

Legislative Oversight Committee
Educational and Cultural Subcommittee Meeting
Tuesday, October 23, 2018

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AGENDA

South Carolina House of Representatives



Legislative Oversight Committee

EDUCATION AND CULTURAL SUBCOMMITTEE

Chairman Joseph H. Jefferson, Jr.

The Honorable Chandra E. Dillard

The Honorable Tommy M. Stringer

The Honorable John Taliaferro "Jay" West, IV

Tuesday, October 23, 2018

9:30 a.m.

Room 321 -Blatt Building

Pursuant to Committee Rule 6.8, S.C. ETV shall be allowed access for internet streaming whenever technologically feasible.

AGENDA

- I. Approval of Minutes
- II. Discussion of study of the Educational Television Commission
- III. Adjournment

MEETING MINUTES

Chair Wm. Weston J. Newton

*First Vice-Chair:
Laurie Slade Funderburk*

Legislative Oversight Committee

*Katherine E. (Katie) Arrington
William K. (Bill) Bowers
Neal A. Collins
MaryGail K. Douglas
William M. (Bill) Hixon
Jeffrey E. (Jeff) Johnson
Robert L. Ridgeway, III
Bill Taylor
John Taliaferro (Jay) West, IV*



South Carolina House of Representatives

*Bruce W. Bannister
Gary E. Clary
Chandra E. Dillard
Phyllis J. Henderson
Joseph H. Jefferson, Jr.
Mandy Powers Norrell
Tommy M. Stringer
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Research Analyst/Auditor*

*Kendra H. Wilkerson
Fiscal/Research Analyst*

Education and Cultural Subcommittee

Wednesday, October 3, 2018
Room 321 Blatt Building

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 Education and Cultural Subcommittee meeting was called to order by Chairman Joseph H. Jefferson, Jr., Wednesday, October 3, 2018, in Room 321 of the Blatt Building. All members were present for some or all of the meeting.

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. It is the practice of the Legislative Oversight Committee to provide minutes for its subcommittee meeting.

- II. Representative Chandra Dillard moves to approve the minutes from the Subcommittee’s meeting on September 6, 2018. A roll call vote is held, and the motion passes.

Representative Dillard’s motion to approve the minutes from the June 5, 2018, meeting:	Yea	Nay	Not Voting: Present	Not Voting: Absent
Chandra E. Dillard	✓			
Joseph H. Jefferson, Jr.	✓			
Tommy Stringer				✓
John Taliaferro (Jay) West, IV	✓			

Discussion of Educational Television Commission (ETV)

- I. Chairman Jefferson provides opening comments and states that this is the subcommittee’s fourth meeting with ETV. Further, he explains the purpose of the meeting is to discuss subcommittee and agency recommendations.
- II. Chairman Jefferson reminds ETV President and CEO Anthony Padgett and other agency representatives that they remain under oath.
- III. Mr. Padgett provides testimony on the following topics:
 - a. Agency work during Hurricane Florence, including the South Carolina Emergency Information Network;
 - b. Internal changes made during the oversight process regarding employee structure, agency focus, and internal processes; and
 - c. Law change recommendations from the agency
- IV. Different subcommittee members ask questions, which Mr. Padgett and other agency representatives answer. Question topics include, but are not limited to:
 - a. Inter-agency brainstorming about issues that impact multiple agencies;
 - b. Procurement;
 - c. Agency enabling legislation;
 - d. Outdated statutory language; and
 - e. ETV Endowment

- V. Representative Chandra E. Dillard moves the study include a recommendation that the agency, ETV, collaborate and discuss with the Department of Education as to the potential need to revise language in SC Code Section 59-32-30(4) so as to not conflict with provisions in the South Carolina Comprehensive Health Education Act. A roll call vote is held, and the motion passes.

Rep. Dillard's motion that the study include a recommendation that the agency, ETV, collaborate and discuss with the Department of Education as to the potential need to revise language in SC Code Section 59-32-30(4) so as to not conflict with provisions in the South Carolina Comprehensive Health Education Act.:	Yea	Nay	Not Voting: Present	Not Voting: Absent
Chandra E. Dillard	✓			
Joseph H. Jefferson, Jr.	✓			
Tommy Stringer			✓	
John Taliaferro (Jay) West, IV	✓			

- VI. Representative West moves the Subcommittee Study include a recommendation that the agency, ETV, work with their endowment and create a memorandum of agreement or understanding (i.e., MOA or MOU) which dictates the parameters in which they operate. A roll call vote is held, and the motion passes.

Rep. West's motion that the Subcommittee Study include a recommendation that the agency, ETV, work with their endowment and create a memorandum of agreement or understanding (i.e., MOA or MOU) which dictates the parameters in which they operate:	Yea	Nay	Not Voting: Present	Not Voting: Absent
Chandra E. Dillard	✓			
Joseph H. Jefferson, Jr.	✓			
Tommy Stringer			✓	
John Taliaferro (Jay) West, IV	✓			

- VII. Representative Dillard moves the Subcommittee Study include a recommendation that the agency, ETV, seek a procurement exemption through the existing process with the State Fiscal Accountability Authority for industry specific services. A roll call vote is held, and the motion passes.

Rep. Dillard's motion that the Subcommittee Study include a recommendation that the agency, ETV, seek a procurement exemption through the existing process with the State Fiscal	Yea	Nay	Not Voting: Present	Not Voting: Absent

Accountability Authority for industry specific services:				
Chandra E. Dillard	✓			
Joseph H. Jefferson, Jr.	✓			
Tommy Stringer			✓	
John Taliaferro (Jay) West, IV	✓			

Adjournment

- I. There being no further business, the meeting is adjourned.

STUDY TIMELINE

Study Timeline - Educational Television Commission

- February 2015 - Agency submits its **Annual Restructuring and Seven-Year Plan Report**, which is available online.
- January 12, 2016 - Agency submits its **2016 Annual Restructuring Report**, which is available online.
- December 19, 2017 - **Full committee votes to schedule the Educational Television Commission (SCETV) for study.** Video of the meeting is available online.
- January 23, 2018-March 1, 2018 - Committee solicits input from the public about the agency in the form of an **online public survey.** The results of the public survey are available online.
- April 26, 2018 - Committee holds **public input meeting** about SCETV; Commission on Indigent Defense; and Commission for Prosecution Coordination. Video of the meeting is available online.
- April 18, 2018 - Agency submits its **Program Evaluation Report**, which is available upon request.
- June 5, 2018 - Subcommittee holds **Meeting #2** with agency to receive an overview of the agency's history, mission, organization, products, and services.
- July 24, 2018 - August 3, 2018 - Agency submits amended **Program Evaluation Report**, which is available online.
- August 16, 2018 - Subcommittee holds **Meeting #3** with agency to receive testimony about the agency's resources and relationships with other entities.
- September 6, 2018 - Subcommittee holds **Meeting #4** with agency to receive testimony about the agency's performance and strategic allocation of resources.
- October 3, 2018 - Subcommittee holds **Meeting #5** with the agency to discuss agency recommendations.
- Ongoing - Public may submit written comments on the Oversight Committee's webpage on the General Assembly's website (www.scstatehouse.gov).

AGENCY OVERVIEW

Snapshot

Educational Television Commission

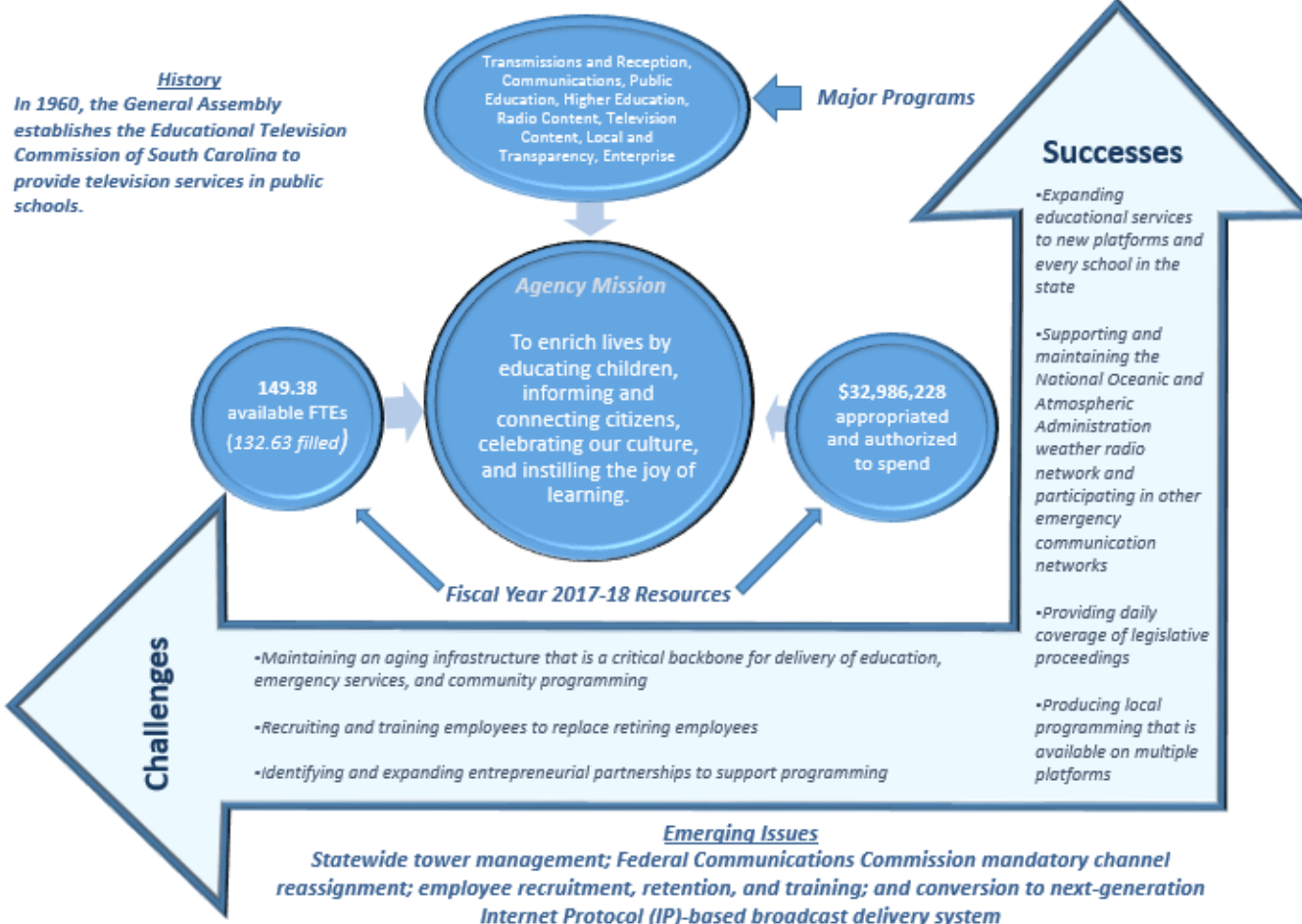


Figure 1. Snapshot of agency that includes its history, mission, resources, successes, challenges, and emerging issues

AGENCY-RELATED STATE LAW

CHAPTER 7

Educational Television Commission

SECTION 59-7-10. Educational Television Commission created; appointment and terms of members.

There is hereby created the South Carolina Educational Television Commission, which shall be composed of the Superintendent of Education, who shall be a member of the commission, ex officio, and in addition the commission shall be composed of eight members to be appointed by the Governor as follows: One shall be appointed from each of the congressional districts, and one shall be appointed from the State at large, who shall be named by the Governor as chairman of the commission. The term of the member who serves ex officio shall be coterminous with the term of the office to which he was elected, and the terms of the members appointed by the Governor shall be for six years, except that of those first appointed two shall serve for terms of two years, two shall serve for terms of four years and three shall serve for terms of six years, after which the terms of all members shall be for six years.

HISTORY: 1962 Code Section 21-60; 1960 (51) 1779; 1991 Act No. 248, Section 6; 2012 Act No. 176, Section 1, eff May 25, 2012.

Editor's Note

2012 Act No. 176, Sections 18 and 19, provide as follows:

“SECTION 18. Notwithstanding any other provision of law to the contrary, any person elected or appointed to serve, or serving, as a member of any board or commission to represent a Congressional district, whose residency is transferred to another district by a change in the composition of the district, may serve, or continue to serve, the term of office for which he was elected or appointed; however, the appointing or electing authority shall appoint or elect an additional member on that board or commission from the district which loses a resident member as a result of the transfer to serve until the term of the transferred member expires. When a vacancy occurs in the district to which a member has been transferred, the vacancy must not be filled until the full term of the transferred member expires.

“SECTION 19. In the event that elections for incumbent university board of trustees' seats whose terms are expiring this year are not held prior to June 30, 2012, current board members will retain their seats until the General Assembly reconvenes and holds elections.”

Effect of Amendment

The 2012 amendment substituted “eight” for “seven”; removed the word “six” preceding the phrase “congressional districts”.

CROSS REFERENCES

Committee members, rather than chairmen, may be elected to serve ex officio on boards and commissions, see Section 2-1-90.

LIBRARY REFERENCES

States 45 to 51.

Westlaw Key Number Searches: 360k45 to 360k51.

C.J.S. States Sections 61, 79 to 80, 82 to 85, 87, 91 to 92, 102 to 103, 123, 136.

RESEARCH REFERENCES

Encyclopedias

S.C. Jur. Telecommunications Section 31, Education Television Commission.

Attorney General's Opinions

Meeting of South Carolina Educational Television Commission, conducted without quorum, is not illegal, but any action taken at meeting, is void. Ex officio member must be counted to determine whether quorum is present. Commission member must vote in person and cannot send proxy, absent statutory authorization. Commission members who are ex officio by virtue of chairing specified legislative committee cannot appoint another committee member to attend in his place. Committee itself can elect another member to serve in chairman's place. 1984 Op Atty Gen, No. 84-54, p. 136.

Commission is instrumentality of State and exempt from Federal and State income taxes. Op Atty Gen, February 14, 1963.

SECTION 59-7-20. Advisory committees.

The Commission shall appoint an advisory committee of educators and an advisory committee of technical experts, each of which shall consist of such numbers as the Commission may deem advisable, and the terms of the members of the committee of educators and committee of technical experts shall be for such length and under such conditions as the Commission may decide.

HISTORY: 1962 Code Section 21-60.1; 1960 (51) 1779.

SECTION 59-7-30. Compensation.

The members of the Commission and each of the advisory committees shall receive such per diem and mileage as authorized by law for other boards and commissions of the State.

HISTORY: 1962 Code Section 21-60.2; 1960 (51) 1779.

SECTION 59-7-40. Studies and reports; cooperation of State agencies; acquisition of property.

The Commission shall make a complete study of the use of educational television and its adaptation for instructional purposes in all of the public schools of the State. The State Department of Education and any other State agency shall render such assistance, advice and cooperation as may be within their means upon the request of the Commission. The Commission shall make such report with recommendations as may be desirable to the Governor and the General Assembly from time to time. The Commission may purchase, lease or otherwise acquire and operate such educational television, radio, and related equipment and facilities as are required to develop, promote and extend educational programs to meet the needs of the State and its citizens.

HISTORY: 1962 Code Section 21-60.3; 1960 (51) 1779; 1971 (57) 484.

RESEARCH REFERENCES

Encyclopedias

S.C. Jur. Telecommunications Section 31, Education Television Commission.

SECTION 59-7-50. Contributions; lease or sale of use of facilities, equipment and other program related materials.

The Commission shall have the power to accept contributions from all persons, firms and corporations who may wish to contribute to the program, provided, that both the acceptance and use of any such contributions shall be subject to express approval by the State Budget and Control

Board. The Commission may lease or sell the use of its facilities, equipment, programs, publications and other program related materials on such terms as the Commission deems advantageous, and funds received therefrom shall be used for Commission purposes.

HISTORY: 1962 Code Section 21-60.4; 1960 (51) 1779; 1971 (57) 484.

Code Commissioner's Note

At the direction of the Code Commissioner, reference in this section to the former Budget and Control Board has not been changed pursuant to the directive of the South Carolina Restructuring Act, 2014 Act No. 121, Section 5(D)(1), until further action by the General Assembly.

LIBRARY REFERENCES

Telecommunications 400.

Westlaw Key Number Search: 372k400.

C.J.S. Telegraphs, Telephones, Radio, and Television Section 153.

SECTION 59-7-60. Textbooks and curricula in educational television.

The textbooks and curricula in educational television shall be in conformity with the general policies of the State Department of Education.

HISTORY: 1962 Code Section 21-60.5; 1962 (52) 1741.

LIBRARY REFERENCES

Schools 166.

Westlaw Key Number Search: 345k166.

C.J.S. Schools and School Districts Sections 786, 788.

COMMITTEE CONTACT INFORMATION



- Website - <http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee.php>
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