

Chairman Wm. Weston J. Newton

*First Vice-Chair:
Laurie Slade Funderburk*

Legislative Oversight Committee



*Nathan Ballentine
Gary E. Clary
Kirkman Finlay III
Joseph H. Jefferson Jr.
Walton J. McLeod
Joshua Putnam
Samuel Rivers Jr.
Tommy M. Stringer
Bill Taylor*

*William K. (Bill) Bowers
Raye Felder
Phyllis J. Henderson
Mia S. McLeod
Ralph W. Norman
Robert L. Ridgeway III
James E. Smith, Jr.
Edward R. Tallon Sr.
Robert Q. Williams*

South Carolina House of Representatives

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**Legislative Oversight Committee Meeting
March 9, 2016
8:00 a.m.
Room 521 - Blatt Building**

Archived Video

- I. You may access archived video of this meeting by visiting the South Carolina General Assembly's website (<http://www.scstatehouse.gov>) and click on "Committee Postings and Reports," then under House Standing Committees click on "Legislative Oversight". Lastly, click on "Video Archives" for a listing of archived videos for the Legislative Oversight Committee.

Minutes

- I. House Rule 4.5 requires the standing committees of the House to prepare and make available for public inspection, in compliance with Section 30-4-90, the minutes of full committee meetings. House Rule 4.5 further provides that such minutes need not be verbatim accounts of such meetings.
- II. The House Legislative Oversight Committee (Committee) was called to order by Representative Gary E. Clary on Wednesday, March 9, 2016, in Room 521 of the Blatt Building, Columbia, South Carolina. Representative Clary served as temporary chair at the beginning of the meeting; Vice Chair Funderburk served as chair during the meeting as the Chairman Wm. Weston J. Newton was out of the state on family business.
- III. All Committee members were present for all or part of the meeting unless otherwise noted. The following had notified the Committee that they were unable to attend: Representative Kirkman Finlay III, Representative Mia S. McLeod, and Representative Wm. Weston J. Newton.
- IV. Representative Jefferson moved to approve the minutes from the Committee's previous meeting, which was held on January 28, 2016. A roll call vote was held, and the results were as follows.

Rep. Jefferson's Motion to Approve the Minutes from the Committee's Meeting on January 28, 2016:	Yea	Nay	Not Voting
Nathan Ballentine	✓		
William K. "Bill" Bowers	✓		
Gary E. Clary	✓		
Raye Felder			(Abstention)
Kirkman Finlay, III			✓
Laurie Slade Funderburk			✓
Phyllis Henderson	✓		
Joseph H. Jefferson, Jr.	✓		
Mia S. McLeod			✓
Walton J. McLeod			✓
Ralph W. Norman	✓		
Joshua A. Putnam	✓		
Robert L. Ridgeway, III	✓		
Samuel Rivers, Jr.			✓
James E. Smith, Jr.			✓
Tommy M. Stringer	✓		
Edward R. "Eddie" Tallon	✓		
Bill Taylor	✓		
Robert Q. Williams	✓		
Wm. Weston J. Newton			✓

Representative Raye Felder requested to be noted as abstaining from the vote on the minutes from the previous meeting as she was not present at the previous meeting.

- IV. The next order of business was the receipt of the Ad Hoc Committee's study of state agencies' relationship with, funding of, and other activities relating to Planned Parenthood facilities and other abortion providers in South Carolina and the Healthcare Subcommittee's study of the Department of Social Services (DSS). Representative Clary explained that, in regards to the two studies, the Committee could:
1. Refer a study back to the Subcommittee or Ad Hoc Committee;
 2. Approve a study; or
 3. Choose to do further evaluation of the agency.
- V. Representative Clary provided an overview of the Ad Hoc Committee' study to the Committee, including the Ad Hoc Committee's recommendations, which were:
1. Add a provision in statute that makes it illegal to sell products of conception, but allows for the donation of such products for medical research without compensation and with the mother's written consent;
 2. Require (1) abortion clinics and hospitals, including emergency rooms, to report to the agency post-operative complications arising as a result of an abortion procedure regardless of where the abortion was performed; (2) if the patient is willing to provide the information, the name of the abortion clinic or hospital which performed the initial abortion; and (3) Department of Health and Environmental Control (DHEC) to use that reporting to collect and

- provide, by facility which performs the abortion, statistics on the number of post-operative complications reported;
3. Add a provision in statute to require that an ultrasound be performed prior to an abortion procedure to determine the gestational age of the fetus;
 4. Require physicians performing any abortion to comply with requirements of the Woman's Right to Know Act;
 5. Add a requirement for some identifying information to be included in the abortion reports, which would allow DHEC to utilize these reports as necessary to assist in investigating potential violations;
 6. Add sanctions for failure to report the identifying information in Recommendation 5 in a timely manner; and
 7. Add a provision in statute, which is already in regulation, limiting abortions that can be performed in an abortion clinic to those within 18 weeks of gestational age. Abortion clinics that are also licensed as ambulatory surgical facilities may perform abortion procedures on patients within 26 weeks of gestational age.

Representative Smith asked a series of questions of Representative Clary pertaining to the Ad Hoc Committee's findings, and he thanked Representative Clary for his leadership of the Ad Hoc Committee.

Representative Henderson asked if there was a plan for introducing legislation to implement the Ad Hoc Committee's recommendations. Representative Clary answered that any Member of the House of Representatives or of the Committee could introduce legislation to that effect.

Representative Walton McLeod asked if DHEC intended to implement any regulatory changes related to the Ad Hoc Committee's seven recommendations. Representative Clary answered that it was his understanding that DHEC merely presented the seven recommendations to the Ad Hoc Committee in order that the Committee make the necessary changes to state law. Vice Chair Funderburk commented that DHEC was in the process of promulgating regulations pertaining to vital statistics that did not conflict with the Ad Hoc Committee's recommendations.

Representative Williams asked if the Ad Hoc Committee had considered ways that mothers could be made aware of the advantages and disadvantages of obtaining an abortion. Representative Clary answered that the Woman's Right to Know Act required that mothers be provided certain information. Representative Clary stated that the Recommendation 4 of the Ad Hoc Committee expands the requirements of the Woman's Right to Know Act.

Representative Williams asked if the Woman's Right to Know Act required a consultation. Representative Clary answered that, in his opinion, the Act's requirements may be satisfied by providing the woman written information. Representative Williams asked additional questions about the Woman's Right to Know Act for which further research is necessary.

Representative Putnam asked if the Ad Hoc Committee's recommendations were crafted in response to legal violations by abortion providers, or if they were recommendations that the Ad Hoc Committee felt would be helpful for the state. Representative Clary answered that the recommendations were suggested to the Ad Hoc Committee by DHEC.

Representative Putnam asked if the Ad Hoc Committee was aware of any state funding that Planned Parenthood or other abortion providers have received. Representative Clary answered that any such funding was provided in the form of Medicaid funds.

Vice Chair Funderburk thanked Representative Clary for his presentation on the Ad Hoc Committee's findings and recommendations.

Representative Henderson asked if the Committee was required to wait until its next meeting to vote on the Ad Hoc Committee's recommendations, or if votes could be taken at the current meeting. Vice Chair Funderburk answered that the Committee Members had only been notified that the meeting was an informational meeting, and had not been notified that any votes would be taken; furthermore, Vice Chair Funderburk assured Representative Henderson that Members would be notified in advance if votes were to be taken at a meeting so that they would have time to prepare. Representative Clary stated that he intended to have legislation drafted to implement the Ad Hoc Committee's recommendations so that the draft legislation could be circulated to all of the Committee Members for consideration.

- VI. Representative Ballentine provided an overview of the Healthcare Subcommittee's study of DSS, and of its recommendations to the Committee. The Subcommittee's recommendations were published in Subcommittee Study of the Department of Social Services, which is available online (<http://scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/DSS/March%201,%202016%20Notification%20of%20Healthcare%20Subcommittee%20Study.pdf>).

Representative Jefferson expressed his concerns that DSS is understaffed and that DSS employees are underpaid. Representative Ballentine answered that he intended to support DSS' request for a budget increase so that the agency can hire more caseworkers and that he intended to work with DSS and others in order to improve employee morale at the agency, but that improving morale was an ongoing process.

Representative Norman asked if the Committee was going to provide operating guidelines to DSS. Representative Ballentine answered that he fully believes that Director Susan Alford is up to the task of improving DSS, and that any Member of the Committee was welcome to introduce legislation to provide operating guidelines to DSS if he feels so led.

Representative Norman expressed his opinion that the Committee should review the agency's compensation practices and see if the agency actually needs a budget increase.

Representative Tallon if the Subcommittee had studied the agency's adoption services in light of the fact that adoptions are frequently delayed because of long wait times. Representative Ballentine answered that the Subcommittee had not studied the agency's adoption services.

Representative Felder asked if DSS has ever begun using a computer system to track child support payments that was not used in earlier years due to the General Assembly's decision to not fund the system's implementation. Representative Ballentine answered that it was his understanding that the computer system was going to be implemented in 2019.

Representative Williams asked what DSS has been doing to work with families in order to strengthen those families and keep children in the care of their parents and other family members. Representative

Ballentine answered that it is very important to make sure that state child support guidelines are in accord with the mandated federal guidelines so that the state can hold parents accountable.

Representative Smith asked if DSS has guidelines in order to make sure that its employees act in a timely and effective fashion when the agency's intervention in domestic affairs becomes necessary. Representative Ballentine answered that DSS is aware of its own deficiencies and that the Committee intended to take a closer look at the agency's performance results over time to ensure that the wait times for consumers of DSS services are dropping. Representative Ballentine also said that he expected a move toward full employment of caseworkers at DSS to have a positive effect on the agency's performance. Representative Ballentine stated that there is a report published online that DSS uses to measure its effectiveness.

Representative Walton McLeod made a statement to the Committee that it was his belief that Director Alford and the current DSS management team are making good improvements to the agency.

- VII. March 16 was suggested as a tentative next meeting date.
- VIII. There being no further business, the meeting was adjourned.