

# Transparency Report



## South Carolina House of Representatives

### Legislative Oversight Committee

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

*It is the proper duty of a representative body to look diligently into every affair of government and to talk much about what it sees. It is meant to be the eyes and the voice, and to embody the wisdom and will of its constituents.*

-Woodrow Wilson (Congressional Government, 1885)

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

## House Legislative Oversight Committee



Katherine E. "Katie" Arrington



William K. "Bill" Bowers



Neal A. Collins



Chandra E. Dillard



MaryGail K. Douglas



R. Raye Felder



William M. "Bill" Hixon



Jeffrey E. "Jeff" Johnson



Ralph W. Norman



Mandy Powers Norrell



Robert L. Ridgeway, III



J. Todd Rutherford



James E. Smith, Jr.



Tommy M. Stringer



Bill Taylor



Wm. Weston J. Newton  
Chairman



Laurie Slade Funderburk  
Vice-Chair

### Subcommittee Chairs

*at the conclusion of the session*



Bruce W. Bannister



Gary E. Clary



Joseph H. Jefferson, Jr.



Phyllis J. Henderson



Edward R. "Eddie" Tallon, Sr.

For further information about the work of the Committee visit the Committee's webpage at <https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee.php> or email us at [HCommLegOv@schouse.gov](mailto:HCommLegOv@schouse.gov).



John Taliaferro "Jay" West, IV



Robert Q. Williams

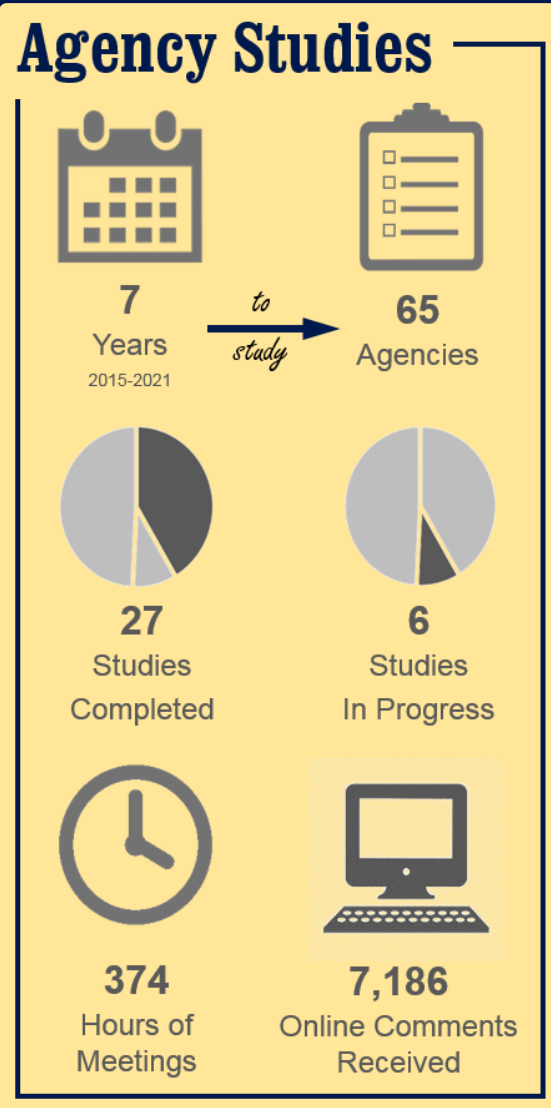
# Building on the Success of the 121<sup>st</sup> General Assembly



## Authority

The South Carolina General Assembly, comprised of the Senate and the House of Representatives, has a constitutional duty to establish appropriate state agencies to function in the areas of health, welfare, and safety of the lives and property of the people of South Carolina, and to determine the activities, powers, and duties of those agencies. With the enactment of the South Carolina Restructuring Act of 2014, the South Carolina General Assembly declared this constitutional duty is “best addressed by periodic review of the programs of the agencies and departments and their responsiveness to the needs of the state’s citizens . . . .”

The Legislative Oversight Committee, created in December 2014, is a vehicle for oversight used by the House of Representatives. The Committee’s specific task is to conduct legislative oversight studies and investigations of state agencies at least once every seven years. The Committee has the authority to conduct studies at any time of state agencies within the Committee’s jurisdiction, even outside of the seven-year cycle.



## Structure

In the 122<sup>nd</sup> General Assembly, the Speaker of the House appointed 23 Representatives to the Committee’s 20 seats for all or part of the two-year period. Each member of the Committee also served on one of the various legislative standing committees of the House, with the exception of the Committee on Ways and Means. In the 122<sup>nd</sup> General Assembly, the Committee was led by Chair Wm. Weston Newton and Vice-Chair Laurie Slade Funderburk. The Committee had five subcommittees, which were the:

- Economic Development, Transportation, and Natural Resources Subcommittee
- Education and Cultural Subcommittee;
- Executive Subcommittee;
- Healthcare and Regulatory Subcommittee; and
- Law Enforcement and Criminal Justice Subcommittee

Each Subcommittee was led by a Subcommittee chair appointed pursuant to Committee Rule 6.1. The names of the Subcommittee Chairs, members of each Subcommittee, and agencies assigned to each subcommittee are on the Committee’s website.

# Generating Outcomes for South Carolinians



## Improving service to the public

- The Department of Archives and History posted an opening for a curator position after hearing testimony from a patron during the study
- The Department of Agriculture made laboratory employees more available to the public after receiving public input during the study

## Fostering government effectiveness

- Act 215 of 2018, which arose from the Committee study of the Law Enforcement Training Council and Criminal Justice Academy, strengthened the penalties for failure to report officer misconduct, prevented those accused of misconduct from interacting with the public, and expanded the rights of accused officers to challenge allegations
- The Department of Public Safety implemented a study recommendation relating to employee feedback leading to creation of a new Criminal Interdiction Unit to learn indicators of criminal activities to recognize before they happen

## Promoting government efficiency

- Act 215 of 2018, which arose from the Committee study of the Law Enforcement Training Council and Criminal Justice Academy, imposes time limits intended to improve the efficiency of officer misconduct cases
- Acts 231 and 232 of 2018 implemented Committee recommendations to simplify statutory requirements for cotton bale identification and home-based food production
- Act 216 of 2018 implemented a Committee recommendation to improve drug inspections and streamline the scheduling of controlled substances
- Act 223 of 2018 implemented a Committee recommendation to improve the process for assessment and payment of property taxes on watercraft
- The Department of Archives and History transferred 3,662 boxes awaiting storage at another state agency to the state record center after being alerted to the issue during the study
- Act 96 of 2017 implemented a Committee recommendation to transfer grant programs unrelated to highway safety out of the Department of Public Safety
- Act 13 of 2017 implemented a Committee recommendation to clarify the multiple roles of the Treasurer's Office

## Demanding accountability

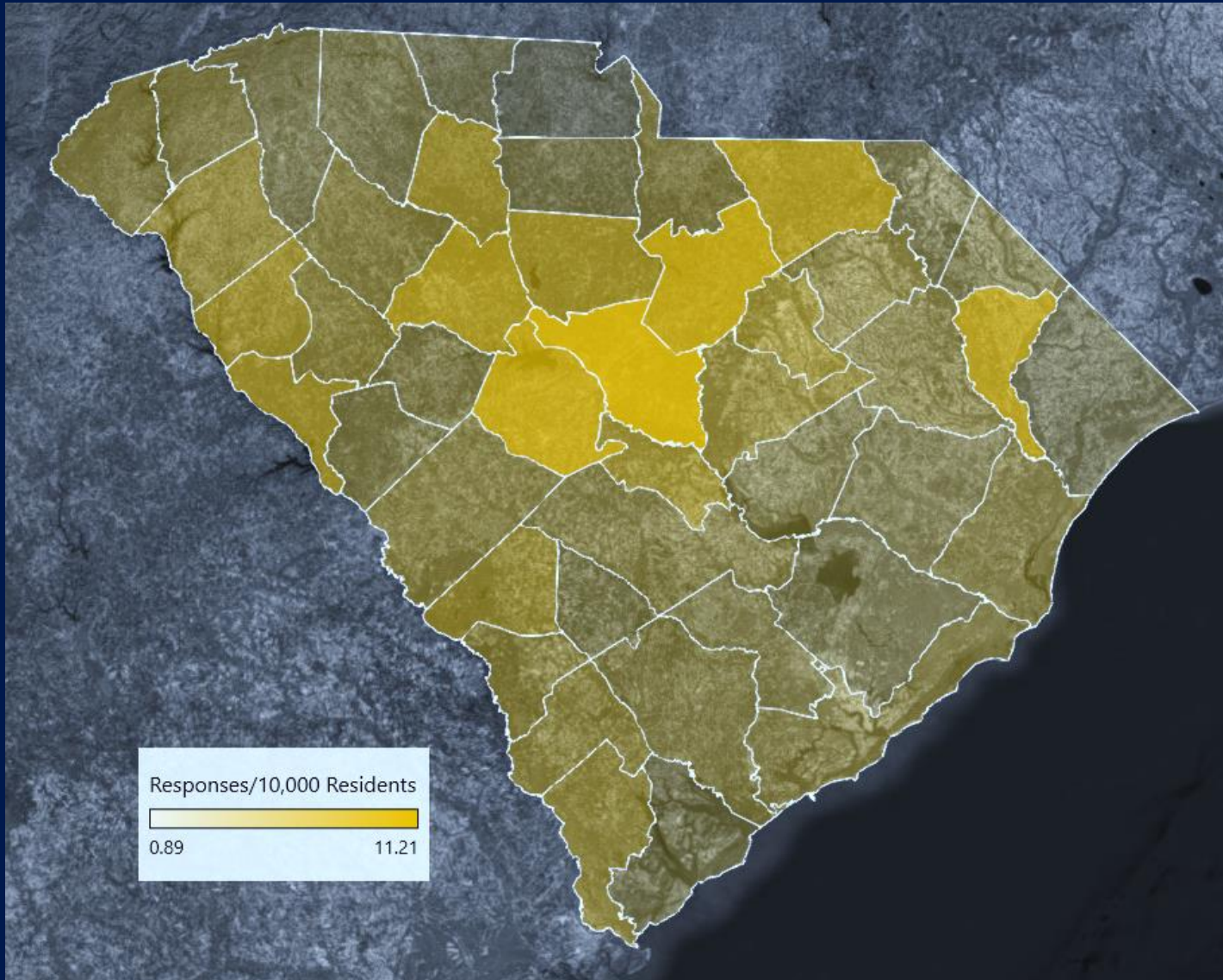
- Legislators question agencies about programs and performance
- The Department of Juvenile Justice submits detailed monthly updates on health, safety, and welfare of juveniles and employees, which are posted on the Committee's webpage
- The Committee requested and posted online updates from the Department of Transportation, Department of Juvenile Justice, and State Transportation Infrastructure Bank on timelines for implementation of Legislative Audit Council recommendations

## Increasing transparency

- Information about agency activities and outcomes is available on the Committee website
- The Department of Natural Resources implemented a study recommendation to create a written policy addressing complaints, if any, against agency leadership
- The State Transportation Infrastructure Bank implemented study recommendations to define a key term and prohibit the "bundling" of projects to meet minimum project cost requirements



# Considering the Public's Input about State Agencies



Public participation was a cornerstone of the Committee's process. There were a variety of opportunities for the public to contribute to the Committee's oversight of agencies, including:

**Participating in surveys online** that were open for 30 days each time the Committee selected the next group of agencies to study. Responses were posted on the Committee's web page.

**Submitting information to the Committee** about an agency via traditional means of communicating with legislators - e.g., email, telephone, or in-person visits with legislators or Committee staff. Input was distributed to Committee members.

**Submitting information about any agency via the public input link on the Committee's website.** Input was distributed to Committee members and posted on the Committee's webpage.

**Providing testimony** during live-streamed public input meetings.

During the **122<sup>nd</sup> General Assembly**, members of the public:

Provided **2,783 responses** to month-long surveys about agencies under study;

Provided **185 responses** through the ongoing public input link; and

Provided public input through testimony in front of the Committee (**93 people**).

*Responses per 10,000 residents to the four month-long surveys about agencies under study during the 122<sup>nd</sup> General Assembly.*



# Transparently Completing Agency Studies

During the 122<sup>nd</sup> General Assembly, the Committee:

- **Completed 21 agency studies;**
- Streamed meetings and posted archived videos online;
- Posted minutes online for full Committee and subcommittee meetings;
- Posted online study materials, including, but not limited to, **correspondence with the agency, links to past meetings with the agency, and reports and materials received from the agency, categorized by topic, in one central location online for the public to view;** and
- Compiled and posted online the following information about agencies in one Excel document for ease of reference in comparing: (1) missions and visions; (2) goals; and (3) customer segments.
- Began studying and investigating the following agencies:
  - Aeronautics Commission;
  - Department of Corrections;
  - Department of Labor, Licensing and Regulation (Subcommittee Study completed);
  - Department of Mental Health;
  - Department of Motor Vehicles; and
  - Wil Lou Gray Opportunity School.

*The Committee website is "as good an example of government transparency as you'll see anywhere." – Robert Ackerman, Director of Levin Center at Wayne State University Law School*

Select the agency logo to be taken to the Full Committee Study Report on the agency.







# Increasing Committee and Public Knowledge

The Committee recognized having a greater knowledge of the context in which agencies worked would enhance its understanding of agency operations. It obtained this knowledge through five primary means:

- 1) Inviting **state agencies providing services to other agencies** to testify about generally-applicable issues ranging from state real estate management to software requirements for electronic records management;
- 2) Inviting **subject-matter experts** to provide testimony about topics ranging from performance measures in criminal defense to grant programming;
- 3) Asking the Legislative Audit Council or Inspector General, **partners in oversight**, to review agencies;
- 4) Requesting an **agency's state government partners** to provide testimony about matters ranging from school-to-work transition services for intellectually disabled students to Medicaid; and
- 5) Hearing from **representatives of associations** about the positions of their members.

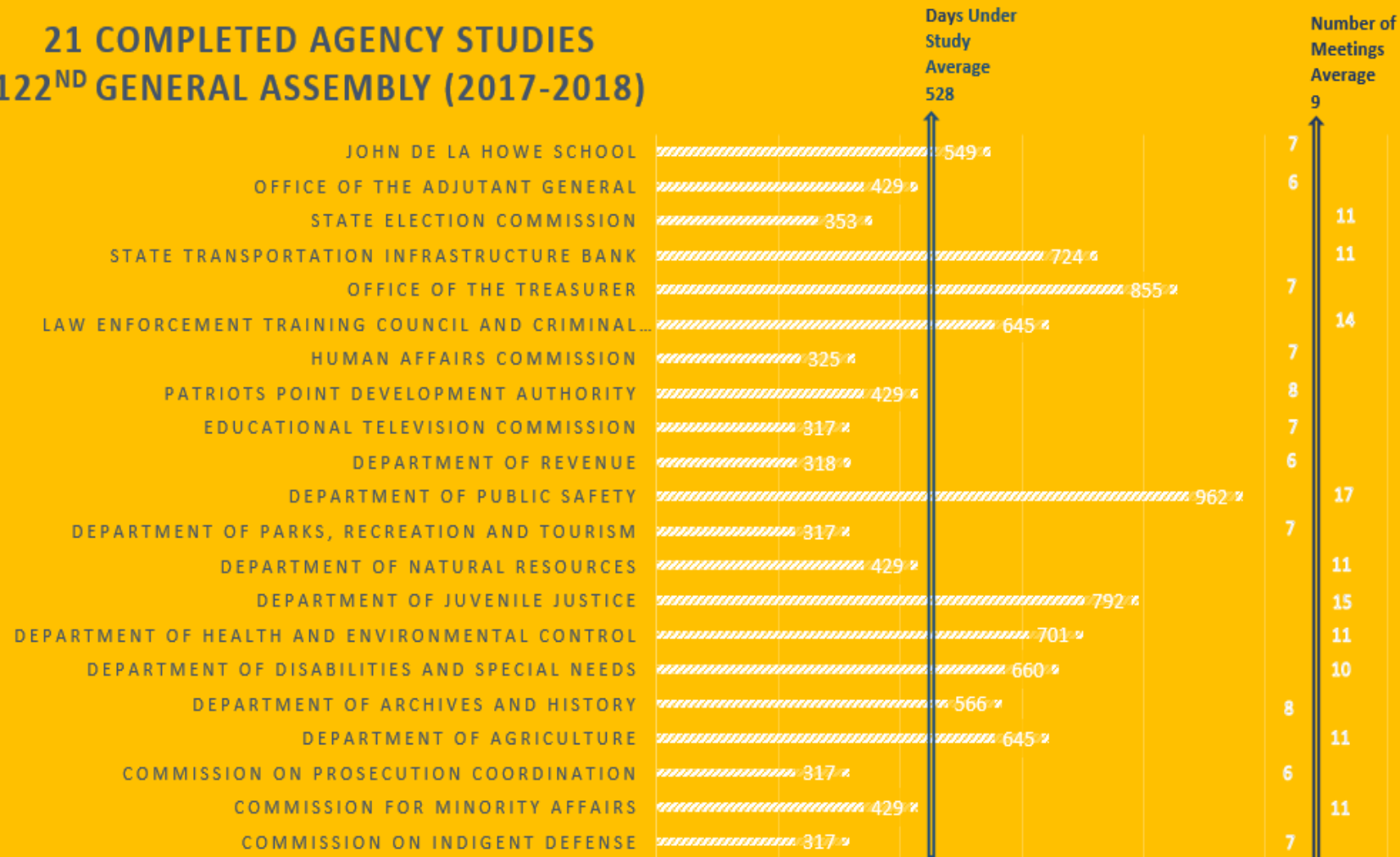


*Laura Hudson, executive director of South Carolina Victim Assistance Network, provided testimony to the Law Enforcement and Criminal Justice Subcommittee about justice grant programs on February 17, 2017.*

# Working Together to Complete Studies



## 21 COMPLETED AGENCY STUDIES 122<sup>ND</sup> GENERAL ASSEMBLY (2017-2018)



During the **122<sup>nd</sup> General Assembly**, Committee members:

- Completed **21 agency studies and investigations**;
- Published a **seven-year review cycle** in the House Journal the first day of each session;
- Participated in **72 subcommittee meetings** and **15 full committee meetings** during all 24 months;
- Visited 9 agencies** under study;
- Ensured **one designated public input** meeting for every agency under study; and
- Approved **64 recommendations** which would impact over 100 statutes and regulations.



# Making Actionable Recommendations



During the 122<sup>nd</sup> General Assembly, the Committee made 424 recommendations, which can be organized into the following categories that include examples:

- **Accountability** of state agencies and their employees to the Committee and the public

The Committee recommended the Department of Juvenile Justice provide quarterly updates including budget and performance data. These updates are posted on the Committee's website.

- **Collaboration** among government entities to better serve the people of South Carolina

The Committee recommended the Department of Parks, Recreation and Tourism collaborate with the Department of Revenue regarding the auditing required for film incentives.

- **Effectiveness** of agency programs

The Committee recommended the John de la Howe School track students who leave its wilderness program in order to better evaluate outcomes.

- **Efficiency** of agency operations

The Committee recommended the Department of Natural Resources review taxation of boats to determine if the process used for automobiles would be more efficient.

- **Employee input** about how to improve agency operations

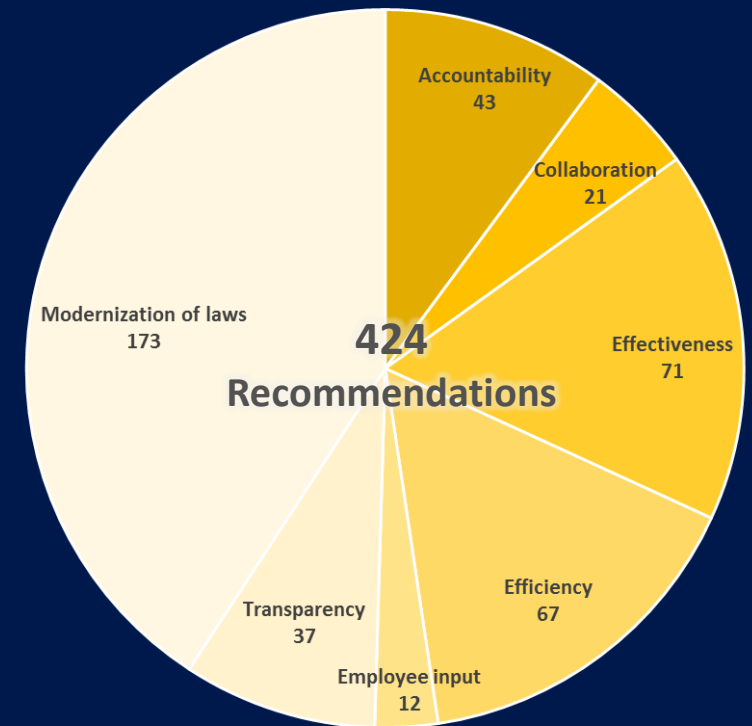
The Committee recommended the Commissions on Indigent Defense and Prosecution Coordination allow opportunities for anonymous employee feedback.

- **Modernization of laws**, both statutes and regulations, to better reflect current practice

The Committee recommended the General Assembly remove statutory references to fees generated by a facility closed in the year 2000.

- **Transparency** of agency operations, documents, and policies

The Committee recommended the State Election Commission expand public notification efforts about county boundary surveying.



- ✓ Law changes have implemented **13** Committee recommendations
- ✓ Agencies have made **38** internal changes and are working to implement **37** additional recommendations

# Getting Recognized Nationally



*Chairman Wm. Weston Newton (R-Beaufort) and former U.S. Senator Carl Levin (D-Michigan, 1979-2015, Chairman of Committee on Armed Services and the Permanent Subcommittee on Investigations of the Committee on Homeland Security and Governmental Affairs) engage in a conversation about how bipartisan, fact-based oversight is possible in today's political climate, facilitated by Machalagh Carr (General Counsel and Parliamentarian for the U.S. House of Representatives Committee on Ways and Means).*

During the 122<sup>nd</sup> General Assembly the Committee's process and product were recognized by national entities. The Committee:

- Received a **National Legislative Program Evaluation Society Impact Award** for the Study of the Department of Public Safety at the National Legislative Program Evaluation Society meeting in New Orleans, L.A.; and
- Completed the work that garnered Chairman Newton the **inaugural Carl Levin Award for Effective Oversight**, named after Senator Carl Levin, and given to U.S. legislators at the national, state, or local level who have demonstrated an extraordinary effort to conduct fact-based, bipartisan oversight. The award was presented at the first national Oversight Summit on November 16, 2018 in Washington, D.C.



# Looking Toward the Future

At its inception, Speaker Jay Lucas charged the Committee with identifying agency issues before they become crises. Two of the ways the Committee identifies issues are through the Annual Accountability Report's request for restructuring recommendations and the Program Evaluation Report.

Annually, the Committee asks each agency to provide **restructuring recommendations**, which are any major or minor recommendations that would allow the agency to operate more effectively and efficiently. In the reports on fiscal year 2017-18, seven agencies submitted restructuring recommendations for the first time. Those recommendations are listed in the chart to the right. The other agencies submitting restructuring recommendations are the Confederate Relic Room; Department of Agriculture; Department of Health and Human Services; Department of Probation, Parole and Pardon Services; Francis Marion University; John de la Howe School; School for the Deaf and the Blind; State Museum; and S.C. State University Public Service Activities.

Table: Seven Agencies Submitting Restructuring Recommendations for the First Time in FY 2017-2018.

AGENCY	FISCAL YEAR 2017-18 RESTRUCTURING RECOMMENDATION
<u>Commission for Minority Affairs</u>	Realign agency operations with governing statute.
<u>Commission on Prosecution Coordination</u>	Obtain funding for the Circuit Solicitors' IT Infrastructure and Integration Plan and the Criminal Justice Local Broadband Connection and Enhancement Plan.
<u>Department of Education</u>	Eliminate the Chief of Staff and restructure the agency to have six deputy superintendents reporting to the Superintendent of Education.
<u>Housing Finance and Development Authority</u>	Reorganize agency structure to more freely participate in the capital markets under the leadership of the Director of Housing Initiatives and Innovation.
<u>Office of the Inspector General</u>	Obtain funding for a Deputy Inspector General/Attorney in order to further mitigate risk.
<u>Public Service Commission</u>	Increase personnel to expand transparency of Commission meetings and other operations.
<u>USC Upstate</u>	Reorganize the institution's academic programs in order to meet student needs with respect to developing and delivering innovative, career-relevant academic programs.



When an agency is selected for study, the Committee asks the agency to highlight challenges and emerging issues in its **Program Evaluation Report**. The five newest agencies under study highlighted some challenges that are unique to each agency, and some that cut across state government. Cross-cutting issues are shown in the diagram to the left. Unique challenges and issues include:

- Unpredictable state aviation fund cash flow which impacts local airport improvements (Aeronautics);
- Contraband cell phones (Corrections);
- Insufficient veteran's nursing beds (Mental Health);
- Rising housing costs (Mental Health);
- Autonomous vehicle registration (Motor Vehicles);
- Mobile identification cards (Motor Vehicles);
- Declining academic proficiencies of applicants (Wil Lou Gray);
- Competing alternative programs (Wil Lou Gray); and
- State agency service coordination (Wil Lou Gray).

Figure: Issues that cut across state government identified in Program Evaluation Reports from the five newest agencies under study by the Committee.



# Committee Information



*South Carolina state flag photograph courtesy of Sam Holland Photography  
Sam Holland, Photographer*

**Vision:** For South Carolina agencies to become, and continuously remain, the most effective state agencies in the country through processes which eliminate waste and efficiently deploy resources thereby creating greater confidence in state government.

**Mission:** Determine if agency laws and programs are being implemented and carried out in accordance with the intent of the General Assembly and whether they should be continued, curtailed or eliminated. Inform the public about state agencies.

**Website:**

<https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee.php>

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