

AGENCY NAME:	Legislative Council	
AGENCY CODE:	A15	SECTION:



Fiscal Year 2014-15 Accountability Report

SUBMISSION FORM

AGENCY MISSION	<p>The mission of Legislative Council is to provide high quality bill drafting and legal services to the General Assembly on a timely basis in compliance with the highest ethical standards and to accurately publish enactments of the General Assembly in codified form for use by government, the courts, and the general public.</p>
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Please identify your agency's preferred contacts for this year's accountability report.

	<u>Name</u>	<u>Phone</u>	<u>Email</u>
PRIMARY CONTACT:	James H. Harrison	803-212-4500	jimharrison@scstatehouse.gov
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I have reviewed and approved the enclosed FY 2014-15 Accountability Report, which is complete and accurate to the extent of my knowledge.

AGENCY DIRECTOR (SIGN/DATE):		<p style="font-size: 1.5em;">9/9/15</p>
(TYPE/PRINT NAME):	James H. Harrison, Code Commissioner and Director	

AGENCY NAME:	Legislative Council	SECTION:	
AGENCY CODE:	A15		

AGENCY'S DISCUSSION AND ANALYSIS

A. Introduction

In 2014-2015, Legislative Council achieved increased efficiency and effectiveness in the performance of our primary function, which is the production and management of legislation and acts, despite experiencing a 27% increase in work volume for bills and resolutions, and the retirement of two senior attorneys who combined had 57 years of experience with our agency. We attribute this success to efficiency measures and succession planning undertaken by our agency over the past three years.

B. Performance measures

Because of the fluid nature of the legislative process and the unpredictable occurrence of events that spur demands for legislative action, a reliable forecast of the volume of research, drafting, and act preparation expected of our agency in a given year is not possible. Accordingly, we must be prepared to respond to wide fluctuations in our workflow while maintaining the highest standards of quality.

Given the varying complexity of bill requests received by our agency, measuring the precise time taken to prepare each bill would be impractical and would lack value. However, we subjectively measure our efficiency in handling these requests by making each drafting attorney responsible for the efficient production of bills to which he or she has been assigned, and holding the attorney accountable when problems arise.

The ultimate measure of our success comes from the feedback we receive from legislators and legislative staff, which is overwhelmingly positive. We promptly and directly address any negative feedback, which we value as a tool in our efforts to continuously improve our performance.

C. Legislation

During the 2015 session, Legislative Council produced approximately 2,113 bills and resolutions. This number represents an increase of approximately 27.4% over the amount produced in 2014. An increase of this nature is typically experienced in the first year of a two-year legislative session, but this increase also should be attributed in part to an increase in legislative drafting requests regarding such major reform initiatives as road funding, criminal domestic violence, the freedom of information act, teacher employment and dismissal, and unexpected budget surpluses. This increase also should be attributed in part to the extension of the legislative session into the summer for the General Assembly to debate removal of the Confederate flag from the State House Complex following the Charleston church shooting.

Our agency ratified and enrolled 131 acts in 2015. This amount is lower than the 213 acts processed in 2014, but is typical of what we experience in the first year of a two-year session because most bills and resolutions take more than one year to reach the stage in the legislative process where they become acts.

In addition to preparing legislation and processing acts, we prepared approximately 831 amendments for the House of Representatives, marking a 17% increase from 2014, and 873 amendments for the Senate, marking a

31% increase from 2014. They combined for a total of approximately 1,704 amendments produced by Legislative Council for the General Assembly during the 2015 session.

In total, Legislative Council produced 3,948 bills, resolutions, acts, and amendments during the 2015 legislative session. This number represents an increase of almost 27% above the 3,102 bills, resolutions, acts, and amendments we produced in 2014.

D. Regulations

Legislative Council processed 192 regulations and necessary related documents during the 2015 session, and continues to provide the *State Register* for free online to increase availability of this publication to the public and important constituents, including state agencies.

In the course of processing these regulations, our agency provides a substantial amount of information and advice to the state agencies that promulgate regulations. Many of these agencies do not promulgate regulations frequently enough for their staff to develop expertise in the promulgation process, so they often must rely heavily on our highly-experienced staff to help navigate the process.

The General Assembly created new Legislative Oversight Committees, and our staff met with legislative staff assigned to those committees to help them understand how the regulation promulgation process functions and the important role of our agency in that process.

E. Research

Another major function of our agency is the processing of research requests by our research office and staff attorneys.

We recorded the processing of approximately 1,198 research requests during the 2015 session, which is an increase of nearly 20% over our 2014 levels. These numbers do not capture all of the research requests handled by Legislative Council research staff, because many are made and fulfilled by our research staff and our staff attorneys so rapidly during the hectic course of a legislative day that time does not reasonably permit properly recording all of them.

Our large volume of research requests primarily are handled by one staff member, our Director of Research. In addition to providing quick and accurate responses to many routine research requests, she also managed some relatively large, long-term research projects, such as one that required locating and certifying every Concurrent Resolution filed in South Carolina that called for a Constitutional Convention pursuant to Article V of our State Constitution.

Reflecting our commitment to the professional growth of our staff, we enabled our Director of Research to attend the annual summit of the National Conference of State Legislatures (NCSL). At the conference, she became familiar with policy trends that might likely provide the basis for research requests in the upcoming session. In support of NCSL, our Director of Research also serves as a member of its Legal Staff Section, Research and Committee Staff Section, and the Legislative Research Librarians Staff Section. Relationships she has developed through work on these groups provides our agency with a wealth of peer networking contacts to help us better handle research matters.

AGENCY NAME:	Legislative Council	
AGENCY CODE:	A15	SECTION:

F. Codification

Although the most visible part of our work occurs during the legislative session, Legislative Council works throughout the year on the production of the updated South Carolina Code of Laws to reflect all acts passed in the previous session. With particular emphasis from June through October, our Deputy Director works closely with the Director of Drafting and Publication Services and our proofreaders to have all acts proofread a second time, correct errors with the scope of our authority, and produce related publications as required by law.

Our Deputy Director also oversees the annual replacement of two volumes of the Code, working with other staff attorneys and our proofreading team to review text and catchlines of the Code to ensure these replacement volumes are as accurate and error free as possible. This process results in a cost savings to our office and makes growing volumes of the Code more manageable for our users. In addition, our Deputy Director works closely with our editor at Thompson-West Publishing to explore other cost-saving measures. For example, they recently decided to eliminate certain tables from the “Statutory Tables” volume of the Code that had been made obsolete by technology, thereby reducing production times and related expenses.

Coordination and communication with our editor at Thompson-West is ongoing and constant as we work to produce the updated Code each year in a timely manner, mindful of Thompson-West’s production and shipping schedule and the goal of providing Code supplements and replacement volumes as quickly as possible without compromising quality. Although intensive and time-consuming, this process is essential to our agency’s core mission.

G. Succession planning

Legislative Council enjoys the benefits of having several attorneys with decades of experience in our agency. Although we enjoy great stability in staffing, retirements are inevitable.

In anticipation of the retirement of our expert in taxation and budgeting and our expert in administrative law and the regulatory process, we recruited attorneys with tremendous potential for filling needs created by these retirements. One attorney has worked closely alongside our long-time taxation and budget expert to learn the intricacies of the State budget process, tax policy, and the State retirement system, thus ensuring Legislative Council remains capable of providing vital, excellent legal advice and drafting in these important areas. To further increase the tax law expertise available from our agency, we hired a recent law school graduate with sterling academic credentials in tax law and an undergraduate degree in finance.

The retirement of a long-time staff attorney who previously had worked substantially with the *State Register* and the South Carolina Administrative Procedures Act would have created a deficit in expertise in administrative law and the regulations promulgation process. In anticipation of this retirement, we hired a new law school graduate to provide legal advice on administrative and regulatory matters, among others. This new staff attorney largely focused his law school elective study on administrative law and related areas. His strong academic background and his experience as a law clerk in our agency for two years have prepared him to enable our office to continue offering sound legal advice and drafting in administrative law.

H. Overarching goal for 2015-2016

AGENCY NAME:	Legislative Council		
AGENCY CODE:	A15	SECTION:	

Looking to 2015-2016, Legislative Council intends to maintain our steadfast commitment to continuously improving our ability to provide our services with exceptional quality. We also intend to continue modernizing our administrative functions and to continue cultivating our talented staff for future opportunities for growth and enrichment to ensure a bright future for our agency.

Agency Name: Legislative Council

Fiscal Year 2014-15
Accountability Report

Agency Code: A15 Section:

Strategic Planning Template

Type	Goal	Item # Strat	Object	Description
G	1			Provide the General Assembly with quality research, reference, and drafting services
S		1.1		Refine process for responding to research requests
O			1.1.1	Assign law clerks to assist research director with receiving and processing research requests
O			1.1.2	Increase use of NCSL and other resources for legislatures
O			1.1.3	Network with staff in other states via NSCL as resource for improving our procedures
S		1.2		Improve the quality and efficiency of bill, resolution, and amendment drafting
O			1.2.1	Mentor new staff attorneys to develop drafting skills and procedural knowledge
O			1.2.2	Train all staff in best practices for bill, resolution, and amendment intake and drafting
O			1.2.3	Continue to maximize proofreading stage efficiency by using second proofreading team
S		1.3		Improve act preparation turnaround time
O			1.3.1	Designate employee to coordinate flow of acts and better anticipate incoming acts
O			1.3.2	Increase staff focus on anticipating incoming acts and completing feasible preliminary work
O			1.3.3	Require completion of act preparation on the date received or immediately on the following day
O			1.3.4	Continue to maximize proofreading stage efficiency by using second proofreading team
G	2			Compiling, publishing and distributing the South Carolina Code and related publications
S		2.1		Improve efficiency and maintain cost savings for code supplements and replacement volumes
O			2.1.1	Minimize expenses for code supplement and replacement volumes to a practical extent
O			2.1.2	Meet with West Publishing to discuss cost savings and Code delivery efficiency
S		2.2		Expanding availability of South Carolina Code technologically
O			2.2.1	Work with Legislative Services Agency to improve online version of the Code at SCstatehouse.gov
G	3			Receiving, printing, and distributing the regulations submitted for General Assembly review
S		3.1		Improve efficiency and continuity of service
O			3.1.1	Mentor staff assigned to assist the editor of the State Register
O			3.1.2	Mentor new staff attorney on processes involving regulation promulgation and the State Register
-			3.2.3	Mentor new staff attorney in State Budget process

Agency Name: Legislative Council

Agency Code: A15

Section:

Item	Performance Measure	Last Value	Current Value	Target Value	Time Applicable	Data Source and Availability	Reporting Freq.
1	Bill, resolution, and amendment production efficiency	N/A	Enter bill and resolution requests in database promptly but no later than the end of the workday, and to produce bills, resolutions, and amendments that reflect the intent of the sponsoring member as quickly as practical and to the satisfaction of the sponsor. Obtain feedback from legislators and staff, promptly resolve any drafting issues.	Enter bill and resolution requests in database promptly but no later than the end of the workday, and to produce bills, resolutions, and amendments that reflect the intent of the sponsoring member as quickly as practical and to the satisfaction of the sponsor. Obtain feedback from legislators and staff, promptly resolve any drafting issues.	July 1 - June 30	Our internal database contains information on all bill and resolution requests, and staff is directed to enter new requests as soon as practical but no later than the end of the workday in which the request was received. Amendment requests are managed by the attorney to whom the amendment is assigned. Any drafting issues are addressed and resolved as quickly as possible.	Continuous

		An average of 1.5 to 2 hours, but not more than 24-hours, depending on whether a ratification time has been set.	An average of 1 hour, but not more than 24-hours, depending on whether a ratification time has been set.	An average of 1.5 to 2 hours, but not more than 24-hours, depending on whether a ratification time has been set.		The employee who is tasked with managing bill and act services, including oversight of act flow through office.
2	Act production turnaround efficiency				July 1 - June 30	Availability varies depending on workflow, but she makes management aware of any outstanding acts as ratification time approaches.

		Meeting applicable deadlines to avoid delays in delivering code and code supplements before the next legislative session begins				We are in constant contact with West Publishing to ensure deadlines by our office and West are met to obtain code and code supplements before the next legislative session begins.
3	Code and code supplement production	Met applicable deadlines	Met applicable deadlines		July 1 - June 30	Annual

Fiscal Year 2014-15
Accountability Report

Performance Measurement Template

Calculation Method	Associated Objective(s)
Our goal in drafting legislation and amendments is to accurately reflect the intent of the sponsor and provide related legal advice for the sponsor's contemplation. We seek to do both in a timely manner, relevant to the complexity and scope of the drafting project. The quality of our drafting and related legal advice is not quantifiable, but we value feedback from legislators and legislative staff in assessing our performance.	1.2.1, 1.2.2, 1.2.3
Feedback typically comes in the form of unsolicited praise or criticism, but we also proactively solicit feedback. Management promptly responds to negative feedback by investigating the facts and subsequently developing and implementing a correction plan. We believe that we satisfactorily addressed all drafting issues received in fiscal year 2014-2015, and appropriately shared positive feedback for employee recognition purposes.	

The employee tasked with managing bill and act services maintains a log in 1.3.1, 1.3.2, 1.3.3, and which she records the times at which 1.3.4 acts are received and completed.

We compare the deadlines stated in our contract with West and times at which we submitted related code materials to West. 2.1.1 and 2.1.2
