and Treatment Act</li> </ul>

Table Note: A number in parentheses indicates the number of recommendations relating to a topic, if more than one.

There are no **recommendations relating to continuing agency programs.**

In its Program Evaluation Report, the Department of Health and Environmental Control proposes **three agency wide recommendations.** The Subcommittee adopts one of these recommendations as a statutory revision. It proposes clarifying that notice of department decisions or staff decisions may be sent by email or other appropriate means.<sup>5</sup>

In its Program Evaluation Report, the Department of Health and Environmental Control proposes 14 **recommendations regarding the environmental affairs division;** the Subcommittee adopts six of these as statutory revisions, five in total and one with an exception.<sup>6</sup> Table 2 summarizes the environmental recommendations.

Table 2. Summary of environmental affairs division recommendations.<sup>7</sup>

Subcommittee Recommendation Number	Summary
2 (Exception)	<b>Solid Waste Policy and Management Act</b> SC Code §44-96-110 et seq., establishes standards for the management of solid waste, and authorizes the department to regulate and permit solid waste management facilities. Also it establishes goals for the State in waste reduction and recycling, and requires local and state solid waste management planning. This recommendation proposes changes pertaining to construction and demolition debris, zoning, and permittee demonstration of need. (2.3)*
3	<b>Hazardous Waste Management Act</b> SC Code §44-56-140(E) requires DHEC to report any violations of the Hazardous Waste Management Act to the governing body of the county or city where the violation occurred within 24 hours. This recommendation proposes to delete this requirement. (2.5)*

4	<b>Hazardous Waste Management Act</b> SC Code §44-56-59 includes findings and conclusions of the General Assembly related to existing land disposal facility capacity, preference to in-state hazardous waste generators, and restrictions on the importation of out-of-state hazardous waste. This recommendation proposes deleting preferences for in state hazardous waste generators and restrictions on out of state hazardous waste, which have been determined to be unconstitutional by a federal court. (3.1)*
5	<b>Hazardous Waste Management Act</b> SC Code §44-56-60(a)(1), (2), and (3) require annual reporting to the General Assembly to determine if landfill capacity should be reduced; restrict land disposal of hazardous waste; and limit the amount of land disposal of out-of-state hazardous waste. This recommendation proposes deleting preferences for in state hazardous waste generators and restrictions on out of state hazardous waste, which have been determined to be unconstitutional by a federal court. (3.2)*
6	<b>Hazardous Waste Management Act</b> SC Code §44-56-130 (4),(5), and (6) make it unlawful for a person who owns or operates a hazardous waste for treatment, storage or disposal facility to accept hazardous waste from any jurisdiction that prohibits the treatment, storage or disposal of such waste or that has not entered into an interstate or regional agreement under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). This recommendation proposes deleting these sections, which have been determined to be unconstitutional by a federal court. (3.3)*
7	<b>Hazardous Waste Management Act</b> SC Code §44-56-205 provides that all hazardous waste treatment and disposal facilities shall give preference to in-state hazardous waste generators. This recommendation proposes deleting this section, which has been determined to be unconstitutional by a federal court. (3.4)*

*Table Note: A number in parentheses with an asterisk symbol beside it indicates the number of the recommendation in the agency's materials the Subcommittee utilizes during the study process.*

In its Program Evaluation Report, the Department of Health and Environmental Control proposes 16 **health regulation division recommendations**; the Subcommittee adopts 11 of these as statutory revisions, six with no exceptions and five with a request for additional information. The Subcommittee adopts one additional recommendation.<sup>8</sup> Table 3 summarizes the health regulation recommendations.

Table 3. Summary of health regulation division recommendations.<sup>9</sup>

Subcommittee Recommendation Number	Summary
8	<b>Certification of Need and Health Facility Licensure Act</b> SC Code §44-7-110 et seq., requires a certificate of need (CON) in certain circumstances and requires licensure for certain types of health care facilities. Section 44-7-170 delineates institutions and transactions exempt from these licensure provisions and certain institutions and transactions exempt from only the CON provisions. This recommendation proposes modification to §44-7-170(B)(6) to clarify that kidney disease centers are exempt only from the CON provisions, but these centers are still subject to the licensure provisions. (1.4)*
9	<b>Certification of Need and Health Facility Licensure Act</b> SC Code§44-7-310 and 315 delineate requirements and prohibitions on disclosure of certain information obtained by the department in the course of performing its licensure duties. This recommendation proposes revisions allowing greater ability to publish information online and modifications clarifying disclosure requirements and prohibitions. (2.15)*
10	<b>Hearing Aids</b> SC Code §40-25-10 et seq., authorizes DHEC to license qualified persons to engage in the practice of specializing in hearing aids, oversee the examination of persons seeking licensure, conduct periodic inspections of persons, facilities, and equipment, and take enforcement action as authorized by statute. Section 40-25-20(2) requires the Commission of Hearing Aid Specialists to prepare the examinations. This recommendation proposes to modify §40-25-20(2) to delete the requirement for this commission to formulate the examination. (1.5)*
11	<b>Hearing Aids</b> SC Code §40-25-30 lists the powers of DHEC related to the Practice of Specializing in Hearing Aids. Subsection 40-25-30(6) authorizes DHEC to suspend or revoke a license or require that a refund be made. This recommendation proposes to authorize DHEC to issue a monetary penalty. (1.6)*
12	<b>Hearing Aids</b> SC Code §40-25-150(C)-(D) require the Commission of Hearing Aid Specialists to monitor continuing education compliance. The recommendation proposes to replace the commission with DHEC in §40-25-150(C) and (D), so as to authorize DHEC, rather than this commission, to perform these duties. (2.19)*
13	<b>Hearing Aids</b> This recommendation proposes to modify §40-25-110 to authorize the department to charge a fee for the examination of persons seeking to specialize in hearing aids to subsidize the cost of administering the examination. (2.20)*
14	<b>Hearing Aids</b> SC Code §40-25-30(2) allows DHEC to administer a qualifying examination to applicants for licensure. This recommendation proposes to modify this duty to include the authority to facilitate the administration of the qualifying examinations (i.e., allow usage of vendors for testing). (2.21)*

15	<b>Hearing Aids</b> The Subcommittee recommends DHEC and the Department of Labor, Licensing, and Regulation jointly make a recommendation about which agency the Practice of Specializing in Hearing Aids Act best fits within.
16	<b>Body Piercing</b> SC Code §44-32-10 et seq., requires the department to establish sterilization, sanitation, and safety standards for persons engaged in the business of body piercing, issue permits to facilities to engage in body piercing, and charge annual permitting fees. This recommendation proposes to authorize DHEC to assess a monetary penalty as a method of enforcement, in addition to the existing options of revoking, suspending, refusing to issue or renew a permit, or placing a body piercing facility on probation. In addition, the recommendation proposes new language authorizing imposition of a monetary penalty apply to any person who violates the act or regulation, (e.g., a person or entity that performs body piercing without a license). (1.7)*
17	<b>Tattooing</b> SC Code §44-34-10 et seq., requires DHEC to establish sterilization, sanitation, and safety standards for persons engaged in the business of tattooing and to issue licenses to facilities to engage in tattooing and charge licensing fees and inspection fees. The recommendation proposes adding language to §44-34-80 authorizing the imposition of a monetary penalty against any person who violates the act or regulation (e.g., a person or entity that performs tattooing without a license) and not only a licensee of the facility. (1.8)*
18	<b>Emergency Medical Services Act</b> SC Code §44-61-10 et seq., authorizes DHEC to develop standards for emergency medical services (EMS) in the state; license, certify, and permit ambulance services, emergency medical technicians, and ambulance vehicles in the state; and take certain enforcement actions. Section 44-61-160 establishes an Investigative Review Committee and provides for its composition. This recommendation proposes modifying the definition of “Investigative Review Committee” to indicate that DHEC <i>may</i> convene the committee regarding an official investigation that may warrant suspension or revocation of a license or certification. The recommendation further proposes modifying the definition to reflect that appointment to the committee is made by the Chief of the Bureau of EMS and Trauma, rather than the Director of the Division of EMS and Trauma. (2.16)*
19	<b>Emergency Medical Services Act</b> This recommendation proposes adding new statutory provisions authorizing DHEC to become a member of the Recognition of EMS Personnel Licensure Interstate Compact (REPLICA) with other states. (2.17)*

*Table Note: A number in parentheses with an asterisk symbol beside it indicates the number of the recommendation in the agency’s materials the Subcommittee utilizes during the study process.*

In its Program Evaluation Report, the Department of Health and Environmental Control proposes 25 **health services division recommendations**; the Subcommittee adopts 22 these recommendations as statutory revisions.<sup>10</sup> Table 4 summarizes these health services recommendations.

Table 4. Summary of health services division recommendations.<sup>11</sup>

Subcommittee Recommendation Number	Summary
20	<b>Vital Statistics</b> SC Code §44-63-10 through 180 empowers DHEC to establish a bureau of vital statistics and to provide a system for the registration and certification of births, deaths, marriages, and divorces. To remain consistent with the national model, the recommendation proposes clarifying terminology, recognize the transition to an electronic system, remove obsolete references, clarify treatment of sealed records and paternity acknowledgements, and reflect changes to DHEC’s organization. (1.3)*
21	<b>Vital Statistics</b> SC Code §44-63-74 provides for the electronic filing and transmission of death certificates, including the authority to assess penalties for noncompliance. This recommendation proposes allowing DHEC discretion in assessing civil penalties, including the amount, and adding civil enforcement powers in cases other than late filing of death certificates. (2.11)*
22	<b>Vital Statistics</b> SC Code §44-63-100(A) provides for the registration of birth through petition for delayed certificate of birth established by court order. This recommendation proposes removing the provision allowing to petition for delayed birth certificate to be filed outside of South Carolina (i.e., state of petitioner’s residence). (2.12)*
23	<b>Vital Statistics</b> SC Code §44-63-163, §44-63-165, and §63-17-10 relate to paternity determinations. This recommendation proposes removing references to an administrative determination of paternity or acknowledgement of paternity pursuant to §63-17-10. It also proposes to clarify whether paternity determinations by courts outside of South Carolina may be accepted as sufficient, and if pre-birth orders in surrogacy cases are effective to determine parentage for purposes of birth registration. (2.13)*
24	<b>Vital Statistics</b> SC Code §44-63-150 provides for the correction of mistakes in birth or death certificates. Section 62-1-302 provides the subject matters over which the probate courts have exclusive jurisdiction. Section 63-3-530 provides the subject matters over which the family courts have exclusive jurisdiction. This recommendation proposes allowing parents to make changes to adult children’s birth certificates only when the child is legally incompetent, clarifying that the family court has jurisdiction over amendments to birth certificates that may not be considered corrections, and giving the probate court express jurisdiction over corrections to death certificates. (2.14)*
25	<b>Contagious and Infectious Diseases</b> SC Code §44-29-10(A) addresses physician reporting of contagious or infectious diseases. The recommendation proposes removing the requirement that physicians report to the county health department and replacing it with an instruction that the reporting be provided to DHEC. (1.13)*



26	<b>Contagious and Infectious Diseases</b> SC Code §44-29-70 requires certain healthcare professionals to report cases of sexually transmitted diseases to health authorities. This recommendation proposes adding the term “sexually transmitted infection” to both the title and body of the section. (1.14)*
27	<b>Contagious and Infectious Diseases</b> SC Code §49-29-80 requires laboratories to report positive tests for sexually transmitted disease to DHEC and local boards of health. This recommendation proposes adding the term “sexually transmitted infection” to both the title and body of the section and removing the reference to local boards of health. (1.15)*
28	<b>Contagious and Infectious Diseases</b> SC Code §44-29-90 addresses the examination, treatment and isolation of persons infected with venereal disease. This recommendation proposes replacing the term “venereal disease” with “sexually transmitted disease and sexually transmitted infection” and adding the term “sexually transmitted infection” to each phrase where “sexually transmitted disease” is used alone. (1.16)*
29	<b>Contagious and Infectious Diseases</b> SC Code §44-29-100 addresses the examination, treatment, and isolation of prisoners for sexually transmitted diseases. This recommendation proposes removing the requirement that prisoners remain incarcerated after their terms expire for treatment. Also, it proposes adding the term “sexually transmitted infection” to each phrase where “sexually transmitted disease” is used alone. (1.17)*
30	<b>Contagious and Infectious Diseases</b> SC Code §44-29-136 addresses court orders for disclosure of records for law enforcement purposes. This recommendation proposes adding the term “sexually transmitted infection” to each phrase where “sexually transmitted disease” is used alone. (1.18)*
31	<b>Contagious and Infectious Diseases</b> SC Code §44-29-140 addresses penalties related to venereal disease. This recommendation proposes replacing the term “venereal disease” with “sexually transmitted disease and sexually transmitted infection.” (1.19)*
32	<b>Contagious and Infectious Diseases</b> SC Code §44-29-135(f) requires DHEC notify public schools when a student in kindergarten through fifth grade has Acquired Immune Deficiency Syndrome (AIDS) or is infected with Human Immunodeficiency Virus (HIV). This recommendation proposes repealing the section. (1.20)*
33	<b>Emergency Health Powers Act</b> SC Code §44-4-130(R) provides a definition of “qualifying health condition” which supports the definition of a “public health emergency” in §44-4-130(P). This recommendation proposes expanding the definition of a “qualifying health condition” to include “a nuclear attack or accident,” “a chemical attack or release,” “a man-made disaster widely affecting public health or the environment,” and “an act of

	terrorism or bioterrorism affecting public health or the environment.” (2.22)*
34	<b>Tuberculosis Camps</b> SC Code §44-7-610 through 780 relate to county, township or municipal hospitals or tuberculosis camps. This recommendation proposes deleting any reference to tuberculosis camps in these sections as DHEC no longer treats or controls tuberculosis disease using tuberculosis camps. (1.10)*
35	<b>Reports of Records of Tuberculosis Cases</b> SC Code §44-31-10 requiring certain medical providers and entities to report cases of tuberculosis to DHEC has not been updated since 1970. This recommendation proposes updating the language to reflect current medical recommendations and reporting practices. (1.23)*
36	<b>Reports and Records of Tuberculosis Cases</b> SC Code §44-31-105 authorizes DHEC to issue and enforce emergency orders for the control and treatment of tuberculosis. This recommendation proposes clarifying that a petition is filed in the probate court in the county in which the person is being detained in the event that the individual has not requested a hearing and the 20-day detainment is nearing an end. (2.26)*
37	<b>Community Oral Health Coordinator</b> SC Code §44-8-10 through 60 provide for the creation and implementation of a targeted community program for dental health education, screening, and treatment referral. This recommendation proposes expanding the provision of services facilitated by the community oral health coordinator to persons of any age in underserved and vulnerable populations in designated counties. (1.11)*
38	<b>Dental Practices Act of 2003</b> SC Code §40-15-110 (E) requires DHEC to target dental services in a public health setting to under-served populations. This recommendation proposes moving §40-15-110 (E) to Title 44 (Health) where the majority of DHEC’s health-related responsibilities are located. In addition, to ensure that these services are being properly implemented, this recommendation also proposes adding to Title 44 a requirement that any dental provider operating in a public health setting must submit specific data to DHEC and use DHEC surveillance tools for the implementation of public health core functions. (1.12)*
39	<b>Care of the Newly Born</b> SC Code §44-37-30 addresses neonatal testing of children. This recommendation proposes removing the requirement for indefinite storage of the sample. (1.21)*

40	<b>SC Health Care Professional Compliance Act</b> SC Code §44-30-10 through 90 provide for the creation of expert review panels to determine if health care worker who is either HIV or HBV (hep-b) positive can receive recommendations for participating in certain invasive procedures in the health care setting. This recommendation proposes including current CDC (Centers for Disease Control) or equivalent guidelines, allowing DHEC to appoint at least one or approve an existing expert review panel if needed, and requiring enforcement, and providing an enforcement mechanism for the requirement that educational institutions to provide current training in infection control practices for health care professionals participating in the institutions' education programs. (2.23)*
41	<b>Infants and Toddlers with Disabilities Act</b> SC Code §44-7-2510 through 2610 grant the Governor discretion to designate the lead agency for the implementation of the Infants and Toddlers with Disabilities Act (i.e., BabyNet). As the lead agency is subject to change (e.g., DHEC, First Steps to School Readiness, and the Department of Health and Human Services have all served as lead agency), DHEC recommends moving these provisions from Title 44 (Health) to Title 63, the South Carolina Children's Code. (5.2)*

Table Note: A number in parentheses with an asterisk symbol beside it indicates the number of the recommendation in the agency's materials the Subcommittee utilizes during the study process.

### Eliminate

In its Program Evaluation Report, the Department of Health and Environmental Control proposes seven **recommendations for eliminating programs**; the Subcommittee adopts six.<sup>12</sup> Table 5 summarizes the recommendations to eliminate programs.

Table 5. Summary of recommendations to eliminate programs.<sup>13</sup>

Subcommittee Recommendation Number	Summary
42	<b>Contagious and Infectious Diseases</b> SC Code §44-29-195 relates to head lice, school children, and vouchers for treatment products. This recommendation proposes removing the requirement that DHEC make products available for treatment of pediculosis (i.e., head lice infestation). (4.2)*
43	<b>District Advisory Boards of Health</b> - SC Code §44-1-130 establishes health districts and district advisory boards. This recommendation proposes eliminating reference to "district advisory boards of health," as they no longer exist, and changing all mention of "districts" to "regions," to reflect current terminology. (1.2)*
44	<b>Catawba Health District</b> - SC Code §44-3-110 through 140 establish and organize the "Catawba Health District," which includes Chester, Lancaster and York Counties. This recommendation proposes deleting this section as the district no longer exists. (1.9)*

45	<b>Hazardous Waste Management Research Fund</b> SC Code §44-56-810 through 840 creates the Hazardous Waste Management Research Fund, funded by fees from the Pinewood Site in Sumter County. This recommendation proposes to delete this section as the Pinewood Site in Sumter County no longer collects fees since its closure in 2000. (2.6)*
46	<b>Coastal Zone Management Appellate Panel</b> SC Code §48-39-40 creates the Coastal Zone Management Appellate Panel, including terms and membership, which acts as an advisory council to DHEC to hear appeals of staff decisions on Coastal Division permits. This recommendation proposes eliminating the panel as there is now a uniform procedure for contested cases and appeals. (2.9)*
47	<b>Osteoporosis Prevention and Treatment Education Act</b> SC Code §44-125-10 through 40 establish an Osteoporosis Education Fund and an Osteoporosis Prevention and Treatment Education Program to promote public awareness, prevention, and treatment of osteoporosis. This recommendation proposes repealing these sections as the fund has not been established and no funds have been allocated to carry out this purpose. (4.3)*

*Table Note: A number in parentheses with an asterisk symbol beside it indicates the number of the recommendation in the agency's materials the Subcommittee utilizes during the study process.*

## *Internal Changes Implemented by Agency Related to Study Process*

During the study of DHEC the agency implements several improvements directly related to its participation in the study process. Those improvements are listed below.

- While prior to the Healthcare and Regulatory Subcommittee's study DHEC staff begin evaluating agency programs and legal mandates to determine if there are gaps, the study helps expedite and prioritize the review.

The program evaluation report template allows DHEC staff to assess programs using the same metrics, which provides for greater consistency across the agency.<sup>14</sup>

## *Additional Information*

The Department of Health and Environmental Control makes 11 **recommendations that the Subcommittee receives for information purposes only**. Table 20 summarizes these recommendations.

Notably, the **Subcommittee rejects the agency's recommendation for the General Assembly to repeal statutes relating to (SC Code §59-111-150 through 580) the South Carolina Medical and Dental Loan Fund**, which assists loan recipients with the costs of medical and dental education in return for commitments to practice in underserved areas. In making this recommendation, agency representatives note funds have not been allocated to carry out this purpose for many years.<sup>15</sup>

# AGENCY OVERVIEW

## *History*

The Department of Health and Environmental Control has provided the Committee with an overview of the agency's history.<sup>16</sup> In addition, Committee staff has confirmed the accuracy of any assertion of legislative action.

In 1848, the South Carolina Medical Association is constituted as a corporate body by the General Assembly.<sup>17</sup> It is formed from the Medical Society of South Carolina to give physicians a platform to engage in health advocacy.<sup>18</sup>

In 1878, the General Assembly creates the State Board of Health, which is composed of the South Carolina Medical Association, the Attorney General, and the Comptroller General.<sup>19</sup> The State Board of Health serves as the exclusive advisor to the state in matters of public health and is tasked with preventing disease and supervising quarantine matters.<sup>20</sup> The same year the General Assembly establishes a nine-member Executive Committee of the State Board of Health, which is composed of the Attorney General, Comptroller General, and seven men nominated by the South Carolina Medical Association. The Executive Committee has wide-ranging authority (e.g., act in the intervals between meetings of the State Board of Health; divide the state into health districts; appoint local health boards in districts that do not already have one; and regulate all health boards; and collect public health statistics).<sup>21</sup> Additionally, the Executive Committee has broad regulatory powers (e.g., sanitation of steamboats, jails, passenger cars, schools, hotels, restaurants, hot dog stands, nursing homes, meat markets, canneries, swimming pools, and fairs; production or processing of milk and seafood; and control of insects, industrial plants, water used in air humidifiers, persons quarantined due to disease; and sewage and garbage disposal.)<sup>22</sup>

In 1950, the General Assembly establishes a ten-member Water Pollution Control Authority and tasks it with abating, controlling, and preventing the pollution of South Carolina's waters.<sup>23</sup> The authority begins as a division of the State Board of Health and two decades later becomes an independent agency in 1971.<sup>24</sup>

In 1973, the Reorganization Commission issues a reorganization plan recommending consolidation of state public health. The same year General Assembly creates the Department of Health and Environmental Control by consolidating the State Board of Health, the Executive Committee of the State Board of Health, and the Water Pollution Control Authority.<sup>25</sup> All of the functions, powers, duties records, property, personnel, and unexpended appropriations of the consolidated agencies are devolved to the Department of Health and Environmental Control.<sup>26</sup> A Board of Health and Environmental Control, which is appointed by the Governor with the advice and consent of the Senate, supervises the agency.<sup>27</sup> This supervising entity selects an agency head, which is initially referred to a commissioner, and after 1993 is referred to as a director.<sup>28</sup>

## Purpose, Mission, and Vision

The purpose of the agency is reflected in the enabling legislation of the separate health and environmental entities consolidated to form DHEC. The 1878 enabling legislation of the Board of Health tasks it with being the “sole advisor of the State in all questions involving the protection of the public health within its limits.”<sup>29</sup> The 1950 enabling legislation of the Water Pollution Control Authority declares the following as the public policy of the state of South Carolina:

that reasonable standards of purity of the waters of the State consistent with public health and public enjoyment thereof, propagation and protection of fish, shellfish, wildlife, operation of existing industries and the future industrial development of the State with a reasonable balance of consideration of the public welfare be maintained, and to that end require the use of reasonable methods to prevent and control the pollution of waters of the State of South Carolina.<sup>30</sup>

In 1973, the General Assembly consolidates these purposes under one agency, the Department of Health and Environmental Control.<sup>31</sup> DHEC’s mission is “to improve the quality of life for all South Carolinians by protecting and promoting the health of the public and the environment.”<sup>32</sup> Its vision is “healthy people living in healthy communities.”<sup>33</sup>

## Agency Organization

### Governing Body

DHEC is governed by the South Carolina Board of Health and Environmental Control (Board). The Board consists of eight members appointed by the Governor, with the advice and consent of the Senate, from each congressional district with a chairman from the state at large. Vacancies must be filled in the manner of the original appointment for the remainder of the unexpired term. In making these appointments, race, gender, and other demographic factors are considered to ensure nondiscrimination, inclusion, and representation to the greatest extent possible of all segments of the population of the State.

**Table 6. Current Board of Health and Environmental Control members.**<sup>34</sup>

Position	Members	Appointment Date	Term Expiration Date
1st Congressional District	VACANT		
2nd Congressional District	Robert Kenyon Wells	6/3/2016	6/30/2017
3rd Congressional District	Charles M. Joye II	6/3/2016	6/30/2019
4th Congressional District	Lemia Clarence Batts Jr.	6/3/2016	6/30/2017
5th Congressional District	Ann B. Kiroi	6/3/2016	6/30/2017
6th Congressional District	David W. Gillespie	6/3/2016	6/30/2019
7th Congressional District	VACANT		
At-Large, Chairman	Allen Amsler	6/3/2016	6/30/2017

*Table Note: Board of Health and Environmental Control members are appointed by the Governor with the advice and consent of the Senate.*

The Board’s duties include, but are not limited to the following:

- Selecting a director, in consultation with the Governor, and with the advice and consent of the Senate;
- Conducting administrative reviews to render final agency determinations in matters involving the issuance, denial, renewal, or revocation of permits, licenses, or other actions of the department;
- Providing for the administrative organization of the department;
- Promulgating regulations; and
- Investigating causes of and prescribing preventative measures to suppress communicable or epidemic diseases.<sup>35</sup>

### Agency’s Organization Units

Every agency has some type of organization and hierarchy as reflected in the agency’s organizational chart. Within the organization are separate units. An agency may refer to these units as departments, divisions, functional areas, cost centers, etc. Each unit is responsible for contributing to the agency’s ability to provide services and products.

During the study process the agency is asked about its organization and major operating programs.<sup>36</sup> DHEC has three major organizational units referred to as divisions, which are described in Table 7. The organization of the agency is shown in Figure 3.

**Table 7. Department of Health and Environmental Control divisions: name, area, and purpose.**<sup>37</sup>

DIVISION NAME	AREA AND PURPOSE
Environmental Affairs	<p><b>Area:</b> Consists of five bureaus: Air Quality; Environmental Health Services; Land and Waste Management; Water; and the Office of Ocean and Coastal Resource Management.</p> <p><b>Purpose:</b> Environmental Affairs Administration includes support for bureaus and customers in areas of permitting, community engagement, and toxicology resources.</p>
Health Services	<p><b>Area:</b> Includes four areas: Maternal and Child Health; Community Health and Chronic Disease Prevention; Disease Control; Client Services; and Public Health Statistics and Information Services.</p> <p><b>Purpose:</b> Health Services works with the four health regions, the federal Centers for Disease Control and Prevention, and community partners to prevent disease and injury, promote healthy families, and prevent and control communicable diseases and outbreaks in South Carolina.</p>
Health Regulations	<p><b>Area:</b> Includes six areas: Health Facilities Licensing and Certification; Certificate of Need; Emergency Medical Services and Trauma; Radiological Health; Construction, Fire and Life Safety; and Drug Control.</p> <p><b>Purpose:</b> These areas support the primary purpose of working with health facilities and services to protect the public’s health by assuring provision of safe, quality care.</p>

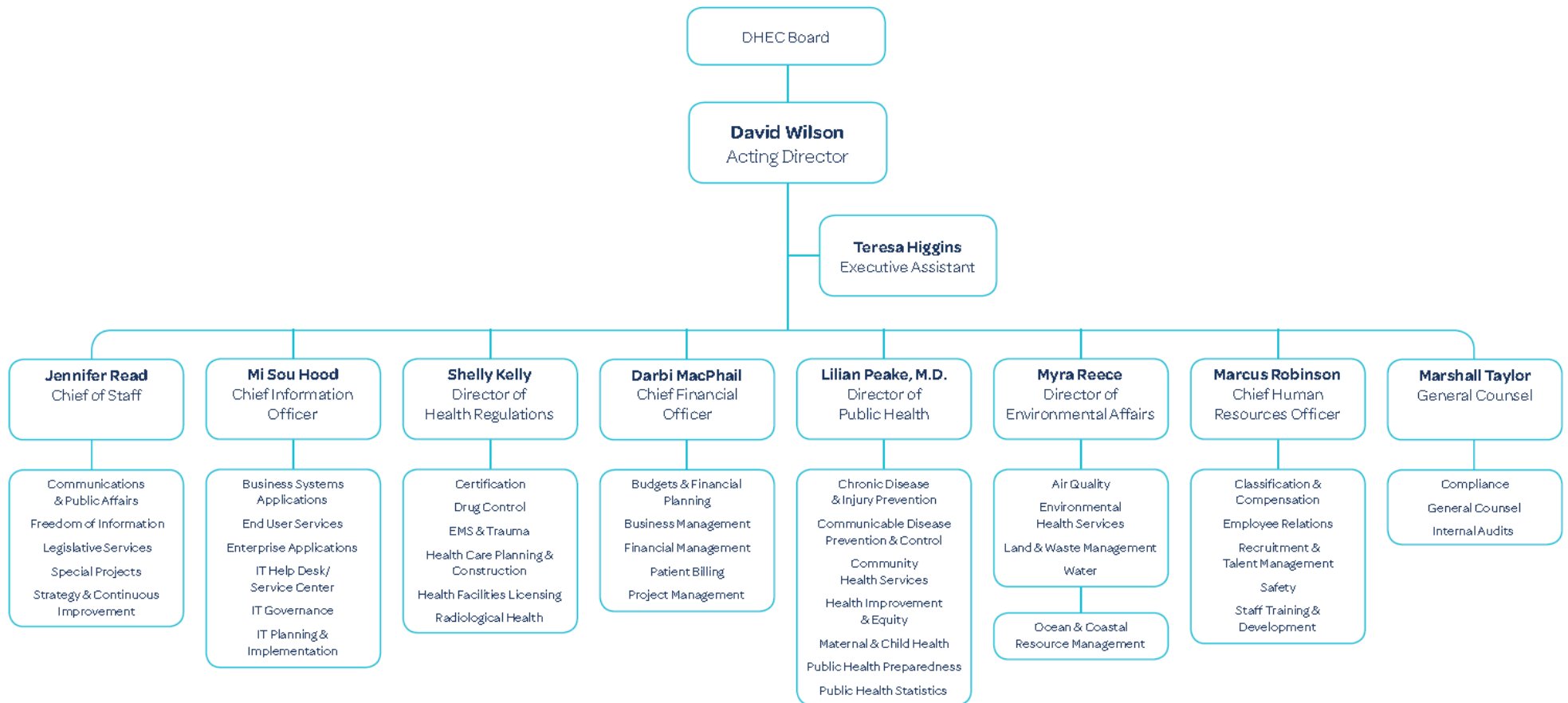


Figure 3. Agency organizational chart, current as of August 5, 2017.<sup>38</sup>



## *Internal Audit*

In its Program Evaluation Report, DHEC describes the agency's internal audit function, which is summarized below.

DHEC has had an internal audit function for at least 20 years. The most recent Internal Audit Policy of the Board establishing the Office of Internal Audits (OIA) is dated March 12, 2012. The Director of Internal Audit reports administratively to general counsel and functionally to the audit committee of the DHEC Board. In addition to a director, the internal audit staff consists of an audit manager, auditor IV, and administrative support.<sup>39</sup>

Beginning in December 2016, the OIA makes substantial changes in the way it determines what subject matters will be audited and included in the audit plan. In June 2017, DHEC's first audit universe is developed. It is based on information obtained from the agency's executive leadership team, knowledge acquired by the OIA from past audit projects, and from the agency's Enterprise Risk Management (ERM) process. A risk assessment is conducted by OIA for each of the potential audit projects that are included in the audit universe and is scored based on various risk factors to determine a risk ranking of highest to lowest. The OIA prepares a five-year audit plan for fiscal years 2018-2022 for DHEC, based on the highest risk ranked audit projects from the audit universe. The plan has been approved by the director and the audit committee.

Between 2006 and 2016, the OIA staff completes 65 audits across the agency - health, environmental, and administrative. The most recent peer review of the internal audit function is conducted in 2016.<sup>40</sup>

## *Products, Services, and Customers*

The Department of Health and Environmental Control is **the sole advisor of the State in all questions involving the protection of the public health within its limits.**<sup>41</sup> To fulfill this purpose, DHEC provides a variety of products and services.

In 2015-2016, the General Assembly and Governor's Office begin requesting an agency provide information on the services and products it provides as part of the combined Accountability Report and Annual Restructuring Report. The Department of Health and Environmental Control lists a variety of services it provides relating to environmental affairs, health services, health regulations, and administration in the 2015-2016 Accountability Report. Table 8 includes a sample of the products and services the agency provides.<sup>42</sup>

Table 8. Sample of products and services the agency provides.<sup>43</sup>

Program Name	Product or Service	Customer
Administration	Provides critical support services such as legal, financial, business management, human resources, and information technology that allow the programs to conduct daily business.	Executive Branch/State Agencies
Water Quality Improvement - Underground Storage Tanks -	Reviews applications according to regulation and issuing permit, certification, registration and license decisions	Local Governments
Health Care Standards - Radiological Monitoring -	Licenses, registers, and permits radiation sources	General Public - People with potential for unnecessary exposure from radiation
Family Health - Maternal/Infant Health - Childhood Lead Poisoning Prevention	Provides surveillance of and response to pediatric blood lead levels, including clinical guidance, education, environmental assessments, and long-term surveillance	General Public - Children under 16 years of age; healthcare providers

### Other Agencies with Similar Goals

During the study of an agency, the **Committee asks the agency if there are any other agencies serving similar customers or providing similar products or services.** In the Program Evaluation Report and during the study of an agency, the Committee asks how the agencies work together to effectively and efficiently achieve both agencies' goals. DHEC lists the following agencies as having similar goals.

- Clemson Extension Service
- Clemson Public Service/Livestock Poultry Health
- Rural Infrastructure Authority (RIA)
- South Carolina Department of Agriculture (SCDA)
- South Carolina Department of Alcohol and Other Drug Abuse Services (DAODAS)
- South Carolina Department of Disabilities and Special Needs (DDSN)
- South Carolina Department of Health and Human Services (DHHS)
- South Carolina Department of Labor, Licensing and Regulation (LLR)
- South Carolina Department of Mental Health (DMH)
- South Carolina Department of Natural Resources (DNR)
- South Carolina Department of Social Services
- South Carolina Emergency Management Division (EMD)
- South Carolina Lieutenant Governor's Office on Aging
- South Carolina Sea Grant Consortium
- State College/University Laboratories
- State Law Enforcement Division (SLED) Laboratories<sup>44</sup>

Table 9 is an example of the agency’s analysis of how it works with two agencies, the Department of Labor, Licensing and Regulation and the Department of Natural Resources, to effectively and efficiently achieve both agencies’ goals.

**Table 9. Sample of agencies with goals similar to DHEC.<sup>45</sup>**

DHEC and LLR both promote public safety (Construction and Fire and Life Safety)	
Similarities	Both agencies promote public safety through the application of adopted building codes.
Differences	DHEC public safety focuses exclusively on health care facilities. LLR public safety includes all types of facilities.
Opportunities for Efficiency	Continue and expand the practice of depending upon local jurisdiction inspections of outpatient facilities such as dialysis clinics.
Opportunities for Effectiveness	Cooperate on education and outreach activities for the health care community.
DHEC and DNR both oversee coastal and marine resources.	
Similarities	Both agencies administer and enforce laws related to marine and natural coastal resources.
Differences	While both agencies monitor coastal resources, DHEC has direct permitting responsibility for proposed activities within the critical areas of the coast, which are defined as coastal waters, tidelands, beach/dune systems and beaches. Specific regulatory activities include private docks, marinas, estuarine erosion control, beach renourishment, structural maintenance and repair, and beachfront emergency orders. Also DHEC reviews other state and federal permits within the Coastal Zone to ensure that permitted activities are consistent with enforceable policies of the Coastal Zone Management Plan to the maximum extent practicable.
Opportunities for Efficiency	Maintain lines of communication between the agencies and continue to seek opportunities to share resources and data.
Opportunities for Effectiveness	Update the outdated Coastal Program Document Memorandum of Understanding between the agencies to coordinate efforts in mutual areas of concern and ensure a coordinated process for reviews of permits.

## Available Resources

During the study process, the **Committee asks the agency about its available resources**. Table 10 provides historical data about the agency's available human resources, and Table 11 provides historical data about the agency's available financial resources.

**Table 10. Agency's human resources: historical data for the past five years.**<sup>46</sup>

	Jul-12	Jul-13	Jul-14	Jul-15	Jul-16
Authorized State	1,164.960	1,164.060	1,150.080	1,150.080	1,172.980
Actual State	1,112.481	1,135.033	1,137.304	1,155.560	1,150.522
Filled State	1,010.189	955.885	981.963	1,008.869	1,024.510
Authorized Federal	1,410.670	1,367.600	1,355.020	1,317.440	1,313.100
Actual Federal	1,484.481	1,414.669	1,408.628	1,383.538	1,387.163
Filled Federal	1,327.743	1,203.644	1,201.167	1,174.088	1,187.832
Authorized Other	1,163.400	1,114.370	1,089.430	1,018.920	1,006.360
Actual Other	1,102.428	1,065.677	1,048.842	981.904	968.515
Filled Other	951.743	901.871	838.756	844.443	789.008
<b>Total Authorized</b>	<b>3,739.030</b>	<b>3,646.030</b>	<b>3,594.530</b>	<b>3,486.440</b>	<b>3,492.440</b>
<b>Total Actual</b>	<b>3,699.390</b>	<b>3,615.379</b>	<b>3,594.774</b>	<b>3,521.002</b>	<b>3,506.200</b>
<b>Total Filled</b>	<b>3,289.675</b>	<b>3,061.400</b>	<b>3,021.886</b>	<b>3,027.400</b>	<b>3,001.350</b>

*Table Note: The numbers are as of July 1 of each year. The Authorized Total FTE is as of July 1 of the fiscal year, as stated in the Appropriations Act. The Actual Total FTE is the sum of Filled FTE and Vacant FTE, and is based on what the agency has entered in SCEIS and is as of June 30. If Actual is more than Authorized, it may be because during the course of the year, the Executive Budget Office has authorized interim FTE positions. If Actual is less than Authorized, the agency may not have setup all of the authorized positions in the South Carolina Enterprise Information System (SCEIS) yet. Filled FTEs are positions the agency has setup in SCEIS (i.e., a position in which someone is actually working).*

Table 11. Agency's financial resources: historical data for the past five fiscal years.<sup>47</sup>

	2012-13	2013-14	2014-15	2015-16	2016-17
<b>Recurring</b>					
<b>General</b>	<b>\$96,430,583</b>	<b>\$98,746,114</b>	<b>\$ 102,329,927</b>	<b>\$ 108,008,710</b>	<b>\$ 122,547,832</b>
	BB: \$88,923,197 IP: \$2,924,787 BPI: \$2,718,255 AHA: \$64,344	BB: \$94,566,239 IP: \$3,500,769 BPI: \$614,762 AHA: \$64,344	BB: \$98,746,114 IP: \$1,734,141 BPI: \$1,849,672	BB: \$102,329,927 IP: \$4,531,000 BPI: \$376,255	BB: \$107,237,182 IP: \$12,679,638 BPI: \$2,631,012
<b>Other</b>	<b>\$200,899,732</b>	<b>\$200,745,660</b>	<b>\$200,899,732</b>	<b>\$200,899,732</b>	<b>\$200,899,732</b>
<b>Federal</b>	<b>\$ 279,140,200</b>	<b>\$285,976,928</b>	<b>\$286,140,200</b>	<b>\$286,140,200</b>	<b>\$286,140,200</b>
<b>Total Recurring</b>	<b>\$576,470,515</b>	<b>\$585,468,702</b>	<b>\$589,369,859</b>	<b>\$595,048,642</b>	<b>\$609,587,764</b>
<b>Non Recurring</b>					
<b>Non Recurring</b>	<b>\$953,680</b>	<b>\$5,050,000</b>	<b>\$8,550,700</b>	<b>\$3,196,529</b>	<b>\$11,250,000</b>
	Proviso 90.20	Proviso 118.17	Proviso 118.16: \$6,550,700 CRF: \$2,000,000	Proviso 118.14: \$2,425,0101 EB: \$771,528	Proviso 118.6
<b>Carry Forward</b>					
<b>Carry Forward*</b>	From 2011-12, available to spend in 2012-13: <b>\$122,942,637</b>	From 2012-13, available to spend in 2013-14: <b>\$139,627,160</b>	From 2013-14, available to spend in 2014-15: <b>\$156,306,255</b>	From 2014-15, available to spend in 2015-16: <b>\$174,042,308</b>	From 2014-15, available to spend in 2016-17: <b>\$191,772,034</b>
	State: \$6,729,481 Federal: \$116,213,156	State: \$5,358,764 Federal: \$134,268,396	State: \$7,442,879 Federal: \$148,863,376	State: \$11,059,191 Federal: \$162,983,117	State: \$8,088,511 Federal: \$183,683,523
<b>TOTAL agency controls</b>	<b>\$700,366,832</b>	<b>\$730,145,862</b>	<b>\$754,226,814</b>	<b>\$772,287,479</b>	<b>\$812,609,798</b>

Table Note: These amounts do not include Aid to Subdivisions funds.

Abbreviations Key: BB = Beginning Base; IP = Incremental Part 1A; BPI = BPI, Health/Retirement Allocation, Trans; AHA = Allocations Held in Arrears; O = Other Funds; TBA=Transfers Between Agencies; CPSA=Capitol Projects State Appropriation; EB=Employee Bonuses; and CRF: Capital Reserve Fund.

## Strategic Resource Allocation and Performance

Annually, each agency submits a strategic plan.<sup>48</sup> Of interest to the oversight process is how an agency’s human and financial resources are allocated to the goals and objectives in the agency’s strategic plan. Tables 12, 13, 14, 15, and 16 illustrate the agency’s allocation of its financial and human resources among its goals and strategies in fiscal years 2015-2016 and 2016-2017. Similar information, at the objective level, is available in agency’s Program Evaluation Report. Also of interest during the study process is how the agency measures its performance in implementing the goals, strategies, and objectives of its strategic plan. Tables 13.1, 14.1, 15.1, and 16.1 show DHEC’s performance in measures associated with the strategic plan.

**Table 12. Agency’s total resource allocations in fiscal years 2015-16 and 2016-17.<sup>49</sup>**

	Number of physical employees working on the goal or strategy in 2015-16	Number of employee equivalents working the goal and strategy in 2015-16	Amount spent on each goal and strategy in 2015 - 2016	Number of physical employees working on the goal or strategy in 2016-17	Number of employee equivalents working the goal and strategy in 2016-17	Amount budgeted to each goal and strategy in 2016 - 2017
<b>Total</b>	<b>3,827.5</b>	<b>3,640.22</b>	<b>\$504,392,648</b>	<b>3,855.5</b>	<b>3,668.22</b>	<b>\$691,614,811</b>

**Table 13. Agency’s resource allocations to Goal 1 (improve and protect the health and quality of life for all) in fiscal years 2015-16 and 2016-17.<sup>50</sup>**

Strategic Plan Part	Number of physical employees working on the goal or strategy in 2015-16	Number of employee equivalents working the goal and strategy in 2015-16	Amount spent on each goal and strategy in 2015 - 2016	Number of physical employees working on the goal or strategy in 2016-17	Number of employee equivalents working the goal and strategy in 2016-17	Amount budgeted to each goal and strategy in 2016 - 2017
<b>Goal 1 - Improve and protect the health and quality of life for all.</b>	<b>2,219.13</b>	<b>2,035.32</b>	<b>\$341,648,113</b>	<b>2,223.13</b>	<b>2,039.32</b>	<b>\$447,686,301</b>
Strategy 1.1— Promote the health of the community by providing health care services and programs, linking community services, and facilitating systems of care for women, children, and infants.	285.23	223.7	\$143,419,004	285.23	223.70	\$196,523,701

Strategic Plan Part	Number of physical employees working on the goal or strategy in 2015-16	Number of employee equivalents working the goal and strategy in 2015-16	Amount spent on each goal and strategy in 2015 - 2016	Number of physical employees working on the goal or strategy in 2016-17	Number of employee equivalents working the goal and strategy in 2016-17	Amount budgeted to each goal and strategy in 2016 - 2017
Strategy 1.2— Facilitate community-oriented prevention services and work with the Centers for Disease Control, local health departments, and stakeholders to prevent disease and injury and promote healthy lifestyles.	62.77	62.77	\$22,915,988	62.77	62.77	\$32,382,548
Strategy 1.3—Implement strategies to aid in prevention and control of communicable diseases and illnesses in South Carolina.	288.40	288.40	\$85,417,533	292.40	292.40	\$90,032,076
Strategy 1.4—Provide select public health services equitably across the state.	1,426.27	1,306.44	\$74,235,028	1,426.27	1,306.44	\$107,094,992
Strategy 1.5 — Obtain and maintain vital statistics.	111.46	109.01	\$7,297,915	111.46	109.01	\$13,290,339
Strategy 1.6—Facilitate a coordinated, comprehensive public health preparedness and response system for natural or man-made disaster or terrorist event.	45.00	45.00	\$8,362,645	45.00	45.00	\$8,362,645

Table 13.1 Performance measures associated with Goal 1.<sup>51</sup>

Performance Measure	Associated Objective(s)	Target Value	Actual Value	Future Target Value	Time Applicable
Meet or exceed the American Academy of Pediatrics benchmark of 95% infants screened for hearing loss by one month old.	1.1.1	95.00%	97.10%	95%	January - December (Calendar Year)
% of Medicaid-eligible children 2 years of age who had one or more capillary or venous blood testing for lead poisoning.	1.1.1	NA	NA	60%	January - December (Calendar Year)
The 15 Rape Crisis Centers, in conjunction with its external partners, will inform and educate over 50,000 people in the state about sexual violence issues and prevention methodologies.	1.1.2	50,000	NA	50,000	February-January (Grant Year)
By the end of FY 2017, increase the total number of clients served by 4%, ensuring that low-income clients comprise at least 97% of total clients served.	1.1.2, 1.4.2	Total Clients served: 90,745 Total Low Income Clients: 88,093	Baseline: 87255 Total Clients Served	First report will be available in August 2017	July - June (Fiscal Year)
By the end of FY 2017, make available a broad range of contraception and increase the contraceptive reliability rate from 79% to 82%.	1.1.2, 1.4.2	79%	Baseline 76%	First report will be available in August 2017	July - June (Fiscal Year)
Increase the number of exclusive breastfeeding infants by 5% from 7,712 breastfeeding infants.	1.1.3	7,712	7,314	7,712	October-September (Federal Fiscal Year)



Performance Measure	Associated Objective(s)	Target Value	Actual Value	Future Target Value	Time Applicable
Improve the Participant Centered Education skills utilized by the Competent Professional Authority-includes physicians, registered dietitians, registered nurses and nutritionists) during the certification and nutrition education process.	1.1.3, 1.4.1	130,646	105,840	130,646	Oct-Sep (Federal Fiscal Year)
Number of policies, programs, or organizations that Bureau of Maternal and Child Health staff contribute data analysis or evaluation results to inform.	1.1.4	NA	NA	7	July - June (Fiscal Year)
By August 2017, increase the number of school aged children receiving at least one dental sealant on permanent molars to 9,784.	1.1.5	9593	NA	9784	September-August
The number of people participating in National Diabetes Prevention Programs.	1.2.1, 1.4.4	450	409	530	September 29 - September 30 and July 1 - June 30
Number of partner organizations with 3 or more Healthy Aging implementation sites (across all interventions).	1.2.1 , 1.2.2	26	NA	29	July - June (Fiscal Year) calculated quarterly
Number of children and adults participating in Supplemental Nutrition Education Programs.	1.2.1	29,000	NA	19,000	October - September
The number of high quality Child Passenger Safety educational presentations provided.	1.2.2	50	To date (67); grant year ends September 30	50	October - September
Number of National Highway, Transportation and Safety Administration	1.2.2	18	To date (17); grant year ends September 30	18	October - September

Performance Measure	Associated Objective(s)	Target Value	Actual Value	Future Target Value	Time Applicable
(NHTSA) Certified Child Passenger Safety Technician Classes conducted.					
Proportion of women at least 50 years old or older who have received mammograms through the Best Chance Network.	1.2.3	75%	NA	75%	July-June (Fiscal year) calculated semi-annually
Percent of WISEWOMAN (Well-Integrated Screening and Evaluation for Women Across the Nation) patients who participate in evidence-based cardiovascular health coaching and lifestyle services.	1.2.3	80%	69%	80%	July-June (Fiscal year) calculated monthly
At least 95% of annual newly diagnosed cancer cases in SC collected and reported to CDC and the National Association of Central Cancer Registries (NAACCR) by deadline December. 1.	1.2.4, 1.5.3, 1.5.6	95%	97.20%	95%	January - December (Calendar Year)
South Carolina Behavioral Risk Factor Surveillance System number of survey completions.	1.2.4, 1.5.4, 1.5.6	2500	11699	NA	January - December (Calendar Year)
The proportion of school districts implementing model tobacco-free policies.	1.2.5	77%	77%	81%	April-March
The number of residents living in multi-unit housing facilities that are protected from secondhand smoke in living areas, common areas, and lobbies.	1.2.5	19,428	18,428	Increase by 1,000	April-March
Number of DHEC staff qualified as bilingual workers, interpreters or readers.	1.2.6	NA	NA	10% increase	January - December (Calendar Year)

Performance Measure	Associated Objective(s)	Target Value	Actual Value	Future Target Value	Time Applicable
Proportion of women screened in the Best Chance Network Program who are minorities.	1.2.6	60%	NA	60%	July-June (Fiscal year) calculated semi-annually
Percent of violent death records obtained for data abstraction purposes from SC Coroner Offices for incidents meeting ICD-10 Coding Standards (i.e., a medical classification list by the World Health Organization); expectation.	1.2.7	75% (CY2014 Data Year)	88.13%	75% (CY2015 Data Year)	January - December (Calendar Year)
Percent of violent death records obtained for data abstraction purposes from SC Law Enforcement Offices for incidents meeting ICD-10 Coding Standards; expectation.	1.2.7	70% (CY2014 Data Year)	75.71%	70% (CY2015 Data Year)	January - December (Calendar Year)
Make summary data available with regards to reports by healthcare providers of diseases and conditions on the DHEC List of Reportable Conditions.	1.3.1	Publish 2016 Annual Report on Reportable Conditions by October 31, 2017	In progress	Publish 2017 Annual Report on Reportable Conditions by October 31, 2018	October 31
Prevent the occurrence and spread of HIV, AIDS, STDs and Viral Hepatitis.	1.3.2	80%	NA	80%	January - December (Calendar Year)
All immunization providers will be mandated to report administered immunization into the Immunization Registry by January 1, 2017.	1.3.3, 1.4.7	100%	NA	100%	3-year phase in period ends Dec. 2016. Required for all providers 1/1/17
Identify and report persons with HIV. At least 85% of the expected number of cases diagnosed will be reported to the HIV/AIDS	1.3.4	85%	99%	85%	January - December (Calendar Year)

Performance Measure	Associated Objective(s)	Target Value	Actual Value	Future Target Value	Time Applicable
Surveillance program within twelve months of diagnosis year.					
Conduct STD and HIV testing, treatment and partner service investigations.	1.4.3	80%	NA	80%	January - December (Calendar Year)
Number of SC Health + Planning Toolkit trainings offered.	1.4.4	6	8	NA	July 1 - June 30
Percent of salmonellosis cases with exposure history.	1.4.5	74%	85% (1291/1521)	85%	August-July (Grant Year)
For TB patients with positive acid-fast bacilli (AFB) sputum-smear results, increase the proportion who have contacts elicited.	1.4.6	100%	NA	100%	Calendar Year
Meet Vital Statistics Cooperative Program deliverables for closeout of statistical files for birth records.	1.5.1	2016 data due March 1, 2017	NA	2017 data due March 1, 2018	March 1
Meet Vital Statistics Cooperative Program deliverables for closeout of statistical files for death records.	1.5.1	2016 data due May 1, 2017	NA	2017 data due May 1, 2018	May 1
100% of applications for certified copies of vital events that are received through the mail are receipted within 5 business days.	1.5.2	100%	99.90%	100%	Each Fiscal Year
Less than 3% of new cancer cases are identified only through death certificates (standard from National Program of Cancer Registries).	1.5.3, 1.5.6	<3%	2.30%	<3%	January - December (Calendar Year)

Performance Measure	Associated Objective(s)	Target Value	Actual Value	Future Target Value	Time Applicable
South Carolina Pregnancy Risk Assessment Monitoring System survey response rate.	1.5.4, 1.5.6	60%	NA	60%	January - December (Calendar Year)
Publish the Annual report on Reportable Conditions by October 31 of each year.	1.5.4	Publish 2016 Annual Reportable Conditions by October 31, 2017	NA	Publish 2017 Annual Report on Reportable Conditions by October 31, 2018	October 31
Publish 2016 interim report for Healthcare-Associated Infection (HAI) by October 15, 2016; and publish HAI Annual report by April 15, 2017.	1.5.5	Publish 2016 interim report for HAI by October 15, 2016; and publish HAI Annual report by April 15, 2017	NA	Publish 2017 Annual Report on HAIs by April 15, 2018	April 15
Review of internal review board requests are completed within 30 days of submission.	1.5.7	100.00%	72.00%	100%	Each Calendar year
Increase health care coalition membership by 10% in each Public Health Region.	1.6.1	10%	NA	10% increase	September 30
Facilitate discussions between DHEC, the American Red Cross, and local facilities to identify potential Special Medical Needs (SMN) shelter locations in three counties currently without any SMN shelter.	1.6.1, 1.6.3	3	NA	Discussions in 3 counties	September 30
Submit all required grant reports on time.	1.6.2	100%	NA	100%	September 30
Increase number of Closed Points of Distribution (POD) by 25%.	1.6.3	25% Statewide	NA	14 new PODs	September 30
Ensure all coalition members are afforded opportunity to participate in at least one exercise annually.	1.6.3, 1.6.4	100%	NA	1 exercise per Region	September 30

Table 14. Agency's resource allocations to Goal 2 (protect, enhance, and sustain environmental and coastal resources) in fiscal years 2015-16 and 2016-17.<sup>52</sup>

Strategic Plan Part	Number of physical employees working on the goal or strategy in 2015-16	Number of employee equivalents working the goal and strategy in 2015-16	Amount spent on each goal and strategy in 2015 - 2016	Number of physical employees working on the goal or strategy in 2016-17	Number of employee equivalents working the goal and strategy in 2016-17	Amount budgeted to each goal and strategy in 2016 - 2017
<b>Goal 2 - Protect, enhance, and sustain environmental and coastal resources.</b>	<b>1,180.82</b>	<b>1,139.52</b>	<b>\$120,165,616</b>	<b>1,204.82</b>	<b>1,163.52</b>	<b>\$185,082,367</b>
Strategy 2.1 – Implement and enforce strategies to protect and promote air quality.	136.62	132.62	\$9,523,102	152.62	148.62	\$11,834,847
Strategy 2.2 - Implement and enforce strategies to protect individuals from potential environmental and foodborne hazards.	558.97	532.32	\$37,036,700	558.97	532.32	\$41,232,169
Strategy 2.3 – Implement and enforce strategies to protect against hazards associated with waste-related activities and mining.	203.93	202.87	\$46,372,486	203.93	202.87	\$96,034,461
Strategy 2.4— Implement and enforce strategies to protect and promote water quality.	241.80	233.61	\$22,638,524	249.80	241.61	\$28,356,569
Strategy 2.5 – Implement and enforce strategies to preserve sensitive and fragile areas while promoting responsible development in the eight SC coastal counties.	39.50	38.10	\$4,594,804	39.50	38.10	\$7,624,321

Table 14.1 Performance measures associated with Goal 2.<sup>53</sup>

Performance Measure	Associated Objective(s)	Target Value	Actual Value	Future Target Value	Time Applicable
Maintain or decrease average number of permit process days.	2.1.1, 2.1.5, 2.2.1, 2.3.1, 2.4.1, 2.5.1	139	100	139	Federal Fiscal Year 2015 - Federal Fiscal Year 2016
Meet ozone standard at 100% of ozone monitoring sites and maintain ozone standard by 2018.	2.1.1, 2.1.2, 2.1.3, 2.1.4, 2.2.4	100%	100%	100%	October 31
On an annual basis, inspect at least 15% of all asbestos abatement projects that have been issued an asbestos permit by the department and are subject to the National Emissions Standards for Hazardous Air Pollutants.	2.1.5	15%	15%	15%	September 30
Improve compliance with R.61-25 Retail Food Establishments by the use of Downgrading and Civil Penalties.	2.2.1, 2.2.2, 2.2.3	This measure was not in place for this time period	This measure was not in place for this time period	5% reduction in total downgrades of Retail Food Establishments in 2015-2016	January - December (Calendar Year)
The number of compliance monitoring activities at hazardous waste facilities and the number of hazardous waste facilities on the Government Performance and Results Act (GPRA) Baseline that have: (1) control of unacceptable human exposures from site contamination; (2) control of	2.3.2	Meet or exceed Benchmark of National GPRA Goals for control of human exposure, contaminated groundwater migration, and remedy selection	400 CMAs; 53/53 facilities with human exposure under control; 52/53 facilities with contaminated groundwater migration under control; 35/53 facilities with site-wide remedies constructed	49/53 facilities with human exposure under control; 43/53 facilities with contaminated groundwater migration under control; 34/53 facilities with site-	Federal Fiscal Year

Performance Measure	Associated Objective(s)	Target Value	Actual Value	Future Target Value	Time Applicable
migration of contaminated groundwater; and (3) selection and construction of remedies to clean up contaminated sites.		No target for CMAs		wide remedies constructed  No benchmark for CMAs	
The number of teachers educated annually on environmental and recycling curriculum; and amount of municipal solid waste recycled annually.	2.3.3	Not applicable. Goal was set to be met by 2020	1,101,190 tons of municipal solid waste recycled. Number of teacher trained: 1,004. Number of students reached: 44,163 = Total 45,167	In 2011, the state set a goal to recycle 40 percent of its municipal solid waste by 2020	Recycling data is based on the fiscal year; number of teachers educated is compiled annually
Underground Storage Tank Release Cleanup Progress (release closures per federal fiscal year or FFY).	2.3.4	150 releases proposed to be closed during the FFY	To be calculated 9/30/2016	125 releases proposed to be closed during the FFY	Federal Fiscal Year
Number of acres made "ready for Brownfields reuse."	2.3.4	There are no targets driving this measure  This is a measure demonstrating effective use of federal Brownfields funding.	To be calculated 9/30/2016	There are no targets driving this measure  This is a measure demonstrating effective use of federal Brownfields funding	Federal Fiscal Year



Performance Measure	Associated Objective(s)	Target Value	Actual Value	Future Target Value	Time Applicable
Percent of surface waters meeting numeric standards (fishable, swimmable).	2.4.1, 2.4.2, 2.4.3, 2.4.5, 2.2.4	75%	61.80%	75%	Bi-Annual - Calculated every 5 years
Percent of population served by community public water systems that are in compliance with all health based standards.	2.4.1, 2.4.2	95%	95%	95%	Calendar Year
Percent of high hazard and significant hazard regulated dams receiving appropriate inspection.	2.4.4	High Hazard once every 2 years and Significant Hazard once every 3 years	100% All High and Significant dams were inspected after the flooding in October 2015	High Hazard once every 2 years and Significant Hazard once every 3 years	Calendar Year
Reduce the amount of marine debris in coastal waters and within the beach/dune system by increasing participation in the Adopt a Beach program.	2.5.2	Maintain 700-1000 volunteer hours	1,148 volunteer hours; 2,029 pounds of debris removed	Maintain 1000+ volunteer hours	July - June (Fiscal Year)
Strengthen interactions with local governments through improved technical assistance and beachfront management planning to reduce community vulnerability to coastal hazards.	2.5.3, 2.5.4	Provide technical assistance to at least one beachfront community on Local Comprehensive Beach Management Plan (LCBMP) revision	1 LCBMP revised with technical assistance from Office of Coastal Resource Management (OCRM)	Provide technical assistance to at least two beachfront communities on LCBMP revision in order to achieve goal of 9 communities over the past 5 years	July - June (Fiscal Year)

Table 15. Agency's resource allocations to Goal 3 (improve the quality, safety, and administration of health care, treatment, and services in South Carolina) in fiscal years 2015-16 and 2016-17.<sup>54</sup>

Strategic Plan Part	Number of physical employees working on the goal or strategy in 2015-16	Number of employee equivalents working the goal and strategy in 2015-16	Amount spent on each goal and strategy in 2015 - 2016	Number of physical employees working on the goal or strategy in 2016-17	Number of employee equivalents working the goal and strategy in 2016-17	Amount budgeted to each goal and strategy in 2016 - 2017
<b>Goal 3 – Improve the quality, safety, and administration of health care, treatment, and services in South Carolina.</b>	<b>218.65</b>	<b>216.20</b>	<b>\$18,816,233</b>	<b>218.65</b>	<b>216.20</b>	<b>\$25,970,782</b>
Strategy 3.1 – Implement and enforce standards for licensure, maintenance, and operation of health facilities and services to ensure the safe and adequate treatment of persons served in this State.	77.80	77.80	\$4,029,890	77.80	77.80	\$5,662,632
Strategy 3.2 – Certify that providers and suppliers meet minimum federal health and safety requirements and Clinical Laboratory Improvement Amendments regulatory standards.	61.25	60.68	\$4,086,848	61.25	60.68	\$6,344,449
Strategy 3.3 – Implement and enforce standards for emergency medical services.	16.87	16.87	\$4,187,845	16.87	16.87	\$5,377,949
Strategy 3.4 – Ensure new and modified health care facilities and services throughout the State reflect the needs of the public.	11.55	9.67	\$2,068,351	11.55	9.67	\$2,321,950
Strategy 3.5 – Protect the public by ensuring accountability of controlled substances.	25.83	25.83	\$2,451,376	25.83	25.83	\$3,774,767
Strategy 3.6 – Protect the public from unnecessary exposure from radiation.	25.35	25.35	\$1,991,923	25.35	25.35	\$2,489,035

Table 15.1 Performance measures associated with Goal 3.<sup>55</sup>

Performance Measure	Associated Objective(s)	Target Value	Actual Value	Future Target Value	Time Applicable
Issue all health facilities and services licenses and permits within 15 calendar days of receipt of completed licensing packet.	3.1.1	Agency did not use performance measure (PM) during this year	Agency did not use PM during this year	100%	July - June (Fiscal Year)
Conduct all routine inspections of health facilities and services within the timeframe prescribed by law or regulation.	3.1.2	Agency did not use PM during this year	Agency did not use PM during this year	100%	July - June (Fiscal Year)
Conduct all initial investigations of health facilities and services within the appropriate timeframe corresponding to the severity of the complaint, i.e., 24-48 hours, 30 days, 60 days, or 90 days.	3.1.3	Agency did not use PM during this year	Agency did not use PM during this year	100%	July - June (Fiscal Year)
Perform and document design reviews and construction inspections of health facilities within 15 calendar days of the date requested.	3.1.4	Agency did not use PM during this year	Agency did not use PM during this year	100%	July - June (Fiscal Year)
Meet the performance standards for the frequency, quality, and enforcement for nursing homes and other health care facilities.	3.2.1	100%	15 of 18 standards met.	100%	October - September (Federal Fiscal Year)
Meet the performance standards for the frequency, quality, and enforcement for CLIA laboratories.	3.2.1	100%	7 of 7 standards met.	100%	October - September (Federal Fiscal Year)

Process and approve 95% of all complete emergency medical technician (EMT) and athletic trainer credential applications within 10 days of receipt.	3.3.1	Agency did not use PM during this year	Agency did not use PM during this year	100%	July - June (Fiscal Year)
Increase the number of emergency service providers trained and certified in this State by in-state training institutions by 5% for EMT level and 10% for paramedic level within the next 12 months.	3.3.2	Agency did not use PM during this year	Agency did not use PM during this year	100%	July - June (Fiscal Year)
Guidelines and transport protocols for trauma patients reviewed and published for public comment by March 1, 2017.	3.3.3	Agency did not use PM during this year	Agency did not use PM during this year	100%	July - June (Fiscal Year)
Establish a statewide stroke registry by July 1, 2018, and ensure that 85% of stroke-certified hospitals are reporting data within 6 months of implementing the registry.	3.3.4	Agency did not use PM during this year	Agency did not use PM during this year	100%	July - June (Fiscal Year)
Implement the Pediatric Facility Recognition Program by September 2018 and ensure that at least 30% of acute care hospitals receive pediatric facility recognition by 2020.	3.3.5	Agency did not use PM during this year	Agency did not use PM during this year	100%	July - June (Fiscal Year)
Revise the State Health Plan every 2 years.	3.4.1	Agency did not use PM during this year	Agency did not use PM during this year	100%	July - June (Fiscal Year)
Improve the turnaround time for all Certificate of Need decisions by 10% each year.	3.4.2	Agency did not use PM during this year	Agency did not use PM during this year	100%	July - June (Fiscal Year)

Issue registrations within 10 business days of receiving completed applications.	3.5.1	Agency did not use PM during this year	Agency did not use PM during this year	100%	July - June (Fiscal Year)
Increase the number of practitioners and registrants inspected by 10% each year.	3.5.2	Agency did not use PM during this year	Agency did not use PM during this year	100%	July - June (Fiscal Year)
Increase the usage and participation in South Carolina Reporting and Identification Prescription Training System (SCRIPTS) by 5% each year.	3.5.3	Agency did not use PM during this year	Agency did not use PM during this year	100%	July - June (Fiscal Year)
Issue registration and licensing actions for facilities that use x-ray equipment, radioactive materials, and tanning beds within 30 calendar days of reviewing complete applications.	3.6.1	Agency did not use PM during this year	Agency did not use PM during this year	100%	July - June (Fiscal Year)
Conduct all inspections of facilities that use x-ray equipment, radioactive materials, and tanning beds within the timeframe prescribed by law or regulation.	3.6.2	Agency did not use PM during this year	Agency did not use PM during this year	100%	July - June (Fiscal Year)
Conduct all investigations of incidents and allegations related to facilities that use x-ray equipment, radioactive materials, and tanning beds within the appropriate timeframe corresponding to the severity of the complaint.	3.6.3	Agency did not use PM during this year	Agency did not use PM during this year	100%	July - June (Fiscal Year)

Table 16. Agency's resource allocations to Goal 4 (develop our people, strengthen our processes, and invest in our technology to support a high performance organization and a culture of continuous improvement) in fiscal years 2015-16 and 2016-17.<sup>56</sup>

Strategic Plan Part	Number of physical employees working on the goal or strategy in 2015-16	Number of employee equivalents working the goal and strategy in 2015-16	Amount spent on each goal and strategy in 2015 - 2016	Number of physical employees working on the goal or strategy in 2016-17	Number of employee equivalents working the goal and strategy in 2016-17	Amount budgeted to each goal and strategy in 2016 - 2017
<b>Goal 4 – Develop our people, strengthen our processes, and invest in our technology to support a high performance organization and a culture of continuous improvement.</b>	<b>253.90</b>	<b>249.18</b>	<b>\$23,762,686</b>	<b>253.90</b>	<b>249.18</b>	<b>\$32,875,361</b>
Strategy 4.1 – Modernize the Agency’s IT infrastructure and allow for the automation of many Agency functions.	75.00	75.00	\$9,902,256	75.00	75.00	\$16,409,077
Strategy 4.2 – Become the premier employer in South Carolina by recruiting, developing, and retaining high quality employees.	68.50	67.64	\$8,678,531	68.50	67.64	\$8,592,162
Strategy 4.3 – Foster a culture of continuous improvement and operational excellence.	0	0	\$5,181,899	110.40	106.54	\$7,874,122

Table 16.1. Performance measures associated with Goal 4.<sup>57</sup>

Performance Measure	Associated Objective(s)	Target Value	Actual Value	Future Target Value	Time Applicable
<b>By June 30, 2019, transition all outdated mainframe applications to modern platforms.</b>	4.1.1	Agency did not use performance measure (PM) during this year	Agency did not use PM during this year	100%	June 30
<b>Fully implement ePermitting solution by June 30, 2020.</b>	4.1.2	Contract awarded	Contract awarded and gap analysis process began	Core system development complete and user acceptance testing complete	June 30

Performance Measure	Associated Objective(s)	Target Value	Actual Value	Future Target Value	Time Applicable
Deploy statewide Electronic Health Record system by June 30, 2018.	4.1.3	Agency did not use PM during this year	Agency did not use PM during this year	Contract awarded and gap analysis complete	June 30
Relocate DHEC data center to SC Division of Technology facility.	4.1.4	Agency did not use PM during this year	Agency did not use PM during this year	100%	June 30
Maximize the job satisfaction of current teams, identify and develop potential successors for key positions in the Agency, and provide an efficient and welcoming recruitment and onboarding process for new and future team members.	4.2.1	<p>Conduct an Employee Engagement Survey</p> <p>Development of a Succession Plan for critical roles</p> <p>Implementation of a Quarterly Agency New Hire Orientation</p> <p>Conduct Quarter Agency Leadership Meetings</p> <p>Implement Agency Enterprise Human Resources software to streamline the employee performance management, succession planning,</p>	<p>Conducted an Employee Engagement Survey</p> <p>The Agency has identified critical roles and is in the beginning stages of developing a Succession Plan for those critical roles</p> <p>The Agency has been conducting quarterly Agency New Hire Orientations</p> <p>The Agency has been conducting Quarter Agency Leadership Meetings</p> <p>The Agency is currently evaluating vendors for the Enterprise Human Resources software to</p>	<p>Conduct an Employee Engagement Survey</p> <p>Finalize a Succession Plan for critical roles</p> <p>Continue to conduct quarterly Agency New Hire Orientations</p> <p>Continue to conduct Quarter Agency Leadership Meetings</p> <p>Select a vendor and implement the Enterprise Human Resources software</p> <p>Utilize the HR Enterprise software</p>	June 30

Performance Measure	Associated Objective(s)	Target Value	Actual Value	Future Target Value	Time Applicable
		<p>recruiting, and onboarding processes</p> <p>Revise the Employee Performance Management Process</p> <p>Develop an Agency recruiting strategy</p>	<p>streamline the employee performance management, succession planning, recruiting, and onboarding processes</p> <p>The Employee Performance Management Process has been revised</p> <p>The Agency is developing a recruiting strategy for critical roles</p>	<p>to conduct the Employee Performance Management Process</p> <p>Finalize the Agency's recruiting strategy for critical roles</p>	
<b>Establish a safety office and determine policies and procedures for this office by June 30, 2017.</b>	4.2.2	Safety Officer to be onboard August 17, 2016	Safety Officer onboard August 17, 2016	Safety Officer working with management to implement policies and procedures for this office	June 30



Performance Measure	Associated Objective(s)	Target Value	Actual Value	Future Target Value	Time Applicable
Provide new internal and external continuing education opportunities for our teammates to develop and learn new skills and enhance their contributions to the Agency.	4.2.3	<p>Identify eight participants for the Certified Public Manager (CPM) program</p> <p>Identify twenty four participants for the Leadership Excellence and Achievement (LEAP) program</p> <p>All supervisors/managers in the agency trained.</p>	<p>Eight participants identified for and enrolled in the CPM process</p> <p>Twenty four employees are enrolled in the LEAP program</p> <p>Training scheduled for supervisors/managers</p>	<p>All eight Certified Manager Program (CPM) participants moving successfully through the process</p> <p>All 24 LEAP participants graduated successfully from the program</p> <p>Training staff will deliver a basic series of courses for new managers on a regular basis</p> <p>New managers will complete basic supervisory courses with 12 months of assuming supervisory roles</p> <p>Training staff will deliver an intermediate series of courses for managers with more than 2 years</p>	June 30

Performance Measure	Associated Objective(s)	Target Value	Actual Value	Future Target Value	Time Applicable
				<p>managing experience</p> <p>Experienced managers will complete at least 6 non-program specific hours of continuing education courses each year</p> <p>Non-managers will complete at least 3 non-program specific hours of continuing education courses each year</p>	

Performance Measure	Associated Objective(s)	Target Value	Actual Value	Future Target Value	Time Applicable
Establish the Office of Strategy and Continuous Improvement with standardized and fully implemented policies and procedures by June 30, 2017.	4.3.1	Form Office of Strategy and Continuous Improvement and begin strategic analysis of agency policies and practices.	Office of Strategy and Continuous Improvement formed within DHEC Operations. Developing the procedures for analysis of DHEC policies and practices.	Formal continuous improvement policies and procedures implemented. Standardized DHEC policies and practices evaluation tool developed.	June 30
Establish a Project Management Office (PMO) with standardized and fully implemented policies, procedures, and artifacts by June 30, 2017.	4.3.2	Formalize PMO and expand scope of control to cover strategic projects within all DHEC program areas	PMO formed within DHEC Operations. Team expanded and actively managed approximately 40 strategic and tactical projects spanning all areas of DHEC.	Formal PMO policies and procedures implemented. Standardized project artifacts developed.	June 30

# STUDY PROCESS

## *Agency Selection*

DHEC is an agency subject to legislative oversight.<sup>58</sup> During the 121<sup>st</sup> General Assembly, the Committee prioritizes the agency for study by the Healthcare Subcommittee on January 26, 2016.<sup>59</sup> When the Committee reorganizes for the 122<sup>nd</sup> General Assembly, the Subcommittee is renamed the Healthcare and Regulatory Subcommittee.<sup>60</sup>

As the Committee encourages **collaboration in its legislative oversight process**, the Speaker, standing committee chairs in the House, members of the House, Clerk of the Senate, and Governor are also notified about the agency study.

## *Subcommittee Membership*

The **Healthcare and Regulatory Subcommittee of the House Oversight Committee is studying the agency.**<sup>61</sup> The study begins during the 121<sup>st</sup> General Assembly and continues during the 122<sup>nd</sup> General Assembly. During the 121<sup>st</sup> General Assembly, the Honorable Nathan Ballentine serves as chair, and during the 122<sup>nd</sup> General Assembly, the Honorable Phyllis J. Henderson serves as chair.<sup>62</sup> Subcommittee Members and their time of service on the Subcommittee are listed below:

- The Honorable Nathan Ballentine (121<sup>st</sup> General Assembly);
- The Honorable William “Bill” Bowers (122<sup>nd</sup> General Assembly);
- The Honorable MaryGail K. Douglas (122<sup>nd</sup> General Assembly);
- The Honorable Phyllis J. Henderson (122<sup>nd</sup> General Assembly);
- The Honorable Mia McLeod (121<sup>st</sup> General Assembly);
- The Honorable Walton J. McLeod (121<sup>st</sup> General Assembly); and
- The Honorable Bill Taylor (121<sup>st</sup> General Assembly and 122<sup>nd</sup> General Assembly).<sup>63</sup>

## *Agency Reports to Legislative Oversight Committee*

During the legislative oversight process, the **Committee asks the agency to conduct a self-analysis** by requiring it to complete and submit annual Restructuring Reports, a Seven-Year Plan for cost savings and increased efficiencies, and a Program Evaluation Report. Each report is posted on the Committee’s website.

### *Restructuring Report*

The Annual Restructuring Report fulfills the requirement in SC Code §1-30-10(G)(1) that annually each agency report to the General Assembly “detailed and comprehensive recommendations for the purposes of merging or eliminating duplicative or unnecessary divisions, programs, or personnel within each department to provide a more efficient administration of government services.”<sup>64</sup> The report, at a minimum, includes information in the following areas - history, mission and vision, laws strategic plan, human and financial resources, performance measures, and restructuring recommendations.

The Department of Health and Environmental Control submits its Annual Restructuring Reports on March 11, 2015, and January 12, 2016.<sup>65</sup> The agency's 2015-2016 Annual Accountability Report to the Governor and General Assembly serves as its 2017 Restructuring Report.<sup>66</sup>

### *Seven-Year Plan for Cost Savings and Increased Efficiencies*

SC Code §1-30-10 requires agencies to submit "a seven year plan that provides initiatives and/or planned actions that implement cost savings and increased efficiencies of services and responsibilities within the projected seven-year period."<sup>67</sup> The Department of Health and Environmental Control submits its plan on January 12, 2015.<sup>68</sup>

### *Program Evaluation Report*

When an agency is selected for study, the Committee may acquire evidence or information by any lawful means, including, but not limited to, "requiring the agency to prepare and submit to the investigating committee a program evaluation report by a date specified by the investigating committee."<sup>69</sup> SC Code §2-2-60 outlines what an investigating committee's request for a program evaluation report must contain. Also it provides a list of information an investigating committee may request. The Committee sends guidelines for the Department of Health and Environmental Control's Program Evaluation Report (PER) on May 16, 2016.<sup>70</sup> The department submits the report on August 24, 2016.<sup>71</sup>

### *Information from the Public*

**Public input is a cornerstone of the House Legislative Oversight Committee's process.**<sup>72</sup> There are a variety of opportunities for public input during the legislative oversight process. Members of the public have an opportunity to participate anonymously in a public survey, provide comments anonymously via a link on the Committee's website, and appear in person before the Subcommittee.<sup>73</sup>

#### *Public Survey*

From May 1, 2016, to May 31, 2016, the Committee posts an **online survey to solicit comments from the public about the Department of Health and Environmental Control** and four other agencies.<sup>74</sup> Communication about this survey is sent to all House members to forward to their constituents. In an effort to communicate it throughout the state, it is also sent to media statewide via a press release.<sup>75</sup>

There are 1,025 responses to the survey, with at least one response coming from 41 of South Carolina's 46 counties.<sup>76</sup> These comments are not considered testimony.<sup>77</sup> As the survey notes, "input and observations from those citizens who [chose] to provide responses are very important . . . because they may help direct the Committee to potential areas for improvement with these agencies."<sup>78</sup> The **public is informed they could continue to submit written comments about agencies online** after the public survey closed.<sup>79</sup>

848 participants choose to provide opinions about the agency, and a majority were positive.<sup>80</sup> 578 (81% of those responding to the question) have a positive or very positive opinion of the agency. Of those expressing an opinion, 44.2% think the agency operates better than other state agencies, while 12.3% think it operates worse. 34.4% said it is about the same.<sup>81</sup> Notably, 642 (90% of those that responded to the question) participants respond that their opinions are influenced by either personal or business experience with the agency.<sup>82</sup>

Written comments about the agency are provided by 257 survey participants; often, those comments address more than one topic. Some of the topics addressed in the written comments are listed in Table 19.<sup>83</sup> The complete verbatim comments can be found online.<sup>84</sup> Responses to online surveys posted on the Committee's webpage are provided verbatim as they were received by the Committee. They are not the comments or expression of the House Legislative Oversight Committee, any of its Subcommittees, or the House of Representatives.

*Table 17. Some topics addressed by survey participants in written comments about the agency.<sup>85</sup>*

Topic	Number of Comments
Management	72
Salaries	65
Staffing/Retention	52
Morale	47
Customer Service	40
Funding/Resources	26
Training	13
Internal Processes	12

*Table Note: In most categories there were both positive and negative comments.*

In addition to the comments in the table, a small number of respondents include comments about public health, HIV/STD division, performance, large agency size, vital records, water, and the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC). Also, at least 30 respondents share suggestions for improvement.<sup>86</sup>

### *Public Input via Committee Website*

Throughout the course of the study, people are able to submit comments anonymously on the Committee's website. Those comments are posted to the website verbatim.<sup>87</sup> One person submits a comment about the agency regarding DHEC's success and another submits a comment about Aiken County water withdrawals.<sup>88</sup> It is not the comment or expression of the House Legislative Oversight Committee, any of its Subcommittees, or the House of Representatives.

### *Public Input via In-Person Testimony*

The Committee offers the opportunity for the public to appear and provide sworn testimony. A meeting dedicated to public input is held on January 24, 2017.<sup>89</sup> Further detail on the testimony the Committee receives is in the meetings section of this report.

## *Meetings Regarding the Agency*

The Committee meets with, or about, the agency on two occasions and the Subcommittee meets with the agency on five occasions. All meetings are open to the public and stream live online; also, the videos are archived and the minutes are available online. A timeline of meetings is set forth in Figure 2.

## *121<sup>st</sup> General Assembly (2015-2016)*

### *January 2016*

During the **January 28, 2016**, meeting, the Committee selects the agency for study.<sup>90</sup> See Appendix A for the meeting packet and letter notifying agency of its selection for study.

### *April 2016*

During the **April 27, 2016**, meeting, the Subcommittee Chair states the meeting's purpose is for the Subcommittee to ensure DHEC has a clear understanding of the oversight process and to ensure the agency notifies its employees about the study and the opportunity to participate in the Committee's public survey. The agency director provides an overview of DHEC and answers Members' questions on the following topics: agency surveys regarding employees and the water aquifer.<sup>91</sup> See Appendix B for the meeting packet.

## *122<sup>nd</sup> General Assembly*

### *January 2017*

During the **January 24, 2017**, meeting, the agency director provides an overview of DHEC to the Subcommittee. Members ask questions about various topics, including, agency successes, agency improvements, and home health care services. The agency director answers these questions. The Subcommittee Chair proceeds to the public hearing portion of the meeting. Testimony is provided by numerous citizens on issues, including but not limited to, surface water withdrawal; agency's regulatory authority; and agency's partnerships.<sup>92</sup> After the meeting, the agency meets with constituents that provide input. See Appendix C for the meeting packet, agency overview handout, and agency responses to questions raised by Subcommittee Members and the public during the meeting.

### *February 2017*

The Subcommittee holds the **February 9, 2017**, meeting to learn about the agency's mission, vision, and strategic plan. The agency director summarizes the actions the department has taken in response to testimony given at the public hearing and introduces the members of the agency's leadership team present.<sup>93</sup> Additionally, the agency director gives a presentation about the "state of the agency" addressing such topics as: the agency's need to move its Columbia headquarters into new facilities; improvements over the past few years; Savannah River Site; and the development of new budgeting techniques. Members ask questions about the public's satisfaction with the agency's services; opinions of the agency's employees about its performance; and the agency's requests for legal changes to some of its regulatory authority.<sup>94</sup> See Appendix D for the meeting packet and agency presentation.

The Subcommittee holds is **February 23, 2017**, meeting to receive an overview of the agency's history and programs from the agency director. This overview addresses: agency history; major program areas; misconceptions about the agency; and continuous improvements at DHEC. Members ask questions about the following: restricted revenue; food inspections at festivals, fairs, and farmers markets; inspection authority of hotels and motels; lab equipment; septic tank issues; and the Savannah River Site.

The agency director responds to these questions.<sup>95</sup> See Appendix E for the meeting packet, agency presentation, and meeting related correspondence.

### *March 2017*

The Subcommittee holds its **March 23, 2017** meeting to ask questions about the following topics:

- Agency's strategic plan;
- Savannah River Site;
- Carolina Water Services;
- Agency's coastal management program;
- Rural water systems;
- Disease control response efforts;
- Obesity;
- Prescription Drug Monitoring Program;
- State Fire Marshall;
- Public Health Laboratory;
- Certificate of Need Program;
- Food regulations - festival and food trucks ; and
- Hotel and motel inspections.<sup>96</sup>

See appendix F for the meeting packet.

### *April 2017*

The Subcommittee holds its **April 20, 2017**, meeting to learn about DHEC's performance measures in the context of Goals 1 (health services) and 2 (environmental affairs) of the agency's strategic plan. The agency director provides a presentation about performance in these two areas.

Additionally, the agency director responds to questions asked by Members on a variety of topics: challenges to accomplishing the agency's goals in health services; HIV infection and death rate; teen pregnancy rate; agency partnerships with faith communities; storm water and water infrastructure; adopt-a-stream program; and clean air.<sup>97</sup> See Appendix G for the meeting packet and meeting related correspondence.

### *May 2017*

The Subcommittee holds its **May 9, 2017**, meeting to continue the discussion of DHEC's strategic plan starting with Goal 3 (health regulations and operations). The agency director responds to questions asked by Members on various topics, including: complaints; Freedom of Information Act; and Mercury Awards (i.e., advertising awards).<sup>98</sup> See Appendix H for the meeting packet.

### *June 2017*

The Subcommittee holds its **June 20, 2017**, meeting to discuss the agency's recommendations for statutory changes. The agency head presents the agency's analysis of the gaps between what the law requires and the agency's current practices. She then provides context for the agency's recommendations for statutory changes and highlight recommendations in the following areas:



- Rabies Control Act;
- Solid Waste Policy and Management Act;
- Hearing Aids;
- Emergency Health Powers Act;
- Narcotics and Controlled Substances Act;
- SC Prescription Monitoring Act;
- Vital Statistics; and
- Contagious and Infectious Diseases.<sup>99</sup>

See Appendix I for the meeting packet and meeting related correspondence.

### *July 2017*

On **July 19, 2017**, the Subcommittee meets to discuss and analyze information relating to the agency's statutory recommendations. Agency representatives are not required or requested to attend this work session; however, agency staff are present and respond to Members' questions about the recommendations. The Subcommittee adopts 47 recommendations, receives 11 for information purposes only, and rejects one agency recommendation. Detailed information about the recommendations is found in the Recommendations section of this report.<sup>100</sup> See Appendix J for the meeting packet.

### *Study Process Completion*

Pursuant to Committee Standard Practice 12.4, **Subcommittee members may provide a separate written statement for inclusion with the Subcommittee's Study.** After receipt of any written statements from Subcommittee members, the Subcommittee Chair, pursuant to Committee Standard Practice 12.5, shall notify the Committee Chair in writing that a Subcommittee Study is available for consideration by the full Committee.

Once the Committee Chair receives written notice from the Subcommittee chair, the Committee chair shall, pursuant to Committee Standard Practice 13.1, include the Subcommittee Study on the agenda for a full committee meeting. During a full Committee meeting at which the Subcommittee Study is discussed, the Committee may vote, pursuant to Committee Standard Practice 13.2, to (1) refer the study and investigation back to the Subcommittee for further evaluation; (2) approve the Subcommittee's study; or (3) further evaluate the agency as a full Committee, utilizing any of the resources of legislative oversight available.

When the Committee approves a study, **any member of the Committee may provide a written statement for inclusion with the study.** The study, and written statements, are published online and the agency, as well as all House Standing Committees, receive a copy. The Committee shall offer at least one briefing to members of the House about the contents of the final oversight study approved by the Committee.<sup>101</sup> The Committee Chair may provide briefings to the public about the final oversight study.<sup>102</sup>

**To support the Committee's ongoing oversight by maintaining current information about the Department of Health and Environmental Control, the agency receives an annual Request for Information.**

# RECOMMENDATIONS

The following **recommendations include areas identified for potential improvement by the Subcommittee.** The **Subcommittee recognizes these recommendations will not satisfy everyone nor address every issue or potential area of improvement at the agency.** These recommendations are based on the agency's self-analysis requested by the full Committee, discussion with the agency during multiple meetings with the Subcommittee, and analysis of the information obtained by the Subcommittee. This information, including, but not limited to the Program Evaluation Report, Accountability Report, Restructuring Report and videos of meetings with the agency can all be found on the Committee's website.

The Subcommittee has **47 recommendations arising from its study of the agency**, 41 to curtail or revise programs and six to eliminate programs. These recommendations fall into four categories: (1) general, (2) environmental, (3) health regulations, and (4) public health. Tables one through five summarize the recommendations.

## *Continue*

The **Subcommittee does not make any recommendations relating to continuing agency programs.**

## *Curtail (i.e. Revise)*

The **Subcommittee recommends 41 revisions to laws relating to the agency.** The laws, and any specific revisions recommended, along with the basis for the recommendation, are listed below.

### *General (i.e., Agency Wide) Recommendations*

**1. The Subcommittee recommends the General Assembly consider allowing email notice of department decisions and staff decisions, for which a department decision is not required by mail.** SC Code §44-1-60 requires notice of department decisions to be sent by certified mail, return receipt requested, and notice of staff decisions for which a department decision is not required must be sent by mail, delivery, or other appropriate means.

To improve efficiency and in acknowledgement of the general prevalence of email, recommendation 1 proposes the addition of email as an option to provide notice.

### *Environmental Affairs Division Recommendations*

#### *Solid Waste Policy Management Act*

**2. The Subcommittee recommends the General Assembly consider amending SC Code §44-96-10 et seq., (Solid Waste Policy and Management Act) as follows:**

**(a) Require a facility that processes construction and demolition debris to be registered with DHEC and obtain a solid waste processing permit, exempting facilities that accept material that has been sorted by type and recycle at least 75% of each material type;**

- (b) Clarify that Demonstration of Need is only required for facility types identified in the regulation; and
- (c) Remove the requirement that DHEC perform a review of local zoning and land-use ordinances prior to issuing a solid waste management facility permit, adding a requirement that the facility provide proof of compliance.<sup>103</sup>

SC Code §44-96-10 et seq., (i.e., the Solid Waste Policy and Management Act) has not been substantially revised since its approval by the General Assembly over 25 years ago.<sup>104</sup> During the study process, DHEC proposes four major changes to improve efficiencies with these provisions; the Subcommittee adopts and recommends three of those changes.

Recommendation 2(a) addresses the claiming of permitting exemptions by “sham recyclers” of construction and demolition debris that accept mixed materials and meet the 75% recycling by weight requirement by processing concrete. Other debris is allowed to accumulate. According to DHEC, these accumulations pose risk to human health and the environment.

Recommendation 2(b) narrows the type of facility required to demonstrate need to those specified in regulation.

Recommendation 2(c) shifts the responsibility for review of compliance with local zoning from DHEC to the permit applicant. Officials from the South Carolina Municipal Association are in agreement with recommendation 2(c) if proof of compliance includes some official acknowledgement of compliance from the affected local government.

### *Hazardous Waste Management Act*

**3. The Subcommittee recommends the General Assembly consider deleting the requirement that within 24 hours of a hazardous waste DHEC notify the governing body of the concerned municipality or county of a violation, by amending SC Code §44-56-140(E).** SC Code §44-56-140(E) requires DHEC to report any violations of the Hazardous Waste Management Act to the governing body of the local government where the violation occurred within 24 hours. During the study, agency representatives inform the Subcommittee agency practice does not conform to this requirement. The agency’s current practice is when a violation presents an imminent or substantial endangerment or triggers an emergency response action, DHEC notifies and works with local officials.<sup>105</sup>

**4. The Subcommittee recommends the General Assembly eliminate preferences for in-state hazardous waste generators and restrictions on out of state hazardous waste, by amending SC Code §44-56-59, as it violates the Commerce Clause of the United States Constitution.**<sup>106</sup>

**5. The Subcommittee recommends the General Assembly eliminate preferences for in-state hazardous waste generators and restrictions on out of state hazardous waste, by amending SC Code §44-56-60(a)(1),(2), and (3), as they violate the Commerce Clause of the United States Constitution.**<sup>107</sup>

**6. The Subcommittee recommends that the General Assembly consider not requiring owners or operators of hazardous waste treatment, storage, or disposal facilities to reject waste from states that have not entered into an agreement under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), by deleting SC Code §44-56-130 (4), (5), and (6), because they violate the Commerce Clause of the United States Constitution.**<sup>108</sup>

**7. The Subcommittee recommends that the General Assembly consider not requiring hazardous waste facilities to give preference to in-state generators, by deleting SC Code §44-56-205, as it violates the Commerce Clause of the United States Constitution.<sup>109</sup>**

Recommendations 4-7 propose revisions to remove statutes that federal court decisions have ruled an unconstitutional violation of the Commerce Clause of the United States Constitution.<sup>110</sup> While these statutes remain in the code of laws, they have all been struck down as a result of litigation challenging laws, regulations, and executive orders attempting to limit the flow of out-of-state hazardous waste into South Carolina. These statutes are not enforced by the agency.

### *Health Regulation Division Recommendations*

#### *Certificate of Need and Health Facility Licensure Act*

**8. The Subcommittee recommends the General Assembly consider clarifying that kidney disease centers are exempt only from the certificate of need provisions and remain subject to the licensure provisions by amending SC Code §44-7-170 (B)(6).** SC Code §44-7-110 et seq., require a certificate of need (CON) in certain circumstances and separately require licensure for certain types of health care facilities.

Recommendation 8 proposes modification to §44-7-170(B)(6) to clarify that kidney disease centers are exempt only from the CON provisions and remain subject to licensure provisions. During the study process, agency representatives note the wording of this statute was changed pursuant to 2010 Act No. 278. The agency seeks clarification on this issues because, although 2010 Act No. 278 modified the language of §44-7-170, it did not change the language in §44-7-260(A)(8) requiring licensure for end-stage renal dialysis units. DHEC currently regulates and licenses these facilities. This recommendation seeks to remove any ambiguity as to the authority of DHEC to license kidney disease centers.

**9. The Subcommittee recommends the General Assembly consider clarifying disclosure requirements and prohibitions related to information obtained during licensing processes and allowing greater ability to publish information on the internet, by amending SC Code §44-7-310 through 315.**

SC Code §44-7-310 and 315 place requirements and prohibitions on disclosure of information obtained by DHEC in the course of performing its licensure duties under the Certificate of Need and Health Facility Licensure Act. This recommendation proposes revisions to allow greater ability to publish information online and to clarify disclosure requirements and prohibitions. During the course of the study, agency representatives note these two provisions in law could be read to conflict with each other as to disclosure requirements.

#### *Practice of Specializing in Hearing Act*

**10. The Subcommittee recommends the General Assembly consider removing formulation of examinations from the Commission of Hearing Aid Specialists' responsibilities, by amending SC Code §40-25-20(2).**

**11. The Subcommittee recommends the General Assembly consider allowing DHEC to issue a monetary penalty for violation of the Practice of Specializing in Hearing Aids Act, by amending SC Code §40-25-30.**

**12. The Subcommittee recommends the General Assembly consider allowing DHEC to assume the duties of**

the Commission of Hearing Aid Specialists related to monitoring continuing education compliance by modifying SC Code §40-25-150 (C) and (D).

13. The Subcommittee recommends the General Assembly consider allowing DHEC to charge a fee for the examination of persons seeking to specialize in hearing aids, by modifying SC Code §40-25-110.

14. The Subcommittee recommends that the General Assembly consider allowing DHEC to facilitate administration of qualifying exams, by modifying SC Code §40-25-30(2).

15. The Subcommittee recommends DHEC and the Department of Labor, Licensing, and Regulation (LLR) jointly make a recommendation as to which agency the administration of the Practice of Specializing in Hearing Aids Act best fits within.

SC Code §40-25-10 et seq., authorizes DHEC, with advice from the Commission of Hearing Aid Specialists, to license qualified persons to engage in the practice of specializing in hearing aids; oversee the examination of persons seeking licensure; conduct periodic inspections of persons, facilities, and equipment; and take enforcement action as authorized by statute. During testimony about these recommendations, Members ask how this particular role differs from the licensure role of the Department of Labor, Licensing, and Regulation (LLR) with many professions.<sup>111</sup> Therefore, recommendation 15 requests DHEC and LLR collaborate to make a recommendation about which agency the Practice of Specializing in Hearing Aids Act best fits within.

The Subcommittee adopts recommendations 10 -14 in an effort to modernize the code of laws and without regard for which agency administers the licensure requirements.

Recommendation 10 proposes to delete the statutory requirement for the Commission of Hearing Aid Specialists to formulate examinations, which leaves discretion to either formulate the exam or procure an outside source to administer the exam. Section 40-25-20(2) requires the commission to prepare the examinations. In past meetings with DHEC, the commissioners have indicated they do not have the time or resources to prepare the examination.

Recommendation 11 proposes allowing DHEC to issue a monetary penalty for violations of the Practice of Hearing Aid Specialist Act. Subsection 40-25-30(6) authorizes DHEC to suspend or revoke a license or require that a refund be made. However, there are no provisions in law authorizing DHEC to issue a monetary penalty for violations.

Recommendation 12 proposes to revising §40-25-150(C) and (D) to require licensees to submit proof of compliance with continuing educational requirements to DHEC and authorize the agency to approve or disapprove training activities and training providers. These are all functions of Commission of Hearing Aid Specialists under current law.

Recommendation 13 proposes to modify §40-25-110 to authorize the agency to charge a fee for the examination of persons seeking to specialize in hearing aids in order to subsidize the cost of administering the examination. SC Code §40-25-30(2) allows DHEC to administer a qualifying examination to applicants for licensure.

Recommendation 14 proposes modifying this duty to include the authority to facilitate the administration of the qualifying examinations. The agency does not currently administer examinations to any other

licensed entities. This modification allows for the examinations to be given by testing vendors.

### *Body Piercing*

**16. The Subcommittee recommends the General Assembly consider allowing DHEC to impose monetary penalties against licensed body piercing facilities and any other persons or entities that violate Title 44 Chapter 32 (Body Piercing) or related regulations, by amending SC Code §44-32-80.** SC Code §44-32-10 et seq., direct the agency to establish sterilization, sanitation, and safety standards for persons engaged in the business of body piercing, issue permits to facilities to engage in body piercing, and charge annual permitting fees. Also, the statutes contains requirements relating to body piercing technicians and prohibitions regarding body piercing of minors. Current law authorizes DHEC to suspend or revoke licenses, or refuse to renew licenses, for body piercing facilities.

Recommendation 16 proposes authorizing DHEC to assess a monetary penalty as a method of enforcement, in addition to the existing options (e.g., revoking, suspending, refusing to issue or renew a permit, or placing a body piercing facility on probation). Further, the recommendation proposes authorizing imposition of a monetary penalty on to any person who violates the act or regulation, (e.g., a person or entity that performs body piercing without a license). This requirement is similar to statutory provisions in other acts, including the State Certification of Need and Health Facility Licensure Act, SC Code §44-7-110, et seq., that authorize the department to assess monetary penalties against any person (not limited to licensee) for violation of applicable regulatory laws.

### *Tattooing*

**17. The Subcommittee recommends the General Assembly consider authorizing DHEC to impose a monetary penalty against licensed tattoo facilities and any person who violates Title 44 Chapter 34 (Tattooing) or related regulations, by amending SC Code §44-34-80.** SC Code §44-34-10 et seq., requires DHEC to establish sterilization, sanitation, and safety standards for persons engaged in the business of tattooing and to issue licenses to facilities to engage in tattooing and charge licensing fees and inspection fees. The statute outlines requirements relating to tattoo artists and certain prohibitions regarding the tattooing of minors, and makes certain acts criminal in nature. Current law authorizes DHEC to suspend or revoke licenses, refuse to renew licenses, or impose monetary penalties against tattoo facilities for certain violations.

Recommendation 17 proposes authorizing the imposition of a monetary penalty against any person who violates the act or regulation (e.g., a person or entity that performs tattooing without a license) and not just a licensee of the facility.

### *Emergency Medical Services Act*

**18. The Subcommittee recommends the General Assembly consider giving DHEC discretion in convening the Investigative Review Committee that considers revocation of emergency medical services (EMS) licenses and certifications, by amending SC Code §44-61-160 (C), and amending SC Code §44-61-20(16) to reflect that appointment to the Committee is made by the Chief of the Bureau of EMS and Trauma.**

**19. The Subcommittee recommends the General Assembly consider authorizing DHEC to join the Emergency Medical Services Compact.**

Recommendations 18 and 19 both relate to the Emergency Medical Services Act. SC Code §44-61-10 et

seq., authorize DHEC to develop standards for emergency medical services in the state; license, certify, and permit ambulance services, emergency medical technicians, and ambulance vehicles in the state; and take certain enforcement actions. Section 44-61-160 establishes an Investigative Review Committee and provides for its composition.

Recommendation 18 proposes to modify the definition of “Investigative Review Committee” to indicate that DHEC may convene this committee regarding an official investigation that may warrant suspension or revocation of a license or certification, but the agency is not required to convene this committee in every circumstance. This modification seeks efficiency in matters where there is clear evidence supporting the department’s recommended action. According to DHEC staff, this change does not negatively impact the person’s right to request a review of the agency’s decision to the DHEC Board, or right to appeal. Also, recommendation 18 proposes to further modify the definition to reflect that appointment to the committee is made by the Chief of the Bureau of EMS and Trauma, rather than the Director of the Division of EMS and Trauma.

Recommendation 19 proposes authorizing DHEC to become a member of the Recognition of EMS Personnel Licensure Interstate Compact (REPLICA) with other states to help meet the demand for EMS personnel. According to agency officials, medical professionals at other levels (e.g., registered nurse, respiratory therapist, and medical doctors) have interstate compacts allowing for cross-border practice when the licensee meets South Carolina standards for licensure. There is a need for EMTs and paramedics in South Carolina. According to a survey conducted in 2015, there are eight jobs across the state for every one paramedic that graduates. Since 2014, 23 additional EMS agencies have opened adding to the demand for applicants. Becoming a compact state facilitates the day-to-day movement of EMS personnel across state boundaries and allows South Carolina to recognize and accept the EMS credentials from another compact state.

## *Health Services Division Recommendations*

### *Vital Statistics*

**20. The Subcommittee recommends the General Assembly consider modernizing vital statistics statutes by clarifying terminology, recognizing the transition to an electronic system, removing obsolete references, clarifying treatment of sealed records and paternity acknowledgements, and reflecting changes to DHEC’s organization, by amending SC Code §44-63-10 through 180.** SC Code §44-63-10 through 180 empowers DHEC to establish a bureau of vital statistics and to provide a system for the registration and certification of births, deaths, marriages, and divorces.

Recommendation 20 proposes to clarify terminology, recognize the transition to an electronic system, remove obsolete references, clarify treatment of sealed records and paternity acknowledgements, and reflect changes to DHEC’s organization. The recommended changes relate to the agency's desire to remain consistent with the national model. According to an agency official, more people call the agency about vital statistics, than any other issue.<sup>112</sup>

**21. The Subcommittee recommends the General Assembly consider allowing DHEC discretion in assessing civil penalties related to the late filing of death certificates, and giving DHEC civil enforcement powers in all aspects of Section 44-63-74.** SC Code §44-63-74 provides for the electronic filing and transmission of death certificates, including the authority to assess penalties for noncompliance.

Recommendation 21 proposes allowing DHEC discretion in assessing civil penalties, including the amount. Current administrative penalties for violations include \$250 (first violation or warning letter), \$500 (second violation), and \$750 (third or subsequent violation). Also, the recommendation proposes allowing civil enforcement powers in cases other than late filing of death certificates. According to agency staff, the ability to issue orders and assess civil penalties may facilitate enforcement of registration requirements and discretion in setting amounts may prevent accumulation of excessive penalties.

**22. The Subcommittee recommends the General Assembly consider disallowing a person to petition for Delayed Certificate of Birth Established by Court outside of South Carolina, and requiring that DHEC must be a party to the action, by amending SC Code §44-63-100(A).** SC Code §44-63-100 provides for the registration of birth through petition for delayed certificate of birth established by court order.

Recommendation 22 proposes removing the provision allowing a petition for delayed birth certificate to be filed outside of South Carolina (i.e., the state of the petitioner's residence). Further, this recommendation proposes clarifying that DHEC is a party to the action.

**23. The Subcommittee recommends the General Assembly consider deleting reference to an administrative determination of paternity pursuant to SC Code §63-17-10 in SC Code §44-63-163 (birth certificates - administrative determination of paternity) and in SC Code §44-63-165 (birth certificates - acknowledgement of paternity), clarifying whether paternity determinations by courts outside of South Carolina may be accepted, and clarifying if pre-birth orders in surrogacy cases are effective to determine parentage for the purposes of birth registration.** SC Code §44-63-163, §44-63-165, and §63-17-10 relate to paternity. Sections 44-63-163 and 165 relate to birth certificates, and §63-17-10 relates to paternity determinations.

Recommendation 23 proposes removing references to an administrative determination of paternity (§44-63-163) and an acknowledgement of paternity (§44-63-165) pursuant to §63-17-10, as agency representatives note this section does not provide for either of those things.

**24. The Subcommittee recommends the General Assembly consider clarifying the following provisions relating to vital statistics:**

- (a) Clarify parents can only make changes to an adult child's birth certificates when the child is legally incompetent;**
- (b) Clarify the family court has jurisdiction over amendments to birth certificates;**
- (c) Clarify the probate court has express jurisdiction over corrections to death certificates; and**
- (d) Clarify whether an out-of-state court order can serve as the basis for a correction or amendment to a birth certificates or death certificates.**

SC Code §44-63-150 provides for the correction of mistakes in birth or death certificates. Section 62-1-302 provides the subject matters over which the probate courts have exclusive jurisdiction. Section 63-3-530 provides the subject matters over which the family courts have exclusive jurisdiction.

Recommendation 24(a) proposes allowing parents to make changes to adult children's birth certificates only when the adult child is legally incompetent.

Recommendation 24(b) proposes clarifying the family court has jurisdiction over amendments to birth certificates that may not be considered corrections (e.g., name changes or addition of a father's name



after paternity findings).

Recommendation 24(c) proposes granting the probate court express jurisdiction over corrections to death certificates. During the study process, agency representatives note no court has this express authority which leads to confusion and uncertainty within the bench, the bar, and the agency.<sup>113</sup>

Recommendation 24(d) proposes clarifying whether an out-of-state court order can serve as the basis for a correction or amendment to birth certificates or death certificates, which are South Carolina records.

### *Contagious and Infectious Diseases*

**25. The Subcommittee recommends the General Assembly consider removing the requirement that physicians report contagious or infectious diseases to the county health department, and replacing it with a requirement that the report be made to DHEC, by amending SC Code §44-29-10(A).** SC Code §44-29-10(A) addresses physician reporting of contagious or infectious diseases.

Recommendation 25 proposes removing the requirement that physicians report to county health department, and replacing it with an instruction that the reporting be submitted to DHEC.

**26. The Subcommittee recommends the General Assembly consider adding the term “sexually transmitted infection” to SC Code §44-29-70.** SC Code §44-29-70 requires certain healthcare professionals to report cases of sexually transmitted diseases to health authorities.

Recommendation 26 proposes adding the term “sexually transmitted infection” to the title and body of the section. This term is more inclusive and is consistent with current nomenclature.

**27. The Subcommittee recommends the General Assembly consider adding the term “sexually transmitted infection” and remove reference to local boards of health, by amending SC Code §49-29-80.** SC Code §49-29-80 requires laboratories to report positive tests for sexually transmitted disease to DHEC and local boards of health.

Recommendation proposes 27 adding the term “sexually transmitted infection” to the title and body of the section and removing the reference to local boards of health.

**28. The Subcommittee recommends the General Assembly consider replacing “venereal disease” with “sexually transmitted disease and sexually transmitted infection,” and adding “sexually transmitted infection” where “sexually transmitted disease” appears alone, by amending SC Code §44-29-90.** SC Code §44-29-90 addresses the examination, treatment and isolation of persons infected with venereal disease.

Recommendation 28 proposes to replace the term “venereal disease” with “sexually transmitted disease and sexually transmitted infection” and adding the term “sexually transmitted infection” to each phrase where “STD” is used alone.

**29. The Subcommittee recommends the General Assembly consider removing the requirement that prisoners “suffering with a sexually transmitted disease at the time of expiration of their terms of imprisonment must be isolated and treated at public expense as provided in SC Code §44-29-90 until, in the judgment of the local health officer, the prisoner may be medically discharged,” and adding the term “sexually transmitted infection” where “sexually transmitted disease” appears alone.** SC Code §44-29-100

addresses the examination, treatment, and isolation of prisoners for sexually transmitted diseases.

Recommendation 29 proposes removing the requirement that prisoners remain in prison after their terms expire for treatment. This is not the current practice. Also, the recommendations proposes adding the term “sexually transmitted infection” to each phrase where “sexually transmitted disease” is used alone.

**30. The Subcommittee recommends the General Assembly consider adding the term “sexually transmitted infection” where “sexually transmitted disease” appears alone in SC Code §4-29-136.** SC Code §44-29-136 addresses court orders for disclosure of records for law enforcement purposes.

Recommendation 30 proposes adding the term “sexually transmitted infection” to each phrase where “sexually transmitted disease” is used alone. This is consistent with current nomenclature.

**31. The Subcommittee recommends the General Assembly consider amending SC Code §44-29-140 to replace “venereal disease” with “sexually transmitted disease and sexually transmitted infection.”** SC Code §44-29-140 addresses penalties related to venereal disease.

Recommendation 31 proposes replacing the term “venereal disease” with “sexually transmitted disease and sexually transmitted infection.”

**32. The Subcommittee recommends the General Assembly consider removing the requirement that DHEC notify certain schools when a student has Acquired Immune Deficiency Syndrome (AIDS) or is infected with Human Immunodeficiency Virus (HIV), by repealing SC Code §44-29-135(f).** SC Code §44-29-135(f) requires DHEC to notify public schools when a student in kindergarten through fifth grade has Acquired Immune Deficiency Syndrome (AIDS) or is infected with Human Immunodeficiency Virus (HIV).

Recommendation 32 proposes repeal of the section. According to DHEC staff, “medical literature today indicates that there is no risk of spreading HIV between children through casual, social contact and federal law prohibits children with HIV from being discriminated against.”<sup>114</sup>

#### *Emergency Health Powers Act*

**33. The Subcommittee recommends the General Assembly consider expanding the definition of “qualifying health condition” to include the following:**

- (a) a nuclear attack or accident;**
- (b) a chemical attack or release;**
- (c) a man-made disaster widely affecting public health or the environment; and**
- (d) an act of terrorism or bioterrorism affecting public health or the environment.**

SC Code §44-4-130(R) provides a definition of “qualifying health condition,” which supports the definition of a “public health emergency” in §44-4-130(P). The Governor’s authority to declare a “public health emergency” pursuant to SC Code §1-3-430 is based on these definitions.

Recommendation 33 proposes to expand the definition of a “qualifying health condition” to include “a nuclear attack or accident,” “a chemical attack or release,” “a man-made disaster widely affecting public health or the environment,” and “an act of terrorism or bioterrorism affecting public health or the environment.”

### *Tuberculosis*

**34. The Subcommittee recommends the General Assembly consider deleting any reference to tuberculosis camps is SC Code §44-7-610 through 780.** SC Code §44-7-610 through 780 relate to county, township or municipal hospitals or tuberculosis camps. These sections allow for the citizens of a county to petition for a public hospital or tuberculosis camp, as well as provide the manner in which such a facility must be administered.

Recommendation 34 proposes deleting any reference to tuberculosis camps in these sections as the department no longer treats or controls tuberculosis disease through the use of tuberculosis camps.

**35. The Subcommittee recommends the General Assembly consider amending SC Code §44-31-10 to reflect current tuberculosis medical recommendations and reporting practices.** SC Code §44-31-10, which requires certain medical providers and entities to report cases of tuberculosis to DHEC, has not been updated since 1970.

Recommendation 35 proposes to update the language to reflect current medical recommendations and reporting practices for notification to DHEC of tuberculosis cases.

**36. The Subcommittee recommends the General Assembly consider clarifying that a petition must be filed in the probate court in the county in which the person is being detained under SC Code §44-31-105, in the event that the individual has not requested a hearing and the thirty day detainment is nearing an end.** SC Code §44-31-105 provides DHEC the authority to issue and enforce emergency orders for the control and treatment of tuberculosis.

Recommendation 36 proposes clarifying that a petition be filed in the probate court in the county in which the person is being detained in the event that the individual has not requested a hearing and the 30-day detainment is nearing an end. Currently, the statute requires that the probate court enforce all provisions of the emergency order, but it only provides a venue when an individual has requested a hearing.

### *Community Oral Health Coordinator*

**37. The Subcommittee recommends the General Assembly consider allowing for provision of services to persons of any age in underserved and vulnerable populations in the designated counties, by amending SC Code §44-8-10 through 60.** SC Code §44-8-10 through 60 provide for the creation and implementation of a targeted community program for dental health education, screening, and treatment referral. In three to five counties state-wide, targeted by need, the department is required to implement a community dental health program for public school students at specified grade-levels, or upon a child's transfer into the South Carolina public school system, regardless of grade-level.

Recommendation 37 proposes expanding the provision of services facilitated by the community oral health coordinator to persons of any age in underserved and vulnerable populations in the designated counties. According to DHEC staff, this proposed expansion aligns with those of the Dental Practice Act (SC Code §40-15-110), as well as provides centralized oversight of the community oral health coordinator activities by DHEC.

### *Dental Practices Act of 2003*

**38. The Subcommittee recommends the General Assembly consider moving SC Code §40-15-110 (E) to Title 44.** SC Code §40-15-110 (E) requires DHEC to target dental services in a public health setting to under-served populations.

Recommendation 38 proposes moving §40-15-110 (E) to Title 44 (Health) where the majority of DHEC's health-related responsibilities are located. To ensure that these services are being properly implemented, this recommendation also proposes adding to Title 44 a requirement that any dental provider operating in a public health setting must submit specific data to DHEC and use agency surveillance tools for the implementation of public health core functions. This affords DHEC broader oversight of providers and may help ensure that the needs of under-served populations are being met.

#### *Care of the Newly Born*

**39. The Subcommittee recommends the General Assembly consider removing the requirement for indefinite retention of blood samples collected to detect metabolic errors and hemoglobinopathies in newborns, by amending SC Code §44-37-30 .** SC Code §44-37-30 addresses neonatal testing of children for metabolic errors and hemoglobinopathies. This section requires samples be stored unless the parent or child, after he reaches the age of 18, directs DHEC to do something different. According to agency staff, there is no clinical or scientific reason for DHEC to maintain long-term possession of these blood samples, nor does the department have the ability or capacity to store them in freezers indefinitely.

The 2017-2018 General Appropriations Act includes proviso 34.37 allowing DHEC to suspend activity related to the storage requirement when funding is not available. Recommendation 39 proposes codifying the proviso by removing the requirement for indefinite storage of the sample.

#### *Health Care Professional Compliance Act*

**40. The Subcommittee recommends the General Assembly consider redefining "CDC Recommendation" to include current Centers for Disease Control (CDC) or equivalent guidelines, making the requirement that DHEC appoint or approve an existing expert review panel optional, and adding an enforcement mechanism targeted to educational institutions that provide training in preparation for licensure but that do not provide annual certification to DHEC.** SC Code §44-30-10 through 90 provide for the creation of expert review panels to determine if health care worker who is either HIV or HBV (hep-b) positive can receive recommendations for participating in certain invasive procedures in the health care setting.

Recommendation 40 proposes including current CDC or equivalent guidelines, allowing DHEC to appoint at least one or approve an existing expert review panel if needed, and providing an enforcement mechanism for the requirement that educational institutions provide current training in infection control practices for health care professionals participating in the institutions' education programs.

#### *Infants and Toddlers with Disabilities Act*

**41. The Subcommittee recommends the General Assembly consider moving SC Code sections related to the implementation of the Infants and Toddlers with Disabilities Act (BabyNet) to the South Carolina Children's Code (Title 63).** SC Code §44-7-2510 through 2610 provide the Governor with discretion to

designate the lead agency for the implementation of the Infants and Toddlers with Disabilities Act. This is commonly known as BabyNet, and the lead agency is subject to change (e.g., DHEC, First Steps to School Readiness, and the Department of Health and Human Services all have been lead agency). In order to reflect that the lead agency could be in any subject area but that this section will always apply to services for children, recommendation 41 proposes to move this section out of Title 44 (Health) to Title 63, the South Carolina Children's Code.

## *Eliminate*

The **Subcommittee recommends eliminating six programs.** The laws, and any specific revisions recommended, along with the basis for the recommendation, are listed below.

**42. The Subcommittee recommends the General Assembly consider removing the requirement that DHEC make available lice treatment products to certain families, by repealing SC Code §44-29-195 (B).** SC Code 44-29-195 relates to head lice, school children, and vouchers for treatment products. This section requires that DHEC make available to families with children in public school, who receive Medicaid or free/reduced lunch, products or vouchers for products for the treatment of pediculosis. Recommendation 42 proposes removing the requirement that DHEC make products available for treatment of pediculosis (i.e., head lice infestation). According to agency staff, this is not currently funded and the agency has not received any requests for this service.<sup>115</sup>

**43. The Subcommittee recommends the General Assembly consider eliminating reference to "District Advisory Boards of Health," and change all mention of "Districts" to "Regions."** SC Code §44-1-130 establishes Health Districts and District Advisory Boards. This statute is not consistent with current agency practice. The District Advisory Boards of Health no longer exist, and the agency's geographical subdivisions are now referred to as regions.

**44. The Subcommittee recommends that the General Assembly consider eliminating the Catawba Health District.** SC Code §44-3-110 through 140 establish and organize the Catawba Health District, serving Chester, Lancaster, and York Counties. This statute is not consistent with current agency practice as the Catawba Health District no longer exists. The counties within the former Catawba Health District are now served by the Midlands Regional Office for Public Health.

**45. The Subcommittee recommends that the General Assembly consider eliminating the Hazardous Waste Management Research Fund.** SC Code §44-56-810 through 840 creates the Hazardous Waste Management Research Fund, funded by Pinewood Site fees. Recommendation 45 proposes deleting this section as Pinewood Site in Sumter County no longer collects fees since its closure in 2000.

**46. The Subcommittee recommends that the General Assembly consider eliminating the Coastal Zone Management Appellate Panel.** SC Code §48-39-40 creates the Coastal Zone Management Appellate Panel, including terms and membership, which acts as an advisory council to DHEC to hear appeals of staff decisions on Coastal Division permits. To improve efficiency and be consistent with current law and practice, recommendation 46 proposes deleting this section. It conflicts with SC Code §44-1-60, which creates a "uniform procedure for contested cases and appeals from administrative agencies and to the extent that a provision of this act conflicts with an existing statute or regulation, the provisions of this act are controlling." Notably, there has been an annual proviso to suspend this panel.

**47. The Subcommittee recommends that the General Assembly consider discontinuing the Osteoporosis Education Fund and the Osteoporosis Prevention and Treatment Education Program.** SC Code §44-125-10 through 40 establishes an Osteoporosis Education Fund and an Osteoporosis Prevention and Treatment Education Program to promote public awareness, prevention, and treatment of osteoporosis. This recommendation proposes repeal of these sections as the fund has not been established and funds have not been allocated to carry out the stated purpose.

# INTERNAL CHANGES IMPLEMENTED BY AGENCY RELATED TO STUDY PROCESS

During the study of DHEC the agency implements several improvements directly related to its participation in the study process. Those improvements are listed below.

- While prior to the Healthcare and Regulatory Subcommittee’s study DHEC staff begin evaluating agency programs and legal mandates to determine if there are gaps, the study helps expedite and prioritize the review.

The program evaluation report template allows DHEC staff to assess programs using the same metrics, which provides for greater consistency across the agency.<sup>116</sup>

## ADDITIONAL INFORMATION

The Department of Health and Environmental Control makes 11 recommendations that the Subcommittee receives and provides here for information purposes only.

*Table 18. Agency recommendations received for information purposes only.<sup>117</sup>*

Agency Recommendation Number	Impacted SC Code Sections	Summary
1.1	47-5-10 through 47-5-210	<b>Rabies Control Act</b> The agency recommends updating statutes to be consistent with national veterinary practice and to clarify definitions and roles of implementing entities.
2.4	44-96-170	<b>Solid Waste Policy and Management Act</b> The agency recommends changes to address the distribution of the waste tire fee, methods for encouraging a more robust waste tire recycling industry, and language to aid in the ceasing, prevention, or diminishment of illegal dumping and accumulation of waste tires.
2.2	49-11-110 et seq.	<b>Dam and Reservoir Safety Act</b> While this recommendation is part of the agency’s Program Evaluation Report, these provisions are also in H.3218, which passed the House of Representatives and is pending in the Senate Agriculture and Natural Resources Committee.

2.7	44-56-160, 163, 164, 165, 170, 175, 180, 190, 510	<b>Hazardous Waste Management Act</b> The agency recommends addressing provisions related to the assessment and use of fees generated by the disposal of hazardous waste at the former Pinewood Site, which has not accepted hazardous waste for disposal since closing in 2000. Funds created to receive the monies generated by the Pinewood fees are inactive. Other fees (unrelated to Pinewood) that are still assessed are the storage fee in Section 44-56-170(D), the incinerator fee in Section 44-56-170(F)(1), and the annual generator fee in Section 44-56-215); the agency recommends that these fees be kept.
2.8	48-20-10 et seq.	<b>SC Mining Act</b> The agency recommends updating the SC Mining Act, last revised two decades ago, to keep pace with industry standards, practices, and developments. Within the next three years, DHEC intends to begin the stakeholder process to update these provisions that impact several state and federal agencies.
2.10	46-45-80	<b>Agricultural Facility Setback Requirements</b> The agency proposes a bright-line setback and that such a setback be established at a sufficient distance to protect of public health. While this recommendation is made in the PER, it is considered in the development of H.3929 (2017-2018) which passes the House and is referred to the Senate Agriculture and Natural Resources Committee.
2.24	44-53-110 et seq.	<b>Narcotics and Controlled Substances Act</b> The agency proposes improving drug inspections and creating efficiencies in the scheduling of controlled substances.
2.25	44-53-1610 et seq.	<b>SC Prescription Monitoring Act</b> The “South Carolina Prescription Monitoring Act” sets forth requirements of a program for monitoring the prescribing and dispensing of all Schedule II, III, and IV controlled substances by applicable licensed professionals. Notably, a portion of the initial recommendation is included in the prescription monitoring program legislation enacted by the General Assembly in May 2017.
1.22	44-89-60 et seq.	<b>Midwives</b> The agency proposes consideration of whether DHEC is the appropriate agency to license lay midwives. Additionally, the agency recommends clarifying the requirements for licensing lay-midwives.
2.18	13-7-10 et seq.	<b>Atomic Energy and Radiation Control Act</b> The agency requests authorization to retain additional funds collected through annual registration fees to help fund the staff who perform the inspections and other associated duties related to tanning equipment. Further, the agency requests the authority to conduct routine inspections to help ensure public safety.



5.1	44-7-80 et seq.	<b>Medicaid Nursing Home Permits Act</b> The agency proposes to eliminate the directive to allocate Medicaid nursing home permit days, act on applications and issue permits for Medicaid nursing home patient days, and enforce penalties for noncompliance. The agency’s rationale is this directive impedes the purpose of the Certificate of Need (CON) Program, which administers both the CON portions of the State Certification of Need and Health Facility Licensure Act (CON Act), SC Code Sections 44-7-110, et seq., and the Medicaid Nursing Home Permits Act.
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Notably, the Subcommittee rejects the agency’s recommendation for the General Assembly to repeal statutes relating to (SC Code §59-111-150 through 580) the South Carolina Medical and Dental Loan Fund, which assists loan recipients with the costs of medical and dental education in return for commitments to practice in underserved areas. In making this recommendation, agency representatives note the South Carolina Medical and Dental Loan Fund has not received funding for many years.<sup>118</sup>

## SELECTED AGENCY INFORMATION

**Department of Health and Environmental Control. “Program Evaluation Report, 2016.”**

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**Department of Health and Environmental Control. “Restructuring and Seven-Year Plan Report, 2015.”**

<http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/2015AgencyRestructuringandSevenYearPlanReports/2015%20Department%20of%20Health%20and%20Environmental%20Control.pdf> (accessed May 30, 2017).

**Department of Health and Environmental Control. “Agency Accountability Report, 2015-16.”**

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**Department of Health and Environmental Control. “Annual Request for Information, 2017.”**

[http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/DHEC/Response%20to%20RFI%20\(PDF\)%2012.1.16.pdf](http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/DHEC/Response%20to%20RFI%20(PDF)%2012.1.16.pdf) (accessed May 30, 2017).

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**Committees:**

Labor, Commerce and Industry  
Legislative Oversight  
Joint Legislative Committee to  
Screen Candidates for College and  
University Boards of Trustees

**House of Representatives**

State of South Carolina

**Majority Whip**

**Statement of Representative Phyllis Henderson for the Subcommittee Study of the  
Department of Health and Environmental Control**

RE: Healthcare and Regulatory Subcommittee Study of the Department of Health and  
Environmental Control

Recommendations with respect to the Narcotics and Controlled Substances Act and the  
South Carolina Prescription Monitoring Act

While I supported the subcommittee recommendation to accept for information only the  
agency's recommendations with respect to changes in the Narcotics and Controlled  
Substances Act, I agree that many changes need to be made and that those changes need  
additional study. I will be meeting with DHEC staff over the next few months to go over  
their recommendations in greater detail and work on a bill for prefilings in December.

Likewise, the agency recommended amending the South Carolina Prescription Monitoring Act  
by adding Schedule V controlled substances. While I am very supportive of efforts to  
control the abuse of prescription drugs in South Carolina, I believe this addition requires  
further study before any changes are recommended by this subcommittee.

The Honorable Phyllis J. Henderson  
Subcommittee Chair

Executive	Education and Cultural	Healthcare and Regulatory	Economic Development, Transportation, and Natural Resources	Law Enforcement and Criminal Justice
<ol style="list-style-type: none"> <li>1. <del>Comptroller General's Office</del></li> <li>2. <del>Treasurer's Office</del></li> <li>3. <u>Retirement System Investment Commission</u></li> <li>4. <u>Election Commission</u> (Subcommittee Study approved)</li> <li>5. <i>Parks, Recreation and Tourism, Dept. of</i></li> <li>6. <i>Secretary of State's Office</i></li> <li>7. Aeronautics Commission</li> <li>8. <u>Adjutant General</u></li> <li>9. Ethics Commission</li> <li>10. Financial Institutions, Board of</li> <li>11. Lt. Governor's Office on Aging</li> </ol>	<ol style="list-style-type: none"> <li>1. <del>Deaf and Blind, School for</del></li> <li>2. <del>First Steps</del></li> <li>3. <del>Archives and History, Dept. of</del></li> <li>4. <i>Education, Dept. of</i></li> <li>5. <i>ETV Commission</i></li> <li>6. <u>John de la Howe School</u></li> <li>7. <u>Patriots Point Authority</u></li> <li>8. Arts Commission</li> <li>9. Higher Education Commission</li> <li>10. Library, State</li> <li>11. Museum Commission and Confederate Relic Room</li> <li>12. Technical and Comprehensive Education Board</li> <li>13. Tuition Grants Commission</li> <li>14. Wil Lou Gray Opportunity School</li> </ol>	<ol style="list-style-type: none"> <li>1. <del>Social Services, Dept. of</del></li> <li>2. <del>Blind, Commission for the</del></li> <li>3. <u>Health and Environmental Control, Department of</u> (Subcommittee Study approved)</li> <li>4. <i>Alcohol and Drug Abuse, Dept. of</i></li> <li>5. <u>Disabilities and Special Needs, Dept. of</u></li> <li>6. <i>Labor, Licensing and Regulation, Dept. of</i></li> <li>7. <i>Mental Health, Dept. of</i></li> <li>8. <i>State Accident Fund</i></li> <li>9. Consumer Affairs, Dept. of</li> <li>10. <i>Health and Human Services, Department of</i></li> <li>11. Insurance, Dept. of</li> <li>12. <i>Patients' Compensation Fund</i></li> <li>13. <i>Vocational Rehabilitation, Department of</i></li> <li>14. Workers' Compensation Commission</li> </ol>	<ol style="list-style-type: none"> <li>1. <del>Transportation, Dept. of</del></li> <li>2. <del>Transportation Infrastructure Bank</del></li> <li>3. <del>Agriculture, Dept. of</del></li> <li>4. <i>Employment and Workforce, Dept. of</i></li> <li>5. <del>Human Affairs Commission</del></li> <li>6. <i>Motor Vehicles, Dept. of</i></li> <li>7. Commerce, Dept. of</li> <li>8. Conservation Bank</li> <li>9. Forestry Commission</li> <li>10. Housing Finance and Development Authority</li> <li>11. Jobs Economic Development Authority</li> <li>12. <u>Minority Affairs, Commission on</u></li> <li>13. <i>Revenue, Dept. of</i></li> <li>14. Rural Infrastructure Authority</li> <li>15. Sea Grants Consortium</li> </ol>	<ol style="list-style-type: none"> <li>1. <del>Law Enforcement Training Council</del></li> <li>2. <del>Juvenile Justice, Dept. of</del></li> <li>3. <del>Public Safety, Dept. of</del></li> <li>4. <i>Indigent Defense</i></li> <li>5. <u>Natural Resources, Dept. of</u> (Drafting Subcommittee Study)</li> <li>6. <i>Prosecution Coordination Commission</i></li> <li>7. <i>Administrative Law Court</i></li> <li>8. Attorney General's Office</li> <li>9. <i>Corrections, Dept. of</i></li> <li>10. <i>Probation, Parole and Pardon, Dept. of</i></li> <li>11. State Law Enforcement Division</li> </ol>
Chair: Rep. Clary Rep. Funderburk Rep. Newton Rep. Williams	Chair: Rep. Jefferson Rep. Dillard Rep. Felder Rep. Stringer	Chair: Rep. Henderson Rep. Bowers Rep. Douglas Rep. Taylor	Chair: Rep. Bannister Rep. Collins Rep. Norrell Rep. Ridgeway	Chair: Rep. Tallon Rep. Arrington Rep. Hixon Rep. Johnson

Agency	# of employees <sup>1</sup>	FY18 Funds <sup>2</sup>	Restr. Recs? <sup>3</sup>	Senate Status <sup>6</sup>
<b>Executive Subcommittee</b>				
<i>Parks, Rec, &amp; Tourism Dept</i>	375	109.3M		
<i>Sec of State's Office</i>	31	3.1M		Ongoing
Aeronautics Commission	11	10.7M		Ongoing
Ethics Commission	12	1.7M		
Board of Financial Inst	38	4.7M		
Lt Gov Office on Aging	46 <sup>4</sup>	51.7M <sup>4</sup>		Done
<u>Adjutant General</u>	158	135.7M		Ongoing
<u>Retirement Sys Inv Comm</u>	48	15.8M		
<u>Election Commission</u>	24	7.9M		
<u>Comptroller General</u>	27	3.3M		
<u>Treasurer's Office</u>	65	14.4M		
<b>Education and Cultural Subcommittee</b>				
<i>Department of Education</i>	1,096	4,653.3M		
<i>ETV Commission</i>	132	36.0M		
Arts Commission	14	5.6M	Yes	
Higher Education Comm	31	421.2M		Ongoing
State Library	41	16.2M		
State Museum	33	6.8M	Yes	Done
Confederate Relic Room	6	1.3M		Done
Tech & Comprehensive Ed Bd	79	728.7M		
Tuition Grants Commission	4	40.5M		
Wil Lou Gray Opp School	90	8.3M		Done
<u>John de la Howe School</u>	47	6.4M	Yes	
<u>Patriots Point Authority</u>	82	14.3M		Ongoing
<u>School for Deaf &amp; Blind</u>	293	35.2M	Yes	Done
<u>First Steps</u>	<i>not available</i>	<sup>5</sup>		
<u>Dept of Archives &amp; History</u>	32	5.0M		
<b>Healthcare and Regulatory Subcommittee</b>				
<i>Alcohol &amp; Drug Abuse Dept</i>	24	49.1M		Done
<i>Labor, Licensing, &amp; Regulation</i>	379	41.1M		
<i>Mental Health, Dept of</i>	3,897	484.8M		Done
<i>State Accident Fund</i>	65	10.0M		Done
<i>Patients' Compensation Fund</i>	4	1.1M		
<i>Vocational Rehab, Dept of</i>	1,175	171.5M		
<i>Health &amp; Human Services</i>	851	7,640.2M		

## Agencies for Study: Summary Information

*Italics*  
Recommended for study  
(Input from one or more of the following: LOC survey; House Member survey; House Member directly or Constituent)

Underscore  
Currently under study

~~Strikethrough~~  
Study completed

*Additional agencies may be assigned to these subcommittees, pursuant to the Legislative Oversight Committee's Rule 6, as the Legislative Oversight Committee determines its interpretation of the definition of the term "agency" as set forth in S.C. Code Section 2-2-10(1).*

Agency	# of employees <sup>1</sup>	FY18 Funds <sup>2</sup>	Restr. Recs? <sup>3</sup>	Senate status <sup>6</sup>
<b>Economic Development, Transportation, &amp; Nat. Resources</b>				
<i>Employment &amp; Workforce</i>	631	190.8M		Ongoing
<i>Motor Vehicles, Dept of</i>	1,209	103.9M		
<i>Revenue, Department of</i>	677	84.3M		
Commerce, Dept of	100	205.7M		Ongoing
Conservation Bank	2	10.3M		
Forestry Commission	334	32.3M		Done
Housing Fin & Dev Authority	115	185.5M		
Jobs-Economic Dev Authority	<i>not available</i>	0.4M		
Rural Infrastructure Auth	9	42.5M		Ongoing
Sea Grant Consortium	11	5.7M		
<u>Minority Affairs, Comm for</u>	10	1.3M		
<u>Transportation, Dept of</u>	4,522	2,127.9M		
<u>Transp Infrastructure Bank</u>	2	253.0M		
<u>Agriculture, Dept of</u>	117	21.6M	Yes	
<u>Human Affairs Commission</u>	43	3.4M		
<b>Law Enforcement and Criminal Justice Subcommittee</b>				
<i>Indigent Defense</i>	68	43.8M		
<i>Prosecution Coord Comm</i>	<i>not available</i>	35.9M		
<i>Administrative Law Court</i>	<i>not available</i>	4.1M		Done
<i>Corrections, Department of</i>	4,805	485.7M		Ongoing
Attorney General's Office	243	29.5M		
Probation, Parole, & Pardon	650	58.8M	Yes	
State Law Enf Division (SLED)	556	102.1M		
<u>Natural Resources, Dept of</u>	685	106.9M		
<u>Public Safety, Department of</u>	1,242	187.8M		
<u>Law Enf. Training Council</u>	114	14.5M		
<u>Juvenile Justice, Dept of</u>	1,294	130.7M		
<b>Healthcare and Regulatory Subcommittee (continued)</b>				
Consumer Affairs, Dept of	41	3.6M		Done
Insurance, Department of	82	17.9M		Done
Workers' Comp Comm	51	7.2M		Done
<u>Disabilities &amp; Special Needs</u>	1,722	750.7M		Done
<u>Health &amp; Env Control (DHEC)</u>	3,047	625.9M	Yes	
<u>Social Services, Dept of</u>	3,531	760.3M		
<u>Comm for the Blind</u>	95	12.7M		Ongoing

<sup>1</sup> According to July 20, 2017, Department of Administration data on filled FTE positions.

<sup>2</sup> Total funds available in FY 17-18, according to data provided by Revenue and Fiscal Affairs.

<sup>3</sup> Restructuring recommendations as indicated in each agency's 2016-17 Accountability Report.

<sup>4</sup> This number is for the entire Lieutenant Governor's Office, not just the Office on Aging.

<sup>5</sup> First Steps is funded through the Department of Education.

<sup>6</sup> Status of Senate oversight studies on December 4, 2017.

# Agency Missions

## Executive Subcommittee

### **Parks, Recreation, & Tourism Department**

Growing South Carolina's economy by fostering sustainable tourism economic development and effectively marketing our state to increase visitation and improve the quality of life for all South Carolinians.

### **Secretary of State's Office**

The mission of the Secretary of State's Office is to provide innovative technology to enhance the transaction of business in the State, to serve the business community and members of the public with prompt and efficient customer service, to protect the charitable donors of South Carolina, and to fulfill all other statutory duties of the Office.

### **Aeronautics Commission**

Fostering air and economic development by overseeing the safety and development of the state's public use airports, by providing safe and reliable air transportation for state government and business prospects, and by providing aviation education opportunities.

### **Ethics Commission**

The State Ethics Commission is an agency of state government responsible for the enforcement of the Ethics Reform Act of 1991 and all other subsequent ethics legislation adopted by the General Assembly. Our mission is to work diligently to develop and enhance public trust in all levels of government. The Commission's legislative mandate is to monitor and take appropriate action to ensure compliance with state law that requires financial disclosure, lobbyist/lobbyist's principal disclosure and campaign disclosure; administrate and regulate lobbyist and lobbying organizations; issue advisory opinions explaining and interpreting ethics legislation; assist and advise public officeholders and the public on the specific requirements addressed in the state's ethics laws; conduct both civil and criminal investigations of alleged violations of laws subject to the jurisdiction of the state Ethics Commission; and prosecute violators through formal administrative proceedings as well appropriate use of criminal enforcement actions.

### **Board of Financial Institutions**

The mission of the Board of Financial Institutions is to serve the citizens of the State of South Carolina. We will do this by...

- Licensing, supervising, examining, and regulating the financial community in our oversight jurisdiction.
- Protecting the public from unlawful or improper practices of our financial institutions. We will work to ensure that our financial institutions adhere to the law.
- Educating and communicating with the public, giving them the information they need to make wise financial choices.
- Operating a safe and sound financial system so that the public can have the highest confidence possible.
- Promoting the growth, innovation and financial stability of our State financial institutions, which allows them to be more competitive and profitable; therefore offering a broad range of products/services and making them more accessible and affordable to the public.
- Creating an environment where the State charter is the charter of choice for institutions headquartered in the State.

### **Lt. Governor's Office on Aging**

The mission of the Office of the Lieutenant Governor is to fulfill the state constitutional duties of the Office and the Lieutenant Governor's role as President of the Senate. As South Carolina's second highest ranking Constitutional Officer, the Lieutenant Governor provides leadership on legislative matters and public policy, and serves as the chief advocate for the state's senior citizens. In addition, the Lieutenant Governor's Office works to meet the present and future needs of seniors and to enhance the quality of life for seniors through advocating, planning, and developing resources in partnership with federal, state, and local governments, nonprofits, the private sector and individuals.

### **Adjutant General**

Provide combat-ready units to the U.S. Army and U.S. Air Force. Provide planning, coordination and military capabilities in response to State emergencies. Add value to the State of South Carolina and nation with community-based organizations, partnerships, Soldiers, Airmen, and employees ready to meet the challenges of the 21st century.

### **Retirement System Investment Commission**

The Commission will fulfill its fiduciary responsibility by prudently managing all assets held in trust for the sole benefit of the participants and beneficiaries of the South Carolina Retirement Systems. It will seek superior long-term investment results at a reasonable level of risk.

### **Election Commission**

The mission of the State Election Commission is to ensure every eligible citizen in South Carolina has the opportunity to register to vote, participate in fair and impartial elections, and have the assurance that their vote will count.

### **Comptroller General**

To provide state entities with business services that include payroll, vendor payments, accounting support, general ledger maintenance, and statewide financial reporting. To continuously monitor and improve payroll, vendor payment processing, accounting support, and statewide financial reporting for state government to more effectively safeguard and preserve financial resources and better serve citizens of South Carolina.

### **Treasurer's Office**

To serve the citizens of South Carolina by providing transparent, accountable, and efficient banking, investment, and financial management services for South Carolina State Government. Our commitment is to safeguard our State's financial resources and to maximize return on our State's investments.

## **Education and Cultural Subcommittee**

### **Department of Education**

The mission of the SC Department of Education is to provide leadership and support so that all public education students graduate prepared for success.

### **ETV Commission**

To enrich lives by educating children, informing and connecting citizens, celebrating our culture, and instilling the joy of learning.

### **Arts Commission**

With a commitment to excellence across the spectrum of our state's cultures and forms of expression, the South Carolina Arts Commission pursues its public charge to develop a thriving arts environment, which is essential to quality of life, education, and economic vitality for all South Carolinians.

### **Higher Education, Commission on**

The S.C. Commission on Higher Education is committed to promoting access, affordability, and affordability in the state system of higher education through coordination, regulation, advocacy and oversight, as directed by the General Assembly.

### **State Library**

We serve the people of South Carolina by supporting state government and libraries to provide opportunities for learning in a changing environment.

### **State Museum**

Through innovative partnerships, comprehensive collections, and stimulating exhibits and programs, The South Carolina State Museum provides educational environments that entertain, inspire imagination and creativity, and enrich the lives of visitors.

### **Confederate Relic Room**

The South Carolina Confederate Relic Room and Military Museum serves as the State's military history museum by collecting, preserving, and exhibiting South Carolina's military material culture from the colonial era to the present, and by providing superior educational experiences and programming.

### **Technical & Comprehensive Education, State Board for**

The SC Technical College System provides learning opportunities that promote the economic and human resource development of the state.

### **Higher Education Tuition Grants Commission**

The mission of the South Carolina Higher Education Tuition Grants Commission is to administer a state-funded, need-based tuition grants program for the State of South Carolina designed to: - Gain maximum usage of the available independent college facilities located in every region of our state by assisting eligible South Carolina residents to afford the cost of the independent colleges and thereby helping to educate our state citizenry; -Help offset the higher education costs of attending South Carolina independent colleges for South Carolina students just as the state offsets the higher education costs of state residents attending South Carolina public colleges; -Preserve the dual systems of

public and independent college higher education in South Carolina which provides healthy competition between the two sectors; -Save the state tax dollars that would be appropriated via the automatic per student state subsidy that would go, regardless of financial need or progress towards graduation, to all South Carolina independent college students if they migrated into the South Carolina public college system; -Give eligible South Carolina residents the opportunity to choose the in-state college that best meets their individual academic needs and preferences.

#### **Wil Lou Gray Opportunity School**

The Wil Lou Gray Opportunity School exists to serve those citizens of South Carolina between sixteen and nineteen years of age who are most at risk of: 1. Being retained in their grade in school. 2. Dropping out of school and not completing their education. 3. Not making the transition from public schools to the work force. 4. Being truant from school, or whose home, school or community environment hinders rather than enhances the chance that they will stay in school and become prepared for employment.

#### **John de la Howe School**

To provide a safe place for children to heal, grow and make lasting changes through counseling, education and a culture of care and personal development

#### **Patriots Point Authority**

Patriots Point strives to preserve the living history of our nation's bravest men and women while telling their stories in honorable, educational and engaging ways.

#### **School for the Deaf & the Blind**

The mission of the South Carolina School for the Deaf and the Blind (SCSDB) is to ensure that the individuals we serve realize maximum success through high quality educational programs, outreach services, and partnerships.

#### **First Steps**

Collaborating with other entities, First Steps helps South Carolina families and caregivers prepare their children for school success by maximizing public and private community resources to deliver, enhance, and expand high-quality early childhood services.

#### **Department of Archives & History**

The mission of the South Carolina Department of Archives and History is to preserve and promote the documentary and cultural heritage of the state through the state archives, historic preservation, and education programs.

## **Healthcare and Regulatory Subcommittee**

#### **Alcohol & Drug Abuse Department**

The Court's mission is to provide a neutral forum for fair, prompt and objective hearings for any person(s) affected by an action or proposed action of certain State agencies or departments. The purpose of an administrative court such as the ALC, is to separate the adjudicatory proceedings from the investigative and policy-making functions of the agency. Prior to the creation of the Court, citizens who had a dispute with a state agency and wanted to challenge any action related to the dispute had to appear before hearing officers employed or contracted by that particular agency. The creation of this Court provided a forum separate from the agency whose decision was in dispute. The Court places a very high value on its ability to be fair and neutral to all of the litigants that appear before the Court and on continuing efforts to improve its results.

#### **Labor, Licensing, & Regulation**

The mission of the Department of Labor, Licensing and Regulation (LLR) is to promote the health, safety and economic well-being of the public through regulation, licensing, enforcement, training and education.

#### **Mental Health, Department of**

The mission of the South Carolina Department of Mental Health is to support the recovery of people with mental illnesses.

#### **State Accident Fund**

Provide a cost effective guaranteed workers' compensation market for state agencies, other government entities and, when in the best interest of the state, businesses in the private sector.

#### **Patients' Compensation Fund**

The South Carolina Patients' Compensation Fund was created for the purpose of paying that portion of a medical malpractice or \*general liability claim, settlement, or judgment which is in excess of two hundred thousand dollars for each incident or in excess of six hundred thousand dollars in the aggregate year for one year. The Fund is liable only for payment of claims against licensed health care providers in compliance with the provisions of the Enabling Statute

Title 38, Chapter 79, Article 5 and includes reasonable and necessary expenses incurred in payment of claims and the Fund's administrative expense.

**Vocational Rehab, Department of**

The mission of the South Carolina Vocational Rehabilitation Department is to prepare and assist eligible South Carolinians with disabilities to achieve and maintain competitive employment.

**Health & Human Services, Department of**

To purchase the most health for our citizens in need at the least possible cost for taxpayers.

**Consumer Affairs, Department of**

The Department of Consumer Affairs' mission is to protect consumers from inequities in the marketplace through advocacy, mediation, enforcement and education.

**Insurance, Department of**

The mission of the South Carolina Department of Insurance (Department) is to protect the insurance consumers, the public interest, and the insurance marketplace by ensuring the solvency of insurers, enforcing and implementing the insurance laws of this State, and regulating the insurance industry in an efficient, courteous, responsive, fair, and equitable manner.

**Workers' Compensation Commission**

The mission of the South Carolina Workers' Compensation Commission is to provide an equitable and timely system of benefits to injured workers and employers in the most responsive, accurate, and reliable manner possible.

**Disabilities & Special Needs, Department of**

The South Carolina Department of Disabilities and Special Needs (DDSN), as stated in Section 44-20-240 of the South Carolina Code of Laws, has authority over all the state's services and programs for South Carolinians with severe lifelong disabilities, including intellectual disabilities and related disabilities, autism, traumatic brain injury, and spinal cord injury and similar disabilities. Primary responsibilities include planning, development and provision of a full range of services for children and adults, ensuring that all services and supports provided meet or exceed acceptable standards, and improve the quality of services and efficiency of operations. The department advocates for people with severe lifelong disabilities both as a group and as individuals, coordinates services with other agencies and promotes and implements prevention activities to reduce the occurrence of both primary and secondary disabilities.

**Health & Environmental Control, Department of (DHEC)**

To improve the quality of life for all South Carolinians by protecting and promoting the health of the public and the environment.

**Social Services, Department of**

To serve South Carolina by promoting the safety, permanency, and well-being of children and vulnerable adults, helping individuals achieve stability and strengthening families.

**Commission for the Blind**

The mission of the South Carolina Commission for the Blind is to provide quality, individualized vocational rehabilitation services, independent living services, and prevention of blindness services to blind and visually impaired consumers leading to competitive employment and social and economic independence.

## Economic Development, Transportation, & Natural Resources Subcommittee

**Employment & Workforce, Department of**

The mission of the South Carolina Department of Employment and Workforce (DEW) is to promote and support an effective, customer-driven workforce system that facilitates financial stability and economic prosperity for employers, individuals, and communities.

**Motor Vehicles, Department of**

The South Carolina Department of Motor Vehicles administers the State's motor vehicle licensing and titling laws by maintaining strict controls to deliver secure and valid identification, licenses, property records, while accurately accounting for the receipt and timely distribution of all revenue collected in order to best serve our citizens.

**Revenue, Department of**

The Mission of the South Carolina Department of Revenue (SCDOR) is to administer the revenue and regulatory laws of this State with integrity, effectiveness, and fairness to all taxpayers, while maintaining the highest security and protection of taxpayer information.



## **Commerce, Department of**

Working together to create opportunities for South Carolinians by promoting:

- Job creation
- Economic growth
- Improved living standards for South Carolinians

## **Conservation Bank**

To improve the quality of life in South Carolina through the conservation of significant natural resource lands, wetlands, historical properties, archeological sites, and urban parks.

## **Forestry Commission**

The mission of the South Carolina Forestry Commission is to protect, promote, enhance, and nurture the woodlands of SC, and to educate the public about forestry issues, in a manner consistent with achieving the greatest good for its citizens.

## **Housing Finance & Development Authority**

The mission of SC Housing is to create quality affordable housing opportunities for the citizens of South Carolina through a vision that all South Carolinians have the opportunity to live in safe, decent and affordable housing.

## **Jobs-Economic Development Authority**

The South Carolina Jobs-Economic Development Authority (JEDA), created by an act of the General Assembly by Section 41-43-10, is a quasi-public instrument of the State which promotes the business and economic welfare of South Carolina by assisting in the financing of public and private projects throughout the State. JEDA serves as a statewide conduit issuer of special obligation revenue bonds and acts on behalf of the borrowing entity to access financial markets & capital. JEDA serves non-profit organizations, including educational facilities, healthcare facilities, and other non-profit organizations such as foundations, museums, Goodwill Industries and YMCA; small manufacturing facilities as well as solid waste disposal facilities which qualify for tax-exempt and taxable financing. JEDA's mission is to advance the economic welfare of the State with focus on job creation and retention.

## **Rural Infrastructure Authority**

The mission of the Rural Infrastructure Authority (RIA) is to assist in financing qualified infrastructure projects that will protect public health, comply with environmental quality standards and support economic opportunities.

## **Sea Grant Consortium**

South Carolina Sea Grant Consortium generates and provides science-based information to enhance the practical use and conservation of coastal and marine resources that foster a sustainable economy and environment for the state of South Carolina and its citizens.

## **Minority Affairs, Commission for**

The mission of the South Carolina Commission for Minority Affairs is to alleviate the causes and effects of poverty and deprivation among members of the State's minority populations.

## **Transportation, Department of**

SCDOT connects communities and drives our economy through the systematic planning, construction, maintenance and operation of the state highway system and the statewide intermodal transportation and freight system.

## **Transportation Infrastructure Bank**

The corporate purpose of the bank is to select and assist in financing major qualified projects by providing loans and other financial assistance to government units and private entities for constructing and improving highway and transportation facilities necessary for public purposes including economic development.

## **Agriculture, Department of**

To promote and nurture the growth and development of South Carolina's agriculture industry and its related businesses while assuring the safety and security of the buying public.

## **Human Affairs Commission**

The mission of the South Carolina Human Affairs Commission (SCHAC) is to eliminate and prevent unlawful discrimination in:

- Employment on the basis of race, color, national origin, religion, sex, age or disability;
- Housing on the basis of race, color, national origin, religion, sex, familial status, and disability;
- Public accommodations on the basis of race, color, national origin, or religion.

We also seek to promote harmony, understanding, and mutual respect among all the residents of South Carolina.

## Law Enforcement and Criminal Justice Subcommittee

### **Indigent Defense**

The Commission and the Office of Indigent Defense were established by Act 164 of 1993, effective July 1, 1993. The Office operates pursuant to §17-3-310, et seq. of the South Carolina Code of Laws, 1976, as amended. Effective July 1, 2005, the Office of Appellate Defense became a division within the agency. The Commission on Indigent Defense, through the Office of Indigent Defense and its divisions, and in cooperation and consultation with other state agencies, professional associations and other groups interested in the administration of criminal justice and the improvement and expansion of defender services, establishes and monitors programs and services for legal representation to indigent defendants charged with criminal offenses in the courts of the state. The agency also manages the Rule 608 Contract program, contracting with attorneys across the state to provide representation in criminal and specific family court cases. The Appellate Defense division of SCCID handles appeals on behalf of indigent clients and consists of a staff of eleven attorneys. The Capital Trial division within SCCID handles capital cases, statewide, frequently partnering with outside counsel appointed by the court. The Office of Indigent Defense establishes criteria for determining indigency and qualifications for services, establishes guidelines for court-appointed attorneys in representing indigent clients, and administers distribution of funding for indigent defense. Additionally, the office establishes and supervises training programs for public defenders and staff across the State, and oversees a central reporting system of statistical data in the delivery of indigent defense services.

### **Prosecution Coordination, Commission on**

The South Carolina Commission on Prosecution Coordination (SCCPC) was created to coordinate all activities involving the prosecution of criminal cases in this State. The Commission is governed by Sections 1-7-910 through 1-7-1000 of the South Carolina Code of Laws. The Commission is composed of the Chairmen of the Senate and House Judiciary Committees or their legislative designees, the Chief of the South Carolina Law Enforcement Division, the Director of the Department of Public Safety, a director of a Judicial Circuit Pre-Trial Intervention Program (PTI), a Judicial Circuit Victim-Witness Assistance Advocate, and five Judicial Circuit Solicitors appointed by the Governor. The mission of the South Carolina Commission on Prosecution Coordination is to improve South Carolina's Criminal Justice System by enhancing the effectiveness and professionalism of South Carolina's solicitors and their staff through activities such as coordination of prosecution services, education, information, association, and interaction; and to achieve objectives which will benefit and improve the Office of Solicitor.

### **Administrative Law Court**

The Court's mission is to provide a neutral forum for fair, prompt and objective hearings for any person(s) affected by an action or proposed action of certain State agencies or departments. The purpose of an administrative court such as the ALC, is to separate the adjudicatory proceedings from the investigative and policy-making functions of the agency. Prior to the creation of the Court, citizens who had a dispute with a state agency and wanted to challenge any action related to the dispute had to appear before hearing officers employed or contracted by that particular agency. The creation of this Court provided a forum separate from the agency whose decision was in dispute. The Court places a very high value on its ability to be fair and neutral to all of the litigants that appear before the Court and on continuing efforts to improve its results.

### **Corrections, Department of**

Safety – Protect the public, our employees, and our inmates.

Service – Provide rehabilitation and self-improvement opportunities for inmates.

Stewardship – Promote professional excellence, fiscal responsibility, and self-sufficiency.

### **Attorney General's Office**

The mission of the Attorney General's Office is to serve the citizens of the State of South Carolina by providing legal representation of the highest quality to state government entities, by supporting the law enforcement communities and the legal and judicial branches through the legislative process, and by honorably and vigorously carrying out the constitutional and statutory responsibilities of the Attorney General.

### **Probation, Parole, & Pardon**

Prepare offenders under our supervision toward becoming productive members of the community; Provide assistance to the victims of crime, the courts and the Parole Board; and to Protect public trust and safety

### **State Law Enforcement Division (SLED)**

The primary mission of the S.C. Law Enforcement Division is to provide quality manpower and technical assistance to law enforcement agencies of political subdivisions of South Carolina and to conduct investigations on behalf of the state as directed by the Governor or Attorney General.

**Natural Resources, Department of**

The South Carolina Department of Natural Resources' stated purpose is to serve as the principal advocate for, and steward of, South Carolina's natural resources.

**Public Safety, Department of**

As the largest law enforcement agency in South Carolina, it is the mission of the South Carolina Department of Public Safety to protect and serve the public with the highest standard of conduct and professionalism; to save lives through educating its citizens on highway safety and diligent enforcement of laws governing traffic, motor vehicles, and commercial carriers; and to ensure a safe, secure environment for the citizens of the state of South Carolina and its visitors.

**Law Enforcement Training Council**

It is the mission of the South Carolina Criminal Justice Academy to foster and uphold prescribed laws and regulations by providing mandated basic and advanced training to criminal justice personnel and maintain a continuous certification process to ensure that only the most qualified persons are sanctioned by the state to serve.

**Juvenile Justice, Department of**

It is the mission of the South Carolina Department of Juvenile Justice to protect the public and to reclaim juveniles through prevention, community services, education, and rehabilitative services in the least restrictive environment.

# HOUSE LEGISLATIVE OVERSIGHT COMMITTEE

## OUTCOMES FOR THE CITIZENS OF SOUTH CAROLINA

**Increased transparency of agencies' activities and outcomes** with information available online at any time

**Increased accountability to the citizens of South Carolina through legislator questioning** of agencies' programs and their performance

**Improved effectiveness of agency personnel recruitment methods** as testimony from a longtime patron of the Department of Archives and History helped inform an agency decision to post an opening for a curator position

**Saved state personnel and financial resources** as public survey responses and legislator questioning about them alerted Department of Archives and History management to the existence of numerous records at the Department of Health and Environmental Control waiting to be moved to temporary storage and this summer 3,662 boxes were transferred to the state record center

**Increased public accessibility of agency resources** as public survey responses helped inform the Department of Agriculture's decision to align laboratory employee work hours with the time the agency is open to the public

**Increased clarity regarding funding of road projects** as during the study process the State Transportation Infrastructure Bank implemented study recommendations by revising its internal operating guidelines to define the term "local match" and prohibit the "bundling" of individual projects to meet minimum threshold amount requirements

**Helped to refocus an agency on its primary mission** as a Department of Public Safety study recommendation to transfer grant programs unrelated to highway safety to another agency was implemented in Act 96 of 2017

**Continued efforts to help ensure the health, safety, and welfare of juveniles and employees at the Department of Juvenile Justice** through receipt of detailed monthly updates posted on the Committee's webpage

## MEETINGS TO DATE

121 <sup>st</sup> General Assembly			122 <sup>nd</sup> General Assembly	
<b>75</b>	<b>15</b>	<b>6</b>	<b>75</b>	<b>9</b>
sub-committee	full committee	ad hoc committee	sub-committee	full committee

## IDENTIFIED AGENCIES AND OTHER STUDIES

Of 217 potential agencies to study:

**14** **agency studies issued** Comptroller General's Office; DSS; First Steps; Commission for the Blind; School for the Deaf and the Blind; DOT; DJJ; State Transportation Infrastructure Bank; Department of Archives and History; Treasurer's Office; Department of Agriculture; Law Enforcement Training Council and Criminal Justice Academy; DPS; and Human Affairs Commission

**8** **agencies under study** State Election Commission\*; DHEC\*; DNR^; Adjutant General's Office; DDSN; John de la Howe School; Commission for Minority Affairs; and Patriots Point (\*Subcommittee study approved; ^ Drafting subcommittee report)

**1** **study on hold** Retirement System Investment Commission

**42** **agencies confirmed for review**

**152** **agencies may be reviewed**

**1** **other study completed** on agencies' relationship with, funding of, and other activities relating to Planned Parenthood and other abortion providers in South Carolina

## ITEMS OF INTEREST FROM STUDIES UNDER CONSIDERATION

### BY THE FULL COMMITTEE

**Adjutant General's Office:** Youth ChalleNGe program is one of only three states authorized to accept juveniles involved with the court system

**Commission for Minority Affairs:** As with other agencies that have been under study, there are members of the Commission for Minority Affairs serving in a hold-capacity (3) and one vacancy. Public input received in October and a 2015 State Inspector General Performance Review of the agency note, among other things, concerns with Native American Affairs

**State Election Commission:** Until the predicted completion of county boundary mapping in 2030, practical problems related to issues such as taxation without representation and provision of services to constituents (e.g., education, utilities, etc.) may arise

**Department of Natural Resources:** Some state agencies, including DNR, accept payment by credit card, but are not authorized to add fees associated with accepting credit cards to the transaction; the agency absorbs the cost

**Department of Health and Environmental Control:** Identifies needs for modernization of the various statutes to reflect current terminology and practices, complementing but not duplicating the work of the House Opioid Abuse Prevention Study Committee

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*House Legislative Oversight Committee Recommendations*

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**121<sup>ST</sup> GENERAL ASSEMBLY (2015-2016)**

<b>Comptroller General</b>		
1	Minimum qualifications for the Comptroller General be established	12/15/15 <sup>1</sup>
2	The Comptroller General be appointed rather than elected	12/15/15 <sup>2</sup>
3	Revise 3 provisos; 98 laws; and 3 regulations to ensure laws and regulations complied with current practices	12/15/15
4	Eliminate 20 laws and 3 regulations to ensure laws and regulations complied with current practices	12/15/15
<b>Department of Social Services</b>		
5	Revise South Carolina Code of Laws § 43-5-220 to require use of Child Support Guidelines in establishing child support orders	4/13/16
6	Revise South Carolina Code of Laws § 63-17-1210 to require employers to participate in the Employer New Hire Reporting program and add to the data that the employer is required to report	4/13/16
7	Revise SC Code § 63-17-2310 et seq to clarify the name of the Financial Institution Data Match program, clarify the groups of entities required to report, and insert an additional penalty for an entity's refusal to comply	4/13/16
8	Revise SC Code §63-17-2710 et seq to resolve ambiguities in the wording of the child support lien statutes in order to remove hindrances to attach assets of people who fail to meet their child support obligations	4/13/16
9	Revise SC Code §63-17-3010 and §63-17-3935 to clean up erroneous cross references in order to ensure compliance with changes to the Uniform Interstate Family Support Act	4/13/16
10	Institute annual mandatory staff training related to domestic violence	4/13/16
11	Consider and implement, as appropriate, internal changes to track practices and performance measures relating to recruitment, licensure, and support services for foster families	4/13/16
12	Examine operational units for elimination, duplication, and streamlining of functions	4/13/16
13	Examine specific functions of the agency to determine if they best fit within the agency's core mission	4/13/16
14	Examine the need to reduce the size of administrative functions	4/13/16
15	Merge all administrative functions into one division	4/13/16
16	Examine the agency's over-reliance on contracting core services to external providers	4/13/16
17	Align supervision of county operations with regional structure	4/13/16
18	Standardize the regional structure for Economic Services and Human Services	4/13/16
<b>Department of Transportation</b>		
19	Revise Section 57-5-820 and 54-5-830 - Municipal approval of projects	5/3/16
20	Revise Section 57-5-1495 - Collection of toll violations from out of state drivers	5/3/16
21	Revise Section 6-29-770 - State roads and rights of way subject to zoning ordinances	5/3/16
22	Revise Section 28-2-420 - Interest rate on condemnation cases	5/3/16
23	Revise Section 28-11-30 - Expediting inverse condemnation cases	5/3/16
24	Revise Proviso 84.1 Fiscal Year 14-15 Appropriations Bill - Expenditure limitation	5/3/16
25	Revise Proviso 84.2 and 84.3 Fiscal Year 14-15 Appropriations Bill - Special fund authorization and securing bonds and insurance	5/3/16
26	Revise Proviso 84.4 Fiscal Year 14-15 Appropriations Bill - Benefits	5/3/16
27	Revise Proviso 84.5 Fiscal Year 14-15 Appropriations Bill - Document fees	5/3/16

<sup>1</sup> A member of the Committee appended a statement regarding this recommendation to the Committee Study.

<sup>2</sup> Two members of the Committee appended a statement regarding this recommendation to the Committee Study.

28	Revise Proviso 84.6 Fiscal Year 14-15 Appropriations Bill - Meals in emergency operations	5/3/16
29	Revise Proviso 84.7 Fiscal Year 14-15 Appropriations Bill - Rest area water rates	5/3/16
30	Revise Proviso 117.73 Fiscal Year 14-15 Appropriations Bill - Printed report requirements	5/3/16
31	Revise Proviso 117.74 Fiscal Year 14-15 Appropriations Bill - Welcome Centers	5/3/16
32	Add a new Proviso - Non-federal aid restrictions	5/3/16
33	Following up with the agency at the end of this year, via a Request for Information, to ascertain the status of the agency's stated plan for internal changes, including but not limited to, the agency's implementation plan that includes target dates for the Legislative Audit Council's recommendations in which the agency concurs	5/3/16
<b>First Steps</b>		
34	Continue investment in a comprehensive, results-oriented initiative for improving early childhood development by providing, through local partnerships, public and private funds, and support for high-quality early childhood development and education services for children by providing support for their families' efforts toward enabling their children to reach school ready to succeed. Also recommends that SC First Steps continue to operate that initiative.	5/4/16
35	Revise law to establish a common assessment tool for school readiness for use within the public and private sectors and commit to its use over a period of years	5/4/16
36	Revise law to appropriate resources to develop an interagency, early childhood data system	5/4/16
37	Revise law to appropriate all BabyNet funds to the BabyNet lead agency	5/4/16
38	Revise law to take steps to ensure greater equity in 4K provider funding, to include teacher pay and the exploration of tax and other incentives to participating private providers	5/4/16
39	Determine the feasibility of instituting a sliding fee scale for BabyNet services	5/4/16
40	Work in collaboration with the SC Department of Education to study and depict the comprehensive costs of public and private sector 4K service provision	5/4/16
41	Develop a pilot project designed to provide startup funds for potential private 4K providers in underserved areas. The development of the pilot project should consider best practices in other states and nontraditional funding mechanisms (eg Social Impact Bonds).	5/4/16
42	Work with its local partnerships to establish 4K classrooms in communities where no other providers are available	5/4/16
43	Update Provisos 1.66 and 1A.31 to adjust the 4K tuition amount to match the law's requirement that the rate be inflation indexed and to support additional materials funding	5/4/16
44	Update Proviso 1.71 to update the type of assessment for which unspent funds can be used to purchase technology	5/4/16
45	Update Proviso 1A.67 to require provision of special education accommodations during the administration of readiness assessments	5/4/16
46	Update Proviso 1A.68 to modify the BabyNet autism therapy services rates	5/4/16
47	Add a proviso permitting 4K geographic expansion and/or extension of the school year for children with identified early literacy deficiencies	5/4/16
48	Add a proviso reauthorizing SC First Steps for FY17 in the absence of standalone statutory reauthorization	5/4/16
<b>Commission for the Blind</b>		
49	The agency's budget in the ensuing fiscal year be increased to bring the funding for the prevention program up to what it was prior to budget curtailments in 2008 and 2009 in present value, which would require an additional \$650,000	10/3/16
50	The agency should seek to develop relationships with state and local human resources agencies, regarding both connecting clients to positions and assisting government employers with methods for retaining employees with declining vision	10/3/16
51	Revise SC Code § 43-25-10 to change the visual acuity requirement for three Commission members from 20/200 to the legal definition of blindness, as stated in §43-25-20	10/3/16
52	Revise SC Code § 43-25-30 to remove the requirement that the Commission assist in the furtherance of now deleted sections of the S.C. Code of Laws	10/3/16
53	Revise SC Code § 43-25-60 to change the term "itinerant teacher" to "itinerant counselor"	10/3/16

<b>School for the Deaf and the Blind</b>		
54	Add a section to Chapter 47, of Title 59, of the SC Code of Laws stating that “The School for the Deaf and the Blind is established to provide high quality education programs and outreach services to students who are deaf, blind, or sensory multi-disabled”	10/31/16
55	Delete SC Code of Laws §59-47-90, relating to the collection of maintenance fees	10/31/16
56	Amend SC Code of Laws §59-47-100, deleting the phrase “the names of the persons who have received the bounty, the ages and places of residence of such persons and information as to their progress”	10/31/16
57	Amend SC Code of Laws §8-11-270 to clarify the definition of “instructional position” by including the phrase “including but not limited to teachers, associate teachers, bus drivers, orientation mobility staff, occupational therapists, physical therapists, and interpreters”	10/31/16
<b>Other Study</b>		
58	Add a provision in statute that makes it illegal to sell products of conception, but allows for the donation of such products for medical research without compensation and with the mother’s written consent	4/13/16
59	Require (1) abortion clinics and hospitals, including emergency rooms, to report to the agency post-operative complications arising as a result of an abortion procedure regardless of where the abortion was performed; (2) if the patient is willing to provide the information, the name of the abortion clinic or hospital which performed the initial abortion, and (3) the agency to use that reporting to collect and provide, by facility which performs the abortion, statistics on the number of post-operative complications reported.	4/13/16
60	Add a provision in statute to require that an ultrasound be performed prior to an abortion procedure to determine the gestational age of the fetus	4/13/16
61	Require physicians performing any abortion to comply with requirements of the “Woman’s Right to Know Act”	4/13/16

## 122<sup>ND</sup> GENERAL ASSEMBLY (2017-2018)

South Carolina Transportation Infrastructure Bank		
1	The Subcommittee recommends implementation of the Legislative Audit Council's recommendation number 24 from its comprehensive audit released May 26, 2016. Specifically, this is a recommendation that "[t]he General Assembly should amend South Carolina Code of Laws § 8-13-710 to make it illegal for all state public officials, board members, and employees to accept any gifts over a specific dollar amount that are a result of their holding state government positions."	3/30/17
2	The Subcommittee recommends SCTIB not fund projects that have been "bundled together" to meet the minimum project threshold amount, if the smaller projects individually do not reach the \$25,000,000 minimum project cost required by statute.	3/30/17
3	The Subcommittee recommends SCTIB adopt, in its publicly available operating guidelines, a definition of the term "local match."	3/30/17
4	The Subcommittee recommends follow up with SCTIB in the next year to obtain more information about the working relationship between SCTIB and the Department of Transportation (DOT) in light of the changes effected by Act 275 of 2016 with regards to the approval process for providing a loan or other financial assistance to a qualified borrower on a qualified project.	3/30/17
Department of Juvenile Justice		
5	Update case manager policies - DJJ require case managers to enter activity notes related to the juveniles in the Juvenile Justice Management System.	3/30/17
6	Determine and eliminate duplication in case manager activities - DJJ provide a list of the tools case managers need to avoid duplication in performing their job duties along with the associated costs and a potential time frame to provide these tools.	3/30/17
7	Review appropriateness of agency employee's membership in state retirement systems - DJJ request the Public Employee Benefit Authority (PEBA) analyze DJJ employees' membership in state retirement systems (e.g., South Carolina State Retirement System and Police Officers Retirement System) to determine appropriateness of employee participation in one system or another.	3/30/17
8	Cite to source of data when providing information - DJJ include a citation (e.g., footnote or endnote) when providing data or statistics to legislators or others. In this citation, the agency may explain the following: (1) source of the information, (2) search parameters; and (3) any other necessary contextual information to assist the reader.	3/30/17
9	Provide quarterly updates - DJJ provide an update, in an approved format, once a quarter from April 3, 2017, until April 3, 2018, or the Committee re-visits the need for the updates. Information included in the quarterly updates may include: (1) updated strategic plan, in which each objective meets the S.M.A.R.T. criteria; (2) updated strategic budget chart for 2016-17 and 2017-18, with agency funding allocated to an objective; (3) updated performance measures, with an eye towards focusing on measuring more outcomes, rather than outputs, for the citizens of South Carolina; (4) data for the quarter related to Performance Based Standards; (5) implementation status of recommendations from the Legislative Audit Council's audit of the agency; and (6) implementation status of other recommendations.	3/30/17
Department of Archives and History		
10	Create informational media (e.g., pamphlet) and work with the Municipal Association of South Carolina to raise awareness among municipalities about the Certified Local Government Program, which promotes community preservation planning and heritage education through a partnership with the State Historic Preservation Office (i.e., the agency) and the National Park Service.	8/16/17
11	Conduct a regular review of fees or charges for services to commercial customers to ensure they sufficiently cover the agency's cost to research and prepare materials.	8/16/17
12	Revise SC Code of Laws § 12-6-5060 to authorize taxpayer voluntary contribution to the Department of Archives and History to be used to purchase or preserve collections with significant historical value to South Carolina.	8/16/17
13	Codify Proviso 26.1 by revising SC Code of Laws § 60-11-120 relating to disposition of certain duplicative archival material.	8/16/17



14	Codify Proviso 26.2 by revising SC Code of Laws § 60-11-100 to allow for use of proceeds.	8/16/17
15	Revise SC Code of Laws § 12-6-3535 so as to establish a State Historic Preservation Grant Fund through authorization of a fee for the State Historic Preservation Office's review of state income tax credit applications for making qualified rehabilitation expenditures to a certified historic structure. Require the agency to develop an application process for distribution of funds from the State Historic Preservation Grant Fund.	8/16/17
16	Ask all agencies under study by the House Legislative Oversight Committee if they are current with transferring records, including electronic ones, to the Department of Archives and History. If not, why not?	8/16/17
17	Ask any agency that has a technology funding request for a server if it is current with transferring its electronic records to the Department of Archives and History. If not, why not?	8/16/17
18	Provide accountability for funds that pass through state agencies to other entities. This is a concept recommendation only.	8/16/17
19	Include provisions allowing for the transfer of the records to the Department of Archives and History when procuring proprietary software.	8/16/17
<b>Treasurer's Office</b>		
20	Develop a written employee retention policy, to the extent one does not already exist, or review such policy if one does exist.	8/16/17
21	Clarify, through legislation, the duties of the Treasurer's Office regarding its role as custodian of the state's public pension funds, member of the Retirement System Investment Commission, and member of the State Fiscal Accountability Authority.	8/16/17
22	Add provisions in law requiring the Treasurer's Office, no later than July 1 of each year, to provide to the General Assembly, and publish on the agency's website: <ul style="list-style-type: none"> <li>• the Investment Policy Statements which reflect the intended management of the investment portfolios for the fiscal year; and</li> <li>• a Performance report which includes the annualized net-of-fee return of each investment portfolio versus all internal benchmarks stated in the Investment Policy Statements, for the trailing 1,3,5, and 10 years.</li> </ul>	8/16/17
23	Review the drafting and approval process of litigation retention agreements and settlement agreements during the Committee's study of the Office of the Attorney General.	8/16/17
24	Follow-up with the Treasurer's office by the end of 2017 about its review or development of an employee retention plan, and any other questions the committee has for the agency.	8/16/17
<b>Law Enforcement Training Council and Criminal Justice Academy</b>		
25	Approve nationally recognized aptitude tests and minimum scores as a prerequisite to attending the agency's basic training.	11/3/17
26	Clarify hiring requirements and annual firearms qualifications by amending SC Code Section 23-23-40 or applicable regulations.	11/3/17
27	Require law enforcement officers to receive training in cultural professionalism; prejudice and personality; and/or culture diversity by updating regulations.	11/3/17
28	Authorize the agency director, in his sole discretion, to issue civil penalties to law enforcement agencies not following laws or regulations with appeal to the Training Council as a final agency decision. Provide a mechanism for the agency to collect penalties issued by amending SC Code Ann. §23-23-100.	11/3/17
29	Revise laws to designate an entity in state government responsible for ensuring local governments remit timely and accurate payments of court fines and fees as required in law. Further, work with the designated entity to determine if there are more effective options for obtaining compliance.	11/3/17
30	Work with various stakeholders, to determine what revisions to laws, if any, are necessary relating to local government audited financial statements and penalties for non-compliance.	11/3/17
31	Provide the agency a steady, reliable base source of funding.	11/3/17
32	Require an employer with a Class I Law Enforcement Officer to certify it has access to the Internet and the ability to access online forms and/or databases utilized by the Training Council and/or Academy.	11/3/17

33	Allow law enforcement entities to complete personnel change in status information via a web based form, and create formulas and rules in the database to increase the ability of the agency to analyze information.	11/3/17
34	Determine the cost of tracking law enforcement officer discipline in a central database, with individual records available only with the consent of the individual officer. Follow up: Provide this information to the House Oversight Committee by Tuesday, January 9, 2018, the first day of the 2018 legislative session.	11/3/17
35	Annotate data and statistics provided to the public and legislators.	11/3/17
36	Compile and update annually a list with information about computer systems/databases utilized by each county and municipality to ensure future programs obtained by the State will work across the different technologies utilized.	11/3/17
37	Define key terms related to misconduct, including “dishonesty” and “untruthfulness,” as well as add and define, “officers of the court,” by updating SC Code of Regulations 37-025 Denial of Certification for Misconduct and 37-026 Withdrawal of Certification of Law Enforcement Officers.	11/3/17
38	Update laws relating to the officer misconduct hearing process as outlined by the agency. Prohibit receipt of any allegations of law enforcement misconduct impacting certification more than 30 days after an officer’s separation from an agency, unless there are extenuating circumstances.	11/3/17
39	Remove the pass through of funds to Education Television Commission (ETV) from the Training Council and Academy’s section of the General Appropriations Act and include those funds in ETV’s section of the General Appropriations Act.	11/3/17
40	Authorize the agency director to determine the location of a “training facility” for mandatory training or other types of training by amending SC Code Ann. §23-23-20.	11/3/17
<b>Department of Agriculture</b>		
41	Remove the bond (\$50,000) requirement of the Commissioner of Agriculture.	11/3/17
42	Limit service in a hold-over capacity on the Agriculture Commission to a period not to exceed six months.	11/3/17
43	Remove statutory references to the Agriculture Commission’s authority to establish the agency’s policies and annually approve the agency’s budget as the Commissioner of Agriculture is a state constitutional officer.	11/3/17
44	Adopt the model feed law proposed by the American Association of Feed Control Officials, which approximately 25 other states have already adopted.	11/3/17
45	Require businesses dispensing petroleum products to notify the agency within 30 days of operating dispensers.	11/3/17
46	Enforce a tiered monetary penalty for habitual and willful offenders of petroleum law that take advantage of consumers.	11/3/17
47	Remove statutory reference to the agency’s involvement with the “cottage law,” which is regulated by the Department of Health and Environmental Control (i.e., remove an exemption registration burden from small home-based food producers that distribute non-potentially hazardous baked-goods and candy to the end consumer).	11/3/17
48	Modernize the cotton warehouse receipt law (i.e., accept Permanent Bale Identification from a cotton gin as the universal warehouse receipt number).	11/3/17
49	Revise state egg law (i.e., exempt United States Department of Agriculture graded facilities from state licensing; remove licensure requirements for small producers; and authorize the licensure of quail eggs).	11/3/17
<b>Department of Public Safety</b>		
50	Ensure the appropriate division head is involved in the hiring process. Ensure policies outline clearly which personnel provide input at which stages of the hiring process.	12/1/17
51	Research the cost and feasibility of implementing a career path for agency employees	12/1/17
52	Track applicable data to determine which recruiting methods are effective in obtaining applicants with the temperament and ability to successfully complete appropriate Criminal Justice Academy courses. Include this data in the agency’s Accountability Report each year.	12/1/17
53	Revisit policy which automatically disqualifies job applicants with visible tattoos.	12/1/17
54	Update the agency’s Personnel Allocation Model to conform to national standards.	12/1/17

55	Review industry best practices on trooper fatigue under various shift changes.	12/1/17
56	Request a permanent line item, which identifies funding for the equipment replacement schedules, in the General Appropriations Act.	12/1/17
57	Develop a computer and technology replacement cycle; include this information in the agency's budget request.	12/1/17
58	Implement the agency's existing Alcohol and Drug Deterrence Policy and perform random and post-accident drug testing of agency employees.	12/1/17
59	Revise the agency's Residency Policy to have clear standards of which employees are required, and which are not required, to live within various requisite distances from their troop headquarters or their assigned post. Apply Residency Policy consistently.	12/1/17
40	Update the agency's Audio-Video Monitor Report Form to include the reason the supervisor is reviewing a video. Track this information in the activity console (i.e., agency's internal database).	12/1/17
41	Review the policies and format of the corrective action plans submitted by Troop Commanders in response to Staff Inspection Reports. Ensure these plans include deadlines and appropriate follow-up.	12/1/17
42	Distinguish between the number of active troopers and number of troopers who are still in training when reporting data.	12/1/17
43	Restructure the agency so both the Office of Professional Responsibility and Human Resources Office report to the Legal Department, whose attorneys are subject to requirements of legal ethics and rules of professional responsibility to remain licensed to practice law, then the Director.	12/1/17
44	Adopt a process by which employees can provide feedback to the agency anonymously.	12/1/17
45	Have an outside entity perform a leadership climate and employee morale survey of the agency beginning this year and once every three years thereafter. Require agency leadership to generate and follow through with improvement plans based upon the results of the surveys	12/1/17
46	Require Troop Commanders and Supervisors in the Blythewood Office, including the Director, to spend one day per month on the road to stay abreast of troopers' daily activities.	12/1/17
47	Transfer the Illegal Immigration Enforcement Unit to the State Law Enforcement Division.	12/1/17
48	Transfer grants programs unrelated to highway safety (i.e., criminal justice, juvenile justice; and crime victims) to another agency.	12/1/17
49	Coordinate a meeting with the division of State Human Resources and other agencies which may have similar scheduling situations, (e.g., Department of Juvenile Justice; Department of Corrections; and Department of Social Services), to discuss ways to reduce the amount of time necessary to enter and update personnel hours in the South Carolina Enterprise Information System.	12/1/17
50	Research the costs involved in the agency producing reports from the Multi-disciplinary Accident Investigation Team and private sector industry standards related to amounts charged for this type of information to determine appropriate charges for these reports.	12/1/17
51	Revise SC Code Section 23-6-187, relating to witness fees for troopers, trained in Advanced Accident Investigation, testifying in civil matters, to allow the agency to adjust the amount it charges each year with inflation.	12/1/17
52	Revise SC Code Section 23-6-20, relating to establishment of the agency, to remove references to transfers of divisions and, instead, require the agency to maintain a list of its divisions.	12/1/17
53	Update SC Code Section 23-6-30, relating to the duties and powers of the agency, to remove a reference to a training program now provided by the Criminal Justice Academy.	12/1/17
54	Revise SC Code Section 23-6-50, relating to an annual audit, carrying funds into the next fiscal year, and retention of revenue to meet the agency's expenses, to remove outdated references and allow the agency to expend certain funds for drug testing.	12/1/17
55	Provide an update, in an approved format, once a quarter from April 3, 2017, until April 3, 2018, or the Committee re-visits the need for the updates.	12/1/17
56	Provide the Committee an update every 30 days about the status of payments to subgrantees (i.e., crime victim service providers grant requirements).	12/1/17

57	Provide an update, in an approved format, once a quarter from April 3, 2017, until April 3, 2018, or the Committee re-visits the need for the updates.	12/1/17
58	Provide the Committee an update every 30 days about the status of payments to subgrantees (i.e., crime victim service providers grant requirements).	12/1/17
<b>Human Affairs Commission</b>		
59	Review its performance measures for its strategic plan including, but not limited to, designing and implementing performance measures for the agency's work with community relations councils.	12/1/17
60	Develop a written employee retention policy and update its website to include its policies and procedures.	12/1/17
61	Authorize the agency to promulgate a regulation outlining relief that may be awarded by an agency panel for public accommodations discrimination.	12/1/17
62	Protect against public accommodations discrimination on the basis of sex by amending S.C. Code § 45-9-10(A).	12/1/17
63	Empower SCHAC to investigate charges of public accommodations discrimination by amending S.C. Code § 45-9-40 and §45-9-80.	12/1/17
64	Outline the full range of damage awards available in cases of employment discrimination in S.C. Code § 1-13-90(c)(16).	12/1/17
65	Provide a complainant adequate opportunity to file a civil suit following a SCHAC investigation by amending S.C. Code § 1-13-90(d)(6).	12/1/17
66	Establish a limit on the relief that may be awarded under the human affairs law by amending S.C. Code § 1-13-100	12/1/17
67	Establish that disability discrimination related to modifications, accommodations and construction deficiencies in a housing investigation may involve the terms and conditions of a sale or rental of a dwelling, in addition to the denial of a dwelling, by amending S.C. Code § 31-21-70(G).	12/1/17
68	Clarify that the agency has the power to subpoena non-state agency employers, in accordance with S.C. Code § 1-13-90(d), by amending S.C. Code § 1-13-70(i).	12/1/17
69	Amend S.C. Code § 31-21-120(B) to remove an outdated requirement pertaining to complaint filing procedures.	12/1/17
70	Remove a requirement for SCHAC to submit an additional annual report covering information already included in the annual accountability report by amending S.C. Code § 1-13-40(j).	12/1/17



- Website - <http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee.php>
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