



South Carolina House of Representatives Legislative Oversight Committee

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January 13, 2023

Carri Grube Lybarker, Director
South Carolina Department of Consumer Affairs
293 Greystone Blvd #400
Columbia, SC 29210

RE: Legislative Oversight Study of the South Carolina Department of Consumer Affairs

Dear Director Lybarker:

On December 7, 2022, the House Legislative Oversight Committee approved the South Carolina Department of Consumer Affairs for study. In conducting studies, it is the Committee’s goal to partner with the agency to help it identify areas in which it can continue to improve upon the positive results it has generated for the people of South Carolina.

Enclosed are copies of the Committee’s Rules and Standard Practices, which may be modified during the legislative oversight process. Notably, the Standard Practices include a flow chart with an overview of the process the Committee intends to follow and a diagram indicating how public input is received and disseminated. In the near future, if they have not already done so, the Committee staff will schedule a meeting with you to discuss preliminary matters relating to the study process. Please do not hesitate to contact Committee staff at any time with questions. Also, below is a brief summary of the Committee’s expectations.

The Committee expects the following of each agency under study:

- Inform its staff that the agency is undergoing the legislative oversight study process as well as the purpose of the study;
- Appoint a liaison to assist the Committee with all activities;
- Respond to Committee requests in a concise, complete and timely manner;

- Be candid with the Committee;
- Promptly discuss with the Committee any concerns or questions the agency may have related to the legislative oversight study process, including any concerns the agency may have that (a) the Committee has drawn an incorrect conclusion; or (b) time or resources required to respond to a Committee request are excessive;
- Realize written information provided to the Committee is considered sworn testimony pursuant to S.C. Code Ann. §2-2-70; and
- Inform the Committee if any information requested by the Committee cannot be published online due to provisions in contract or law and refrain from providing such information to the Committee.

Enclosed please find information to share with agency employees.

I hope the information above and enclosed is helpful to you and your agency in understanding the process the Committee intends to follow in conducting its study and investigation process.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeff Johnson", with a long horizontal flourish extending to the right.

Jeffrey E. "Jeff" Johnson
Chairman, House Legislative Oversight Committee

Enclosures

cc: Subcommittee Chair
South Carolina Department of Consumer Affairs Commission

Both the House of Representatives and the Senate are charged by Act 121 of 2014 with conducting legislative oversight studies and investigations of state agencies at least once every seven years.

The South Carolina Department of Consumer Affairs is in this round of agency reviews for the House of Representatives' Legislative Oversight Committee. The study's purpose is to determine if agency laws and programs are being implemented and carried out with the intent of the General Assembly and whether or not they should be continued, curtailed, or even eliminated. Information about the study process is accessible on the General Assembly's website, www.scstatehouse.gov, under "Citizens' Interest," and under "Agency Oversight by the House Legislative Oversight Committee."

Public input is a cornerstone of the Committee's process. Constituents, including employees and other stakeholders (e.g., partners, customers, vendors, etc.) may share comments and concerns with the Committee about state agencies. Information about opportunities to participate in the Committee's process is regularly posted on the Committee's webpage. Also, an ongoing opportunity to provide anonymous input to the Committee is available on the Committee's webpage.

See below for a few things the Committee advises to expect and not to expect with this study.

What to Expect:

- Oversight study by your elected representatives
- Ability for the public to be involved in the process
- Identification of areas for improvement and recommendations for agencies under study

What Not to Expect:

- Finding every issue or potential area of improvement at agencies
- Solving every issue at agencies
- Recommendations that satisfy everyone



South Carolina
House of Representatives
Legislative Oversight Committee

COMMITTEE OVERVIEW

Process, Rules, and Standard Practices

Approved
December 7, 2022

HOUSE LEGISLATIVE OVERSIGHT COMMITTEE PROCESS

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South Carolina House of Representatives Legislative Oversight Committee

COMMITTEE PROCESS

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

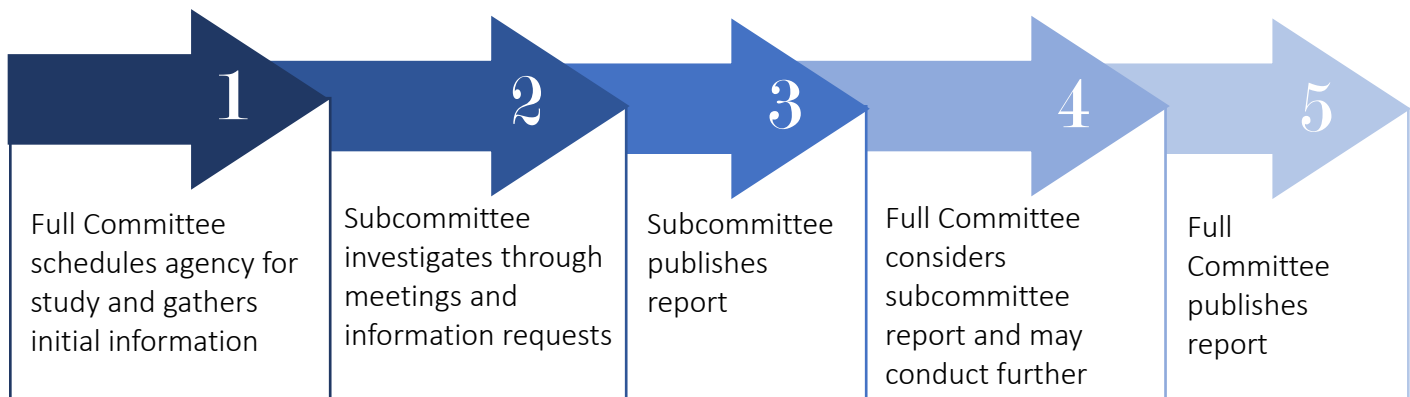
Determine if agency laws and programs are being implemented and carried out in accordance with the intent of the General Assembly and whether they should be continued, curtailed or eliminated. Inform the public about state agencies.

Methods

The Committee and Subcommittee evaluate:

- the application, administration, execution, and effectiveness of the agency's laws and programs;
- the organization and operation of the agency; and
- any conditions or circumstances that may indicate the necessity or desirability of enacting new or additional legislation pertaining to the agency.

Process





South Carolina House of Representatives Legislative Oversight Committee

COMMITTEE RULES

Rule 1: Rules of the South Carolina House of Representatives

1.1 The Rules of the South Carolina House of Representatives (House) as they are now or as hereafter adopted shall be the rules of the House Legislative Oversight Committee (Committee) as determined to be appropriate by the Chairman of the Committee (Chairman) and except as otherwise provided below.

1.2 Where the rules of the Committee might be deemed in conflict with the Rules of the House as determined by the Chairman, the Rules of the House will prevail.

Rule 2: General rules of the committee

2.1 The Committee recognizes itself as a standing committee of the House as enumerated in House Rule 4.2.

2.2 The adopted rules of the Committee must be taken as an expression of the normal operating procedure of the Committee, but the procedure, excluding voting requirements, may be departed from with the approval of two-thirds of the Committee members present.

2.3 The rules of the Committee shall remain in effect beyond the two-year session to serve as the temporary rules until the subsequent Committee membership adopts rules.

Rule 3: Committee officers

3.1 During its organizational meeting at the beginning of each two-year session (organizational meeting), the Committee's most senior member, as determined

by service in the General Assembly, shall preside as the temporary Chairman until a permanent Chairman is elected.

3.2 The Committee shall elect a Chairman at its organizational meeting.

3.3 The Committee shall elect a First Vice-Chairman at its organizational meeting.

3.4 The Committee may elect a Second Vice-Chairman.

3.5 In the event a Vice-Chairman position becomes vacant due to a member leaving the committee's membership, the Chairman, in his discretion, may call for a new election to fill the remainder of the Vice-Chairman's term.

Rule 4: Full committee meetings

4.1 The First Vice-Chairman shall preside over full Committee meetings in the absence of the Chairman or at the pleasure of the Chairman. The Second Vice-Chairman, if one is elected, shall preside over the full Committee meetings in the absence of the Chairman and First Vice-Chairman or at the pleasure of the Chairman.

4.2 In the event of the absence of the Chairman and other Committee officers, the Chairman may appoint a Committee member to serve as temporary presiding officer.

4.3 A matter to be considered at a full Committee meeting shall be listed on the agenda.

4.4 Preparation of the agenda for a full Committee meeting and designation of the meeting time and location is the responsibility of the Chairman. As the

Committee does not have designated meeting rooms, the location of its meetings will vary due to room availability in the Blatt Building.

- 4.5 An agenda for a full Committee meeting shall be distributed to the members of the Committee.
- 4.6 Without objection of those members present and voting, a matter not listed on the agenda may be considered at the meeting for which the agenda is prepared.
- 4.7 The Chairman, in an effort to make all full committee meetings available to the public, shall allow access to S.C. ETV for the availability of internet streaming whenever technologically feasible. If a meeting cannot be broadcast via video or Internet streaming due to scheduling conflicts or technological malfunctions, the Chairman shall determine whether to continue the meeting.

Rule 5: Voting

- 5.1 All votes taken on legislative oversight studies and investigations by the full Committee, any subcommittee or ad hoc committee shall be decided by a roll call vote, after which the names of committee members voting in the affirmative, voting in the negative, and not voting shall be recorded in the minutes. The Chairman, at his pleasure, may direct a roll call vote on any other matter. A subcommittee chair or ad hoc committee chair, at his pleasure, may direct a roll call vote on any other matter in such meetings.
- 5.2 A roll call vote may be taken by last name only for efficiency purposes.
- 5.3 A simple majority of the appointed membership constitutes a quorum of the full Committee.
- 5.4 At least three of the membership of a subcommittee or a simple majority of an ad hoc committee constitutes a quorum.
- 5.5 The Chairman may vote, at his discretion, on any matter under consideration in full committee and in all subcommittees and ad hoc committees and may, at his discretion, be counted as a member of such

committees to constitute a quorum. If a quorum is not present for a subcommittee meeting relating to a scheduled agency study, the First Vice-Chairman, or, if the First Vice-Chairman is unavailable, another committee member appointed by the Chairman, at his discretion, may serve temporarily as a member of any such committee to achieve the number necessary to constitute a quorum.

- 5.6 Any member of the Committee may request a roll-call vote on any question pending consideration. The Chairman shall direct a roll-call vote to be taken if at least five Committee members second the requesting member's action.
- 5.7 Permanent changes to the rules require approval by two-thirds of the appointed membership. Any such changes must be conducted by a roll-call vote.

Rule 6: Subcommittees and ad hoc committees

- 6.1 The Chairman shall determine the number and size of subcommittees; the Committee recognizes that S.C. Code of Laws Section 2-2-30 provides that a subcommittee conducting an oversight study and investigation of an agency must not consist of fewer than three members.
- 6.2 The Chairman shall appoint subcommittee chairmen and may appoint other subcommittee officers.
- 6.3 The Chairman may appoint ad hoc committees to study specific issues. The Chairman may appoint officers for any ad hoc committee. The Rules of the House as they are now or as hereafter adopted and the Rules of this Committee, as they may be applicable, shall be the rules of any such ad hoc committee. An ad hoc committee shall cease to exist upon completion of the assigned task(s).
- 6.4 Legislative oversight studies and investigations of agencies are assigned to a subcommittee or an ad hoc committee at the discretion of the Chairman; the Chairman may modify assignments and appointments as he deems appropriate.
- 6.5 A subcommittee chairman or an ad hoc committee chairman is responsible for scheduling meetings of

such committees, without objection of the Chairman. As the Committee does not have designated meeting rooms, the location of its subcommittee and ad hoc committee meetings will vary due to room availability in the Blatt Building.

- 6.6 An agenda for a subcommittee or an ad hoc committee meeting shall be distributed to the members of such committees.
- 6.7 A subcommittee chairman or an ad hoc committee chairman shall allow access to S.C. ETV for the availability of internet streaming of such meetings whenever technologically feasible. If a meeting cannot be broadcast via video or Internet streaming due to scheduling conflicts or technological malfunctions, the subcommittee chairman or an ad hoc committee chairman, in his discretion, shall determine whether to continue the meeting.

Rule 7: Testimony and written correspondence

- 7.1 With the exception of members of the South Carolina General Assembly, a person requesting to be heard at a full committee, subcommittee or ad hoc committee hearing must contact the Committee office by the deadline determined by the Chairman, a subcommittee chairman, or an ad hoc committee chairman. The person must submit a prepared statement at least twenty-four hours before the day and time of the hearing to Committee staff. An appropriate number of copies of the prepared statement, as determined by Committee staff, is the responsibility of the person requesting to be heard. However, the Chairman, a subcommittee chairman or an ad hoc chairman may waive the requirement for a prepared statement.
- 7. To address the Committee during a meeting, an individual who is not a member of the Committee must be granted permission by the Chairman. This provision does not apply to full Committee meetings scheduled to receive testimony from the public.
- 7.3 To address a subcommittee or ad hoc committee, an individual who is not a member of the subcommittee or ad hoc committee must be granted permission

during the meeting by the subcommittee chairman or ad hoc committee chairman.

- 7.4 Chairman, subcommittee chairman, or ad hoc committee chairman may institute time restrictions for testimony.
- 7.5 Chairman, subcommittee chairman, or ad hoc committee chairman may require written information in lieu of testimony in the interest of avoiding redundancy if an individual has testified in a prior meeting.
- 7.6 Up to 30 days after providing verbal or written testimony, an individual may deliver written correspondence to the Committee curing false, materially misleading, or materially incomplete testimony from the individual. After such time, with the exception of extenuating circumstances, the Committee shall consider such false, materially misleading, or materially incomplete testimony to have been willfully given pursuant to S.C. Code Section 2-2-100.

Rule 8: Legislative oversight studies and investigations of an agency

- 8.1 The Committee recognizes its duties, jurisdiction, and responsibilities as enumerated in House Rule 4.2, House Rule 4.3, and S.C. Code of Laws Section 2-2-5 et seq. In carrying out those duties and responsibilities, the Committee may develop and adhere to standard practices for the normal operating procedure, upon approval by the Chairman.
- 8.2 Pursuant to the provisions of S.C. Code Section 2-2-50 et seq., S.C. Code Section 2-69-30 and Article III, Section 12, of the South Carolina Constitution, the full Committee, a subcommittee or an ad hoc committee, in the discharge of its duties, may administer oaths and affirmations, take depositions, issue subpoenas and subpoenas duces tecum, and receive testimony and evidence as necessary in connection with its work, study, or investigation. Further, the full Committee, a subcommittee or ad hoc committee, in the discharge of its duties of providing legislative oversight, may determine what evidence or information to obtain from an agency.

- 8.3. A Committee meeting shall be held on any legislative oversight study or investigation if requested by two-thirds of the appointed members of the Committee. The Chairman shall designate the meeting time for the meeting.
- 8.4 The Chairman, at his discretion, may request that the Legislative Audit Council perform an audit of an agency.
- 8.5 The Chairman, at his discretion, may agree to joint investigations with the Senate or other House standing committees.

- 9.4 The Committee shall not intervene in any individual's matter with an agency.
- 9.5 Whenever the pronoun 'he' appears in any rule, it shall be deemed to designate either masculine or feminine.
- 9.6 Any distribution required by these rules may be provided electronically.
- 9.7 In the event of extraordinary circumstances, including but not limited to, natural disasters, severe weather, and Acts of God, the Chairman may designate alternative meeting arrangements and procedures for the full committee, subcommittees, and any ad hoc committees. Provided, however, these meeting arrangements and procedures must: (1) provide for public observation or participation as required by House Rules and the provisions of Title 30, Chapter 4 of the 1976 Code of Laws of South Carolina, as amended; (2) provide both a video and audio component that is publicly accessible; and (3) record the meeting, in its entirety, and make the recording available on the General Assembly website as soon as practicable following the meeting.

Rule 9: Miscellaneous matters

- 9.1 The Chairman, at his discretion, may approve publication of Committee information on the South Carolina General Assembly's website.
- 9.2 In recognizing the importance of fairness in the legislative oversight process, the Committee, subcommittees, and ad hoc committees shall decline any invitations for meals or other similar social events that may be issued to the Committee.
- 9.3 The Chairman, subcommittee chairmen, and ad hoc committee chairmen shall maintain order and decorum at all meetings in which they preside.

Selected House rules relevant to committee procedure

All committees shall be appointed by the Speaker, unless otherwise provided for by rule or by law, except Senatorial and Gubernatorial appointees and ex officio members of the House. The Speaker shall name the members constituting each committee in alphabetical order. The Chairman shall be elected by the respective committees during the organizational session. If any subsequent vacancy shall occur in a committee's chairmanship, the election of a new committee chairman shall take place at the time and date to be set by the presiding officer of the respective committee. The committees may at their discretion elect a Vice Chairman and such other officers as they may choose. House Rule 1.9

4.4 Committees shall meet regularly to consider pending legislation in the room assigned for their use by the Speaker or as otherwise authorized by this rule. Notice of date, time, and place of such meetings shall be posted on the legislative website and displayed in the lobby on each floor of the Solomon Blatt Building. A committee should give a minimum of twenty-four hour advance notice for all committee meetings. Provided, however, in case of necessity due to exigent circumstances, the Speaker, in his sole discretion, may waive the twenty-four hour advance notice requirements herein. Committee chairmen must notify the committee members of all meetings. Failure of notice of any meeting shall not invalidate committee action unless bad faith is shown. No committee shall meet while the House is in session without special leave by the Speaker. Provided, however, that the Committee on Rules and any committee of conference or free conference, may sit at any time and may report its message to the House at any time.

A Committee may provide, pursuant to its own rules, for the Chairmen to designate alternative meeting arrangements and procedures. Provided, however, the Chairman may only implement alternative meeting arrangements and procedures in the event that extraordinary circumstances including, but not limited to, natural disasters, severe weather, and Acts of God, render them necessary. The alternative meeting arrangements and procedures must:

- (1) provide for public observation or participation as required by House Rules and the provisions of Title 30, Chapter 4 of the 1976 Code of Laws of South Carolina, as amended;
- (2) provide both a video and audio component that is publicly accessible; and
- (3) record the meeting, in its entirety, and make the recording available on the General Assembly website, as soon as practicable following the meeting. House Rule 4.4.

No committee shall sit unless a quorum be present House Rule 4.4.

All meetings of all committees shall be open to the public at all times, subject always to the power and authority of the Chairman to maintain order and decorum with the right to go into Executive Session as provided for in the South Carolina Freedom of Information Act, Title 30, Chapter 4 of the 1976 Code of Laws of South Carolina, as amended. Provided, a legislative caucus as defined by Section 21710 of the 1976 Code of Laws of South Carolina, as amended, and its meetings are not subject to the provisions of Title 30, Chapter 4 of the 1976 Code of Laws of South Carolina, as amended. House Rule 4.5.

No committee shall file a report unless the committee has met formally at an authorized time and place with a quorum present. House Rule 4.5.

All standing committees of the House shall prepare and make available for public inspection, in compliance with Section 30-4-90 of the 1976 Code of Laws of South Carolina, as amended, the minutes of full committee meetings. Such minutes need not be verbatim accounts of such meetings but shall include those matters required by the above mentioned Freedom of Information Act. House Rule 4.5

No member of a committee shall be allowed under any circumstances to vote by proxy. House Rule 4.14.



South Carolina House of Representatives Legislative Oversight Committee

COMMITTEE STANDARD PRACTICES

Approved Pursuant to Legislative Oversight Committee Rule 8.1
December 2022

Part I – General Practices

Practice 1: Authority, Modification and General Information Relating to Standard Practices

- 1.1 Legislative Oversight Committee (Committee) Rule 8.1 authorizes the committee to develop and adhere to standard practices.
- 1.2 Committee standard practices may be modified pursuant to Committee Rule 8.1.
- 1.3 Whenever the pronoun ‘he’ appears in any standard practice, it shall be deemed to designate either the masculine or feminine.

Practice 2: Definitions

- 2.1 “*Ad hoc Committee*” means an ad hoc committee appointed by the Full Committee Chair.
- 2.2 “*Chair*” means the Chair of the House Legislative Oversight Committee.
- 2.3 “*Committee*” means the House Legislative Oversight Committee.
- 2.4 “*Committee staff*” means the South Carolina House of Representatives staff hired to work for the House Legislative Oversight Committee.
- 2.5 “*House*” means the South Carolina House of Representatives.

- 2.6 “*Legislature*” means the South Carolina House of Representatives, Senate, and associated legislative entities.
- 2.7 “*Member*” means a Member of the South Carolina House of Representatives.
- 2.8 “*Public*” means individuals, associations, groups, organizations, etc., who are not members of the Legislature, or acting as a representative of a government entity.
- 2.9 “*RFI*” means a request for information as outlined in S.C. Code Section 2-2-50(A) in Appendix A.
- 2.10 “*Subcommittee*” includes a subcommittee or ad hoc committee appointed by the Full Committee Chair.

Practice 3: Committee Staff

- 3.1 Committee staff work for the House.
- 3.2 Committee staff shall assist any Member with matters relating to legislative oversight, and any Member may request that Committee staff hold these matters in confidence.
- 3.3 Committee staff are prohibited from providing legal advice to any non-Member.

Part II - Timeframe and Liaison

Practice 4: Selection and Time Frame of Agency Investigations

(See S.C. Code Section 2-2-30(C) in Appendix A)

- 4.1 The Committee may adopt recommendations for the Speaker of the House relating to the publication of the seven-year review schedule in the House Journal the first day of session each year.
- 4.2 The Committee recognizes there is no requirement in statute that an agency oversight study and investigation be completed within a certain timeframe, except the overall seven-year cycle. However, the Committee may establish a time frame for the legislative oversight study and investigation of an agency. Additionally, the Committee may, for

reasons it determines as good cause, change the time frame for a legislative oversight study and investigation of an agency.

- 4.3 The approval of a Committee Study Report does not conclude the study of an agency. The agency remains under study, should additional issues arise, until the end of the seven-year cycle.

Practice 5: Agency Liaison

- 5.1 The Committee expects each agency to appoint a liaison to assist the Committee with oversight activities, including but not limited to, sharing Committee correspondence with agency staff.

Part III - Information Committee Obtains

The standard practices below apply to information a subcommittee, ad hoc committee, or the Committee requests or obtains.

Practice 6: Expectations for Agencies

- 6.1 The Committee expects agencies and other government entities to whom it makes requests, in writing or in person, to:
 - 6.1.1 Respond in a concise, complete, and timely manner.
 - 6.1.2 Be candid and promptly discuss with the Committee any concerns or questions the agency may have related to a request, including, but not limited to, any concerns the agency may have that (a) the Committee has drawn an incorrect conclusion; or (b) time or resources required to respond to a Committee request.
 - 6.1.3 Understand all testimony given to the Committee is under oath, as required by S.C. Code Section 2-2-70. Anyone knowingly furnishing false information will be subject to

the penalties provided by law. Testimony may be corrected via written correspondence pursuant to Committee Rule 7.6.

- 6.1.4 Realize formal written responses provided to the Committee are considered sworn testimony.
- 6.1.5 Inform the Committee, prior to responding, of any information requested by the Committee that cannot be published online due to provisions in contract or law.

Practice 7: Expectations for Public

- 7.1 The Committee expects the public to understand:
 - 7.1.1 Public comments, other than testimony during Committee and subcommittee meetings, shall not be considered testimony

and offered for the truth of the matter asserted but nevertheless may serve the purpose of directing the Committee to potential issues with an agency.

- 7.1.2 Committee staff shall inform the Committee Chair, when requested by the Chair, about the concerns received from the public, which relate to agencies.
- 7.1.3 Public comment is made accessible to the Committee by staff. However, if staff has previously made accessible the same or similar information from the individual to the Committee, then only receipt of redundant communications from individuals may be noted.

Practice 8: Expectations of Committee

- 8.1 Agencies, other government entities, and the public may expect the Committee to:
 - 8.1.1 Obtain evidence or information by any lawful means as permitted by S.C. Code Section 2-2-50. Examples of means through which the Committee has, or may obtain information are included in these Standard Practices, and below.
 - 8.1.2 Testimony during meetings with a subcommittee, ad hoc committee, or full committee;
 - 8.1.3 Written correspondence;
 - 8.1.4 On-site tours;
 - 8.1.5 Deposing witnesses pursuant to Section 2-2-50(B) and Committee Rule 8.2; and
 - 8.1.6 Issuing subpoenas and subpoenas duces tecum (production of documents) pursuant to Section 2-2-50(C) and Committee Rule 8.2;
- 8.2 Dissuade agencies and others from providing comments and information that contains the following:

- 8.2.1 references to matters considered confidential in contract or federal or state law (e.g., names of minors, names of vulnerable adults, ethics investigations, etc.). The Committee will make reasonable efforts, as determined by the Chair, to redact, delete, or return such information.

- 8.2.2 profanity. The Committee will make reasonable efforts to replace all letters, after the first letter, of the profane word with asterisks.

- 8.3 Instruct Committee staff to interact with agency staff for the purposes of discussing procedural matters, including review of draft submissions of Accountability Reports, RFIs, and/or answering agency staff questions at any time.
- 8.4 Instruct Committee staff to meet with agency staff for the purposes of asking substantive questions, reviewing, and/or auditing agency files on behalf of the Committee, upon approval by the Committee Chair or applicable Subcommittee or Ad hoc Committee Chair. If such action is taken by Committee staff, the information obtained during the meeting between committee staff and agency staff may be memorialized in a letter from committee staff to agency staff, which may be incorporated into the meeting minutes of the next meeting.

Practice 9: Annual Restructuring Report (ARR)

(See S.C. Code Section 1-30-10(G)(1) in Appendix A)

- 9.1 The Committee has collaborated with the Department of Administration's Executive Budget Office to integrate and combine aspects of the ARR into the Annual Accountability Report submitted pursuant to S.C. Code Section 1-1-810, so that completion of the Annual Accountability Report by the stated deadline in the report fulfills the requirements to complete an ARR. The Committee shall continue efforts to integrate in the future, to the extent necessary.
- 9.2 If the Annual Accountability Report serves as the ARR, or if there is an ARR separate from the Annual Accountability Report, the following shall occur:

9.2.1 The documents serving as the ARR shall include a section which allows an agency to indicate it does or does not have restructuring recommendations.

9.2.2 The Committee shall indicate online, via a list or other means, the agencies that did and did not indicate they had a restructuring recommendation(s).

9.3 Means of publication and transmission of report and/or information contained in the report may be as follows:

Online Publication: Committee website

Other Transmission: None

Practice 10: Seven-Year Plan for Cost Savings and Efficiencies

(See S.C. Code Section 1-30-10(G)(2) in Appendix A)

10.1 Every seven years, agencies are required by statute to create a seven-year plan. The Committee requests agencies make these plans available to any member that requests a copy. The Committee may post a format for the seven-year plan online.

10.2 Means of publication and transmission of information contained in an agency's seven-year plan may be as follows:

Online Publication: None (Note: First seven-year plans are posted on Committee's website)

Other Transmission: Email from agency to members that request a copy

Practice 11: Request for Information (RFI)

(See S.C. Code Section 2-2-50(A) in Appendix A)

11.1 The Committee may request the agency respond to an Initial RFI, prior to a round of meetings with the Committee, subcommittee, or ad hoc committee. The agency must respond to the RFI as required in statute.

11.2 The Committee may request the agency respond to an Implementation RFI(s) to provide the Committee information on the status of, and outcomes from, implementation of recommendations in a Committee study report.

11.3 The Committee may request the agency respond to additional RFIs pursuant to statute.

11.4 Means of publication and transmission of information contained in RFIs may be as follows:

Online Publication: Committee website

Other Transmission: Made accessible to Committee members or others

Practice 12: Correspondence and Other Documents

(See S.C. Code Section 2-2-50 in Appendix A)

12.1 The Committee may obtain information through correspondence with the agency as statute permits it to obtain evidence or information by any lawful means.

12.2 Means of publication and transmission of information contained in correspondence may be as follows:

Online Publication: Committee website

Note: Committee correspondence, agency correspondence, and documents obtained from an agency, and Committee staff compilations of information obtained from agencies may be posted online. However, emails between Committee staff regarding clarifications, scheduling, or other administrative matters will not be posted online.

Other Transmission: Made accessible to Committee members or others

Practice 13: Tours

(See S.C. Code Section 2-2-50 in Appendix A)

13.1 Committee members may take physical, or virtual, tours of agency facilities as statute permits the Committee to obtain evidence or information by any lawful means. If a quorum is present for a tour,

the tour must be scheduled as a committee or subcommittee meeting.

- 13.2** Means of publication and transmission of information contained in correspondence may be as follows:

Online Publication: None

Other Transmission: None

Practice 14: Post Subcommittee Review Feedback

- 14.1** The Committee shall develop post review assessments to receive feedback from agency representatives on ways to improve the legislative oversight round of meetings.

- 14.2** Means of publication and transmission of information contained in assessments may be as follows:

Online Publication: Committee website

Other Transmission: Made accessible to Committee members or others

Practice 15: Public and Other Government Entity Information

- 15.1** Committee members and Committee staff, at the discretion of and in a manner approved by the Chair, may make efforts to solicit, consult, collect, and review information from the public, legislature, and other government entities, including, but not limited to, reports from various legislative entities. Information from the “public” includes information from individuals, associations, groups, organizations, etc., who are not members of the House of Representatives or submitted on behalf of a state entity.

Practice 16: Comments Submitted via the Committee Website

- 16.1** Concerns and comments provided via an **online survey-on the Committee website**, will be provided verbatim to the Committee Chair or Vice-Chair, who will identify any profanity and replace all letters, after the first letter, of the profane word with asterisks. Also, the Committee will make reasonable efforts, as determined by the Chair, to redact references to matters considered confidential in contract or federal or state law (e.g., names of minors, names of vulnerable adults, ethics investigations, etc.).

- 16.2** Means of publication and transmission of information contained in comments submitted via the Committee website may be as follows:

Online Publication: Committee website

Note: When an agency is currently under study, concerns and comments constituents provide via an online survey on the Committee website, will be provided to all House Members and the public, via periodic **publication** on the website.

When an agency is not currently under study, concerns and comments constituents provide via online surveys on the Committee website, generally will not be provided to all House Members and the public until such time as the agency is under study.

Other Transmission: Made accessible to Committee members or others

Practice 17: Comments Submitted via Email or Other Correspondence

- 17.1** Concerns and comments may be provided by the public, House Members and staff, or other state entities via email, letter or other written form (“correspondence”). The Committee will make efforts to direct the remitter to the Constituent Guide on the Committee’s webpage. This Guide may include information that communicates to the remitter (1) the agency, about which the comments relate, may request copies of the correspondence; (2) the Committee cannot control how the agency utilizes the information; and (3) the remitter has the option to: submit revised correspondence (e.g., remove references to any confidential matters or

make any other revisions desired) or request to withdraw the correspondence. Unless specifically requested by the remitter, correspondence will be considered to come from an anonymous constituent. The Committee will consider any correspondence, for which it does not receive a reply from the remitter within ten business days, to be approved by the remitter for submission to the Committee and agency with the remitter's name and contact information redacted, should the agency request any correspondence the Committee has received relating to it.

- 17.2 Means of publication and transmission of comments submitted via email or other correspondence may be as follows:

Online Publication: None

Other Transmission: Made accessible to Committee members; email to agency that submits request for correspondence the Committee has received from the public, House Members and staff, or other state entities. The Committee Chair, at his discretion, may determine the form in which the agency must submit the request Chair and may also determine when and to whom at the agency the correspondence is published.

Practice 18: Comments Obtained in Person or Over the Phone

- 18.1 Committee staff may take notes of in person or phone conversations with the public for use in conducting a study of an agency. Unless specifically requested by the person providing the information, staff notes will be considered to come from an anonymous constituent.

- 18.2 Means of publication and transmission of comments obtained in person or over the phone may be as follows:

Online Publication: None

Other Transmission: Made accessible to Committee members; email to agency that submits request for correspondence the Committee has received from the public, House Members and

staff, or other state entities. The Committee Chair, at his discretion, may determine the form in which the agency must submit the request and may also determine when and to whom at the agency the correspondence is published.

Practice 19: Governor's Restructuring Report (See S.C. Code Section 1-30-10(G)(1) in Appendix A)

- 19.1 The Committee will post in a central location online, access to Governor Restructuring Reports received from the Governor pursuant to Section 1-30-10(G)(1).

- 19.2 Means of publication and transmission of Governor's Restructuring Report may be as follows:

Online Publication: Committee website

Other Transmission: Made accessible to Committee members

Practice 20: Committee Staff Research (See S.C. Code Section 2-2-50 in Appendix A)

- 20.1 Committee members may instruct Committee staff to perform research, or tour (physical or virtual) agency facilities as statute permits the Committee to obtain evidence or information by any lawful means.

- 20.2 Means of publication and transmission of information from Committee staff research may be as follows:

Online Publication: Committee website

Other Transmission: Made accessible to Committee members

Practice 21: Legislative Audit Council (LAC) Information

(See S.C. Code Section 2-2-60(D) in Appendix A)

- 21.1 The Committee Chair may request the LAC perform its own audit of the agency or a program, at his own

initiative or upon request of the Committee. Additionally, the Committee Chair may request the LAC perform any other work permitted by statute.

21.2 Means of publication and transmission of information contained in LAC audits may be as follows:

Online Publication: Committee website

Other Transmission: Made accessible to Committee members or others; Testimony during committee meeting by LAC staff

Practice 22: State Inspector General Information

22.1 The Committee Chair may refer allegations of fraud, waste, abuse, mismanagement, misconduct, violations of state or federal law, and wrongdoing in an executive branch agency to the State Inspector General and/or appropriate law enforcement agency(ies).

22.2 Means of publication and transmission of information from State Inspector General and/or appropriate law enforcement agency(ies) may be as follows:

Online Publication: Committee website

Other Transmission: Made accessible to Committee members or others; Testimony during committee meeting by Office of the Inspector General staff.

Part IV – Subcommittee Review

Practice 23: Priority/Order of Agencies Scheduled for Subcommittee Review

23.1 The Committee may establish the priority or order of current agencies scheduled for a Subcommittee review during a given year. In establishing a priority or order of current agencies scheduled for subcommittee review during a given year, the Committee may consider the length of time the agency director has been in office.

23.2 The Committee may, for reasons it determines as good cause, change the priority or order of agencies scheduled for subcommittee review during a given year, including placing a current subcommittee review on hold and moving forward with the round of meetings for another agency.

Practice 24: Notice of Selection for Round of Meetings

24.1 The Committee shall provide written notification to an agency that it is scheduled for subcommittee review prior to the start of the review.

24.2 The written notification to the agency shall include the following:

24.2.1 purpose of the review;

24.2.2 what may be considered in the review;

24.2.3 information about the Committee's expectations of the agency during the review;

24.2.4 direction to encourage employees and other stakeholders (e.g., partners, customers, and vendors) to provide testimony and respond to the public survey; and

24.2.5 methods by which employees and other stakeholders (e.g., partners, customers, and vendors) may communicate, including the option to communicate anonymously, with the Committee.

24.3 The Committee expects an agency to forward to agency staff the written notification from the Committee that the agency is scheduled for subcommittee review. This is to inform its staff that the agency is undergoing subcommittee review as

well as the purpose of the review and how to access the Committee's website for information. [An agency may expect to be asked about notification efforts.](#)

Practice 25: Introduction of Agency and Public Input Meeting

25.1 The Committee may schedule an Introduction of Agency and Public Input meeting with the agency(ies) scheduled for subcommittee review. This meeting may include (1) obtaining a brief (2-3 minutes) explanation of what each agency does; and/or (2) receiving public input about each agency.

Part V - Study Report Issuance, Approval, and Implementation

Practice 26: Subcommittee Approval, Written Statements & Referral of Study Report to Full Committee

26.1. A subcommittee shall approve an oversight study report for the Committee.

26.1.1 The study report may include recommendations and/or findings made by the Members of the subcommittee in a prior General Assembly.

26.2 Any member of the subcommittee assigned to the subcommittee review of the agency may provide a written statement for inclusion with the oversight study report for the full committee.

26.3 The subcommittee chair shall notify the Committee Chair in writing that an oversight study report is available for consideration by the Committee.

26.4 Means of publication and transmission of subcommittee study report may be as follows:

[Online Publication:](#) Committee website

[Other Transmission:](#) Made accessible__to Committee members; email to agency.

Practice 27: Full Committee Review & Referral, Approval or Further Investigation

27.1 The Committee Chair shall schedule a Committee meeting for the purpose of receiving an oversight study report of an agency from a subcommittee.

27.2 The full Committee may:

27.2.1 Refer a legislative oversight study report back to a subcommittee for further evaluation;

27.2.2 Approve the subcommittee's report; or

27.2.3 As the Committee, choose to further evaluate an agency (i.e., ask questions of the agency during full Committee meetings and/or amend the report) utilizing any of the available tools of legislative oversight discussed in the Standard Practices, Committee Rules, or statute.

27.3 Any member of the Committee may provide a written statement for inclusion with the Committee study report.

27.4 Means of publication and transmission of Committee study report may be as follows:

[Online Publication:](#) Committee website

[Other Transmission:](#) Made accessible to Committee members

Practice 28: Implementation

28.1 The Committee recognizes that any Member of the House may file legislation to implement any recommendation in an oversight study report

Part VI – Miscellaneous

Practice 29: Extensions and Amendments

- 29.1** The Chair may, for reasons he determines as good cause, provide an agency an extension and new deadline to submit an RFI (“New Deadline”).
- 29.2** Before the Chair will consider granting an extension, the Chair may require the agency provide written information, explaining the reason the agency is requesting the extension and the number of days it is requesting.
- 29.3** Until the agency receives a response, it should continue to complete the request to the best of its ability as if it is due on the original deadline.
- 29.4** The Chair may, for reasons he determines as good cause, allow an agency to provide an amended version of an RFI.

Practice 30: Failure to Respond

- 30.1** The Chair may require any agency that has submitted an RFI which does not include responses to all questions to amend its submission to provide responses to all questions. The Chair may provide the agency with a list of questions that do not have responses. The agency will determine the response it would like to make, but the agency will need to provide some type of response to all questions.
- 30.2** If an agency fails to submit responses to all questions in an RFI by the original deadline, or New Deadline applicable to the agency, the Committee may request the agency head and, if applicable board chair, appear at a Committee meeting to explain, under oath, why the agency has failed to provide the information requested and when it will be provided. S.C. Code Section 2-2-100, which addresses contempt of the General Assembly, applies to all testimony.

Practice 31: False or Misleading Information and Contempt

(See S.C. Code Section 2-2-100 and 2-2-120 in Appendix A)

- 31.1** During a subcommittee meeting, a subcommittee member may make a motion alleging an individual may have violated S.C. Code Section 2-2-100 (contempt of the General Assembly) or Section 2-2-120 (criminal contempt of the General Assembly) and request the Committee undertake an inquiry to determine whether to refer the matter to the Attorney General.
- 31.1.1** If this motion passes, the subcommittee or ad hoc committee chair shall provide written notification of the request to the Chair. The study continues unless the subcommittee or ad hoc committee approves a motion to the contrary.
- 31.1.2** If a motion fails, the study continues
- 31.2** If, based on actions during a subcommittee meeting, the Chair receives a request for the Committee to address allegation(s) of violation(s) of contempt or criminal contempt of the General Assembly, the Chair shall schedule a meeting to address the allegation(s).
- 31.3** During a Committee meeting, a Committee member may make a motion alleging an individual may have violated S.C. Code Section 2-2-100 (contempt of the General Assembly) or Section 2-2-120 (criminal contempt of the General Assembly).
- 31.4** When the Committee takes up the requested inquiry from a subcommittee or full committee meeting, it may decide whether it will refer the matter to the Attorney General to address in an appropriate manner as determined by the Attorney General.

Practice 32: Investigations Outside Schedule

32.1 In addition to the seven-year oversight studies and investigations, a standing committee of the House may initiate an oversight study and investigation of an agency within its subject matter jurisdiction pursuant to Section 2-2-40(A)¹; and the Speaker of the House or chairmen of standing committees may authorize and conduct legislative investigations into agencies functions, duties, and activities pursuant to Section 2-2-40(B)².

Practice 33: Constituents - When Committee is not meeting with agency

33.1 Constituents may request to be notified as to when a particular agency is scheduled for subcommittee review. Requests must be renewed at the start of each General Assembly.

33.2 Committee staff shall make reasonable efforts, as determined by the Committee Chair, to contact any constituent requesting notification as to when a particular agency is scheduled for subcommittee review.

33.3 If a constituent, including, but not limited to, members of the press and agency staff, has concerns about an agency, the constituent may be directed to the constituent information on the Committee's webpage. This webpage may include information about the following:

32.3.1 the process, including the Committee's prohibition on intervening in any

constituent's ongoing matter with an agency,

33.3.2 any opportunities to participate in the process,

33.3.3 all testimony provided to the committee must be under oath pursuant to Section 2-2-70, and anyone knowingly furnishing false information will be subject to the penalties provided by law, and

33.3.4 appropriate resources, if available, that may be able to address the constituent's concerns about an agency.

Practice 34: Interaction between Committee Staff and the Press

34.1 Committee staff may direct the press to applicable Committee and agency information online.

34.2 Committee staff shall direct questions they receive from the press to the Committee Chair. The Committee Chair, at his discretion, may authorize Committee staff to answer specific questions from the press.

34.3 If the Committee Chair is unavailable to answer questions from the press and has not authorized Committee staff to respond to the specific questions, Committee staff shall direct the questions from the press to the First Vice-Chair or to the appropriate subcommittee or ad hoc committee chair.

¹ "...The motion calling for the oversight study and investigation must state the subject matter and scope of the oversight study and investigation. The oversight study and investigation must not exceed the scope stated in the motion or the scope of the information uncovered by the investigation."

² "Nothing in the provisions of this chapter prohibits or restricts the President Pro Tempore of the Senate, the Speaker of the House of Representatives, or chairmen of standing committees from fulfilling their constitutional obligations by authorizing and conducting legislative investigations into agencies' functions, duties, and activities."

Appendix A – Flow Charts

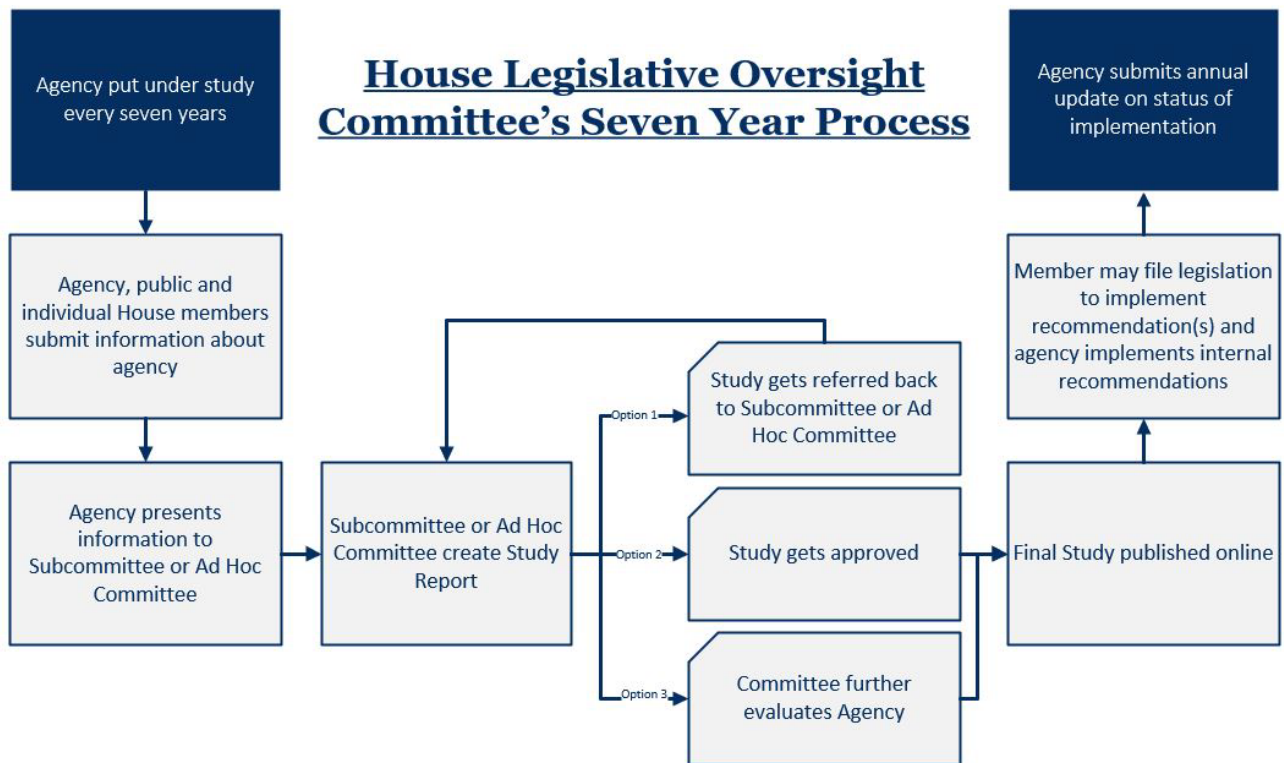


Figure 1. Committee investigation process

	Public Input Opportunities	Dissemination of Input
1	Provide input under oath at a meeting	Meeting video broadcast and archived online
2	Submit information through the traditional means of communicating with legislators (e.g., email, phone, in-person visits, with staff)	<p>A constituent review, shared with subcommittee or full committee, depending on status of study; constituents may choose to edit or withdraw their comments prior to dissemination; constituents may choose to remain anonymous</p> <p>Agencies may request to receive this input</p> <p>Subjects to applicable FOIA requests (notice of this provided in the Committee's Standard Practices)</p>
3	Submit information via the public input link on the Committee's website (i.e., ongoing public input survey)	<p>For an agency under study – posted online at least once a month and shared with the subcommittee</p> <p>For an agency with a study issue – posted online at least once a month and shared with the committee</p> <p>For an agency not under study – shared with the committee for consideration when selecting the next agencies for study and posted online when the agency is scheduled for study</p>

Figure 2. Public input opportunities and how input is disseminated

Appendix B – Statutes Applicable to the Committee

Title 2, Chapter 2 Legislative Oversight of Executive Departments

SECTION 2-2-5. Declaration of public policy.

The General Assembly finds and declares the following to be the public policy of the State of South Carolina:

(1) Section 1, Article XII of the State Constitution requires the General Assembly to provide for appropriate agencies to function in the areas of health, welfare, and safety and to determine the activities, powers, and duties of these agencies and departments.

(2) This constitutional duty is a continuing and ongoing obligation of the General Assembly that 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 by the standing committees of the State Senate or House of Representatives.

HISTORY: 2014 Act No. 121 (S.22), Pt IV, Section 6.D, eff January 1, 2015.

RESEARCH REFERENCES

Encyclopedias

26 S.C. Jur. General Assembly Section 51, Constitutional Power to Enact Statutes.

SECTION 2-2-10. Definitions.

As used in this chapter:

(1) "Agency" means an authority, board, branch, commission, committee, department, division, or other instrumentality of the executive or judicial departments of state government, including administrative bodies. "Agency" includes a body corporate and politic established as an instrumentality of the State. "Agency" does not include:

(a) the legislative department of state government; or

(b) a political subdivision.

(2) "Investigating committee" means any standing committee or subcommittee of a standing committee exercising its authority to conduct an oversight study and investigation of an agency within the standing committee's subject matter jurisdiction.

(3) "Program evaluation report" means a report compiled by an agency at the request of an investigating committee that may include, but is not limited to, a review of agency management and organization, program delivery, agency goals and objectives, compliance with its statutory mandate, and fiscal accountability.

(4) "Request for information" means a list of questions that an investigating committee serves on a department or agency under investigation. The questions may relate to any matters concerning the department or agency's actions that are the subject of the investigation.

(5) "Standing committee" means a permanent committee with a regular meeting schedule and designated subject matter jurisdiction that is authorized by the Rules of the Senate or the Rules of the House of Representatives.

HISTORY: 2014 Act No. 121 (S.22), Pt IV, Section 6.D, eff January 1, 2015.

SECTION 2-2-20. Scheduled seven-year oversight studies and investigations.

(A) Beginning January 1, 2015, each standing committee shall conduct oversight studies and investigations on all agencies within the standing committee's subject matter jurisdiction at least once every seven years in accordance with a schedule adopted as provided in this chapter.

(B) The 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.

(C) The oversight studies and investigations must consider:

- (1) the application, administration, execution, and effectiveness of laws and programs addressing subjects within the standing committee's subject matter jurisdiction;
- (2) the organization and operation of state agencies and entities having responsibilities for the administration and execution of laws and programs addressing subjects within the standing committee's subject matter jurisdiction; and
- (3) any conditions or circumstances that may indicate the necessity or desirability of enacting new or additional legislation addressing subjects within the standing committee's subject matter jurisdiction.

HISTORY: 2014 Act No. 121 (S.22), Pt IV, Section 6.D, eff January 1, 2015.

CROSS REFERENCES

First Steps to School Readiness, board of trustees, composition, oversight, see Section 63-11-1720.

SECTION 2-2-30. Procedure for conducting oversight studies and investigations.

(A) The procedure for conducting the oversight studies and investigations is provided in this section.

(B)

(1) The President of the Senate, upon consulting with the chairmen of the standing committees in the Senate and the Clerk of the Senate, shall determine the agencies for which each standing committee must conduct oversight studies and investigations. A proposed seven-year review schedule must be published in the Senate Journal on the first day of session each year.

(2) In order to accomplish the requirements of this chapter, the chairman of each standing committee must schedule oversight studies and investigations for the agencies for which his standing committee is the investigating committee and may:

(a) coordinate schedules for conducting oversight studies and investigations with the chairmen of other standing committees; and

(b) appoint joint investigating committees to conduct the oversight studies and investigations including, but not limited to, joint committees of the Senate and House of Representatives or joint standing committees of concurrent subject matter jurisdiction within the Senate or within the House of Representatives.

(3) Chairmen of standing committees having concurrent subject matter jurisdiction over an agency or the programs and law governing an agency by virtue of the Rules of the Senate or Rules of the House of Representatives, may request that a joint investigating committee be appointed to conduct the oversight study and investigation for an agency.

(C)

(1) The Speaker of the House of Representatives, upon consulting with the chairmen of the standing committees in the House of Representatives and the Clerk of the House of Representatives, shall determine the agencies for which each standing committee must conduct oversight studies and investigations. A proposed seven-year review schedule must be published in the House Journal on the first day of session each year.

(2) In order to accomplish the requirements of this chapter, the chairman of each standing committee must schedule oversight studies and investigations for the agencies for which his standing committee is the investigating committee and may:

(a) coordinate schedules for conducting oversight studies and investigations with the chairmen of other standing committees; and

(b) appoint joint investigating committees to conduct the oversight studies and investigations including, but not limited to, joint committees of the Senate and House of Representatives or joint standing committees of concurrent subject matter jurisdiction within the Senate or within the House of Representatives.

(3) Chairmen of standing committees having concurrent subject matter jurisdiction over an agency or the programs and law governing an agency by virtue of the Rules of the Senate or Rules of the House of Representatives, may request that a joint investigating committee be appointed to conduct the oversight study and investigation for the agency.

(D) The chairman of an investigating committee may vest the standing committee's full investigative power and authority in a subcommittee. A subcommittee conducting an oversight study and investigation of an agency:

(1) must make a full report of its findings and recommendations to the standing committee at the conclusion of its oversight study and investigation; and

(2) must not consist of fewer than three members.

HISTORY: 2014 Act No. 121 (S.22), Pt IV, Section 6.D, eff January 1, 2015; 2019 Act No. 1 (S.2), Section 12, eff January 31, 2019.

Effect of Amendment

2019 Act No. 1, Section 12, in (B)(1), in the first sentence, substituted "President of the Senate" for "President Pro Tempore of the Senate".

SECTION 2-2-40. Unscheduled oversight studies and investigations.

(A) In addition to the scheduled seven-year oversight studies and investigations, a standing committee of the Senate or House of Representatives may initiate an oversight study and investigation of an agency within its subject matter jurisdiction. The motion calling for the oversight study and investigation must state the subject matter and scope of the oversight study and investigation. The oversight study and investigation must not exceed the scope stated in the motion or the scope of the information uncovered by the investigation.

(B) Nothing in the provisions of this chapter prohibits or restricts the President of the Senate, the Speaker of the House of Representatives, or chairmen of standing committees from fulfilling their constitutional obligations by authorizing and conducting legislative investigations into agencies' functions, duties, and activities.

HISTORY: 2014 Act No. 121 (S.22), Pt IV, Section 6.D, eff January 1, 2015; 2019 Act No. 1 (S.2), Section 13, eff January 31, 2019.

Effect of Amendment

2019 Act No. 1, Section 13, in (B), substituted "President of the Senate" for "President Pro Tempore of the Senate".

SECTION 2-2-50. Acquisition of evidence or information.

When an investigating committee conducts an oversight study and investigation or a legislative investigation is conducted pursuant to Section 2-2-40(B), evidence or information related to the investigation may be acquired by any lawful means, including, but not limited to:

(A) serving a request for information on the agency being studied or investigated. The request for information must be answered separately and fully in writing under oath and returned to the investigating committee within forty-five days after being served upon the department or agency. The time for answering a request for information may be extended for a period to be agreed upon by the investigating committee and the agency for good cause shown. The head of the department or agency must sign the answers verifying them as true and correct. If any question contains a request for records, policies, audio or video recordings, or other documents, the question is not considered to have been answered unless a complete set of records, policies, audio or video recordings, or other documents is included with the answer;

(B) deposing witnesses upon oral examination. A deposition upon oral examination may be taken from any person that the investigating committee has reason to believe has knowledge of the activities under investigation. The investigating committee shall provide the person being deposed and the agency under investigation with no less than ten days notice of the deposition. The notice to the agency shall state the time and place for taking the deposition and name and address of each person to be examined. If a subpoena duces tecum is to be served on the person to be examined, the designation of the materials to be produced as set forth in the subpoena must be attached to or included in the notice. The deposition must be taken under oath administered by the chairman of the investigating committee or his designee. The testimony must be taken stenographically or recorded by some other means and may be videotaped. A person may be compelled to attend a deposition in the county in which he resides or in Richland County;

(C) issuing subpoenas and subpoenas duces tecum pursuant to Chapter 69, Title 2; and

(D) requiring the agency to prepare and submit to the investigating committee a program evaluation report by a date specified by the investigating committee. The investigating committee must specify the agency program or programs or agency operations that it is studying or investigating and the information to be contained in the program evaluation report.

HISTORY: 2014 Act No. 121 (S.22), Pt IV, Section 6.D, eff January 1, 2015.

Attorney General's Opinions

Discussion of whether a County Legislative Delegation must have a specific legislative resolution, joint or concurrent, authorizing subpoena power in order to use subpoena ad testificandum or

subpoena duces tecum power for an investigative committee of the Legislative Delegation unless the entity is a "standing committee" of either the Senate or the House of Representatives or a joint study committee. S.C. Op.Atty.Gen. (January 4, 2019) 2019 WL 946272.

SECTION 2-2-60. Program evaluation reports.

(A) An investigating committee's request for a program evaluation report must contain:

- (1)** the agency program or operations that it intends to investigate;
- (2)** the information that must be included in the report; and
- (3)** the date that the report must be submitted to the committee.

(B) An investigating committee may request that the program evaluation report contain any of the following information:

- (1)** enabling or authorizing law or other relevant mandate, including any federal mandates;
- (2)** a description of each program administered by the agency identified by the investigating committee in the request for a program evaluation report, including the following information:
 - (a)** established priorities, including goals and objectives in meeting each priority;
 - (b)** performance criteria, timetables, or other benchmarks used by the agency to measure its progress in achieving its goals and objectives;
 - (c)** an assessment by the agency indicating the extent to which it has met the goals and objectives, using the performance criteria. When an agency has not met its goals and objectives, the agency shall identify the reasons for not meeting them and the corrective measures the agency has taken to meet them in the future;
- (3)** organizational structure, including a position count, job classification, and organization flow chart indicating lines of responsibility;
- (4)** financial summary, including sources of funding by program and the amounts allocated or appropriated and expended over the last ten years;
- (5)** identification of areas where the agency has coordinated efforts with other state and federal agencies in achieving program objectives and other areas in which an agency could establish cooperative arrangements including, but not limited to, cooperative arrangements to coordinate services and eliminate redundant requirements;

(6) identification of the constituencies served by the agency or program, noting any changes or projected changes in the constituencies;

(7) a summary of efforts by the agency or program regarding the use of alternative delivery systems, including privatization, in meeting its goals and objectives;

(8) identification of emerging issues for the agency;

(9) a comparison of any related federal laws and regulations to the state laws governing the agency or program and the rules implemented by the agency or program;

(10) agency policies for collecting, managing, and using personal information over the Internet and nonelectronically, information on the agency's implementation of information technologies;

(11) a list of reports, applications, and other similar paperwork required to be filed with the agency by the public. The list must include:

(a) the statutory authority for each filing requirement;

(b) the date each filing requirement was adopted or last amended by the agency;

(c) the frequency that filing is required;

(d) the number of filings received annually for the last seven years and the number of anticipated filings for the next four years;

(e) a description of the actions taken or contemplated by the agency to reduce filing requirements and paperwork duplication;

(12) any other relevant information specifically requested by the investigating committee.

(C) All information contained in a program evaluation report must be presented in a concise and complete manner.

(D) The chairman of the investigating committee may direct the Legislative Audit Council to perform a study of the program evaluation report and report its findings to the investigating committee. The chairman also may direct the Legislative Audit Council to perform its own audit of the program or operations being studied or investigated by the investigating committee.

(E) A state agency that is vested with revenue bonding authority may submit annual reports and annual external audit reports conducted by a third party in lieu of a program evaluation report.

HISTORY: 2014 Act No. 121 (S.22), Pt IV, Section 6.D, eff January 1, 2015.

SECTION 2-2-70. Testimony under oath.

All testimony given to the investigating committee must be under oath.

HISTORY: 2014 Act No. 121 (S.22), Pt IV, Section 6.D, eff January 1, 2015.

SECTION 2-2-80. Witnesses; right to counsel; legal privilege; ruling on objections; review.

Any witness testifying before the investigating committee may have counsel present to advise him. The witness or his counsel may, during the time of testimony, claim any legal privilege recognized by the laws of this State in response to any question and is entitled to have a ruling by the chairman on any objection. In making his ruling, the chairman of the investigating committee shall follow as closely as possible the statutory law and the decisions of the courts of this State regarding legal privileges. The ruling of the chair may not be reviewed by the courts of this State except in a separate proceeding for contempt of the General Assembly.

HISTORY: 2014 Act No. 121 (S.22), Pt IV, Section 6.D, eff January 1, 2015.

SECTION 2-2-90. Witnesses; privilege at law.

A witness shall be given the benefit of any privilege at law which he may have in court as a party to a civil action.

HISTORY: 2014 Act No. 121 (S.22), Pt IV, Section 6.D, eff January 1, 2015.

SECTION 2-2-100. Contempt; penalty.

Any person who appears before a committee or subcommittee of either house, pursuant to this chapter, and wilfully gives false, materially misleading, or materially incomplete testimony under oath is guilty of contempt of the General Assembly. A person who is convicted of or pleads guilty to contempt of the General Assembly is guilty of a felony and, upon conviction, must be fined within the discretion of the court or imprisoned for not more than five years, or both.

HISTORY: 2014 Act No. 121 (S.22), Pt IV, Section 6.D, eff January 1, 2015.

CROSS REFERENCES

Notification to Attorney General of violations of Section 2-2-100, filing of charges, see Section 2-2-110.

SECTION 2-2-110. Notification to Attorney General of violations of Section 2-2-100; filing of charges.

Whenever any person violates Section 2-2-100 it is the duty of the chair of the committee or subcommittee before which the false, misleading, or incomplete testimony was given, to notify the Attorney General of South Carolina who shall cause charges to be filed in the appropriate county.

HISTORY: 2014 Act No. 121 (S.22), Pt IV, Section 6.D, eff January 1, 2015.

SECTION 2-2-120. Criminal contempt; penalty.

A person is guilty of criminal contempt when, having been duly subpoenaed to attend as a witness before either house of the legislature or before any committee thereof, he:

- (1) fails or refuses to attend without lawful excuse; or
- (2) refuses to be sworn; or
- (3) refuses to answer any material and proper question; or
- (4) refuses, after reasonable notice, to produce books, papers, or documents in his possession or under his control which constitute material and proper evidence.

A person who is convicted of or pleads guilty to criminal contempt is guilty of a felony and, upon conviction, must be fined within the discretion of the court or imprisoned for not more than five years, or both.

HISTORY: 2014 Act No. 121 (S.22), Pt IV, Section 6.D, eff January 1, 2015.

Appendix C – Prior Committee Discussion about Anonymous Public Input

Committee meetings are archived on the General Assembly's website.

November 9, 2015, Committee meeting archived video at 29:29 – 51:36

- Topics include: online survey comments and profanity redaction

October 16, 2016, Committee meeting archived video at 17:33 – 34:55

- Topics include: agency complaints about anonymous surveys

June 26, 2018, Committee meeting archived video at part 1, 1:02:44

- Topics include: agency complaints about anonymous surveys (e.g., due process)