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### **Law Enforcement and Criminal Justice Subcommittee**

Thursday, November 30, 2017

10:00 am

Blatt Room 110

#### **Archived Video Available**

- I. Pursuant to House Legislative Oversight Committee Rule 6.8, South Carolina ETV was allowed access for streaming the meeting. You may access an archived video of this meeting by visiting the South Carolina General Assembly's website (<http://www.scstatehouse.gov>) and clicking on *Committee Postings and Reports*, then under *House Standing Committees* click on *Legislative Oversight*. Then, click on *Video Archives* for a listing of archived videos for the Committee.

#### **Attendance**

- I. The Law Enforcement and Criminal Justice Subcommittee meeting was called to order by Chairman Edward R. Tallon, Sr., on Thursday, November 30, 2017, in Room 110 of the Blatt Building. The following members of the Subcommittee were present for either all or a portion of the meeting: Chairman Tallon, Representative Katherine E. Arrington, and Representative William M. Hixon.

## Minutes

- I. House Rule 4.5 requires standing committees to prepare and make available to the public the minutes of committee meetings, but the minutes do not have to be verbatim accounts of meetings. It is the practice of the Legislative Oversight Committee to provide minutes for its subcommittee meetings.
- II. Representative Arrington makes a motion to approve the meeting minutes from the two prior Subcommittee meetings.

Rep. Arrington's motion to approve the minutes from the October 23, 2017, and November 6, 2017, meeting:	Yea	Nay	Not Voting
Rep. Arrington	✓		
Rep. Hixon	✓		
Rep. Johnson			Not Present
Rep. Tallon	✓		

## Discussion of the Department of Natural Resources

- I. Chairman Tallon explains the purpose of the meeting today is to receive constituent testimony; discuss remaining agency law recommendations; and allow the agency to present and subcommittee members to ask about, information the agency provided in response to Subcommittee follow-up letters from each previous meeting during the study.
- II. He reminds those who were sworn in during prior meetings that they remain under oath anytime they are with the Subcommittee or Committee. Also, he swears in the following individuals:
  - a. Mr. Mike Caston, Spartanburg;
  - b. Mr. Clay Duffie, Charleston;
  - c. Mr. Rick Caldwell, II, Legislative Affairs, Department of Health and Environmental Control (DHEC); and
  - d. Mr. David Baize, Water Resource Policy Advisor, DHEC.
- III. Testimony about the state water plan is provided by representatives of DNR, representatives of DHEC, Mr. Caston, and Mr. Duffie.
- IV. Ms. Shannon Bobertz, General Counsel for DNR, presents information on law recommendations. There is testimony from DNR representatives and questions from members, which the DNR representatives answer, about various law recommendations.
- V. Chairman Tallon explains the agency has provided information responsive to the Subcommittee's follow-up questions related to the following topics:
  - a. Human Resources;

- b. Office of Media and Outreach;
- c. Office of Support Services;
- d. Marine Resources Division;
- e. Land, Water, and Conservation Division;
- f. Wildlife and Freshwater Fisheries Division;
- g. Office of Environmental Programs; and
- h. Law Enforcement Division

Chairman Tallon asks if members have any additional questions or motions related to the information or divisions. Members ask questions about each division and topic, which applicable DNR personnel answer.

VI. Throughout the meeting, members make motions which are listed below.

Rep. Hixon's motion that the Subcommittee Study include a recommendation that the agency continue in its expansion of the technical advisory committee for the state water plan and the process of making it more stakeholder driven and in six months come back and testify to the House Legislative Oversight Committee on the progress made.	Yea	Nay	Not Voting
Rep. Arrington	✓		
Rep. Hixon	✓		
Rep. Johnson			Not Present
Rep. Tallon	✓		

Rep. Hixon's motion that based on the overwhelming number of vacancies on the Drought Response Committee, the Subcommittee Study include a recommendation that SC Code 49-23-60 be updated to provide a preference to individuals seeking to participate in the Committee who are from a county that does not already have two members on the local committee, but remove the limitation that there may not be more than two members on a local committee from each county within the drought management area to increase the number of people available for the Governor to appoint.	Yea	Nay	Not Voting
Rep. Arrington	✓		
Rep. Hixon	✓		
Rep. Johnson			Not Present
Rep. Tallon	✓		

Rep. Arrington's motion that the Subcommittee Study approve each of the agency recommended changes to law as revised today, or, if not revised, as they appear in the agency's Program Evaluation Report which are numbered 2-5, 12, 17-20, 22, 24, 27, 30, 36, 38, 41, 50-51, 57, 59, 63, 74, 79, and 83 (The PER is available online for the public to view).	Yea	Nay	Not Voting
Rep. Arrington	✓		
Rep. Hixon	✓		
Rep. Johnson			Not Present
Rep. Tallon	✓		

Rep. Hixon's motion that the Subcommittee Study include the agency's law recommendation #45, which relates to ending the potentially duplicative Saltwater Recreational Fisheries Advisory Committee, for informational purposes only, and the Subcommittee notify the House Agriculture Committee of the agency's recommendation, and provide it with information the House Legislative Oversight Committee has obtained about the recommendation, so the Agriculture Committee may further analyze the recommendation.	Yea	Nay	Not Voting
Rep. Arrington	✓		
Rep. Hixon	✓		
Rep. Johnson			Not Present
Rep. Tallon	✓		

Rep. Hixon's motion that the Subcommittee Study approve each of the agency recommended changes to law as they appear in the agency's Program Evaluation Report which are numbered 6-8, 29, 37, 39-40, 46-49, 52-56, 58, 60, 64-66, 69, 71, 75-76, 78, 84, 86, and 87 (The PER is available online for the public to view).	Yea	Nay	Not Voting
Rep. Arrington	✓		
Rep. Hixon	✓		
Rep. Johnson			Not Present
Rep. Tallon	✓		

Rep. Hixon's motion that the Subcommittee Study include the agency's law recommendation #82, which relates to eliminating the planned five year acquisition notification, for informational purposes only, and the Subcommittee notify the House Ways and Means Committee of the agency's recommendation, and provide it with information the House Legislative Oversight Committee has obtained about the recommendation, so the Ways and Means Committee may further analyze the recommendation since it is the committee that receives the acquisition notification.	Yea	Nay	Not Voting
Rep. Arrington	✓		
Rep. Hixon	✓		
Rep. Johnson			Not Present
Rep. Tallon	✓		

Rep. Arrington's motion that the Subcommittee Study include (1) a recommendation that the State Division of Human Resources research the cost of adding an employee climate survey score, every two years, as part of the Employee Performance Management System results of individuals, at every agency, who are in charge of an agency's division, as well as an overall score as part of the results of the agency head; and (2) a recommendation that when the agency receives the results of the most recent employee morale survey, the agency provide the Committee the results along with a synopsis of the issues identified in the survey, if any, and the agency's timeline for addressing those issues.	Yea	Nay	Not Voting
Rep. Arrington	✓		
Rep. Hixon	✓		
Rep. Johnson			Not Present
Rep. Tallon	✓		

Rep. Arrington's motion that the Subcommittee Study recommendation related to the internal auditor that was approved during the October 9, 2017, Subcommittee meeting be amended to state this Subcommittee recommends the agency hire an internal auditor to serve under the Audit Manager, subject to funding from the General Assembly.	Yea	Nay	Not Voting
Rep. Arrington	✓		
Rep. Hixon	✓		
Rep. Johnson			Not Present
Rep. Tallon	✓		

Rep. Arrington's motion that the Subcommittee Study recommendation related to the audit team direct report to the DNR Board that was approved during the October 9, 2017, Subcommittee meeting be amended to state this Subcommittee recommends the head of the agency's audit team (1) provide an annual audit plan for approval by the agency board; (2) have the ability to make requests for additional audits directly to the Board, without the need of approval from the agency director; and (3) discuss the status and results of any audits directly with the Board, without the need to initially discuss the information with the agency director.	Yea	Nay	Not Voting
Rep. Arrington	✓		
Rep. Hixon	✓		
Rep. Johnson			Not Present
Rep. Tallon	✓		

Rep. Arrington's motion that the Subcommittee Study include a recommendation that the agency create and publish on its website a current list of all natural resource related licenses, permits, and fees, along with the following information related to each: amount to purchase, statute or regulation in which the amount is set, year the amount was last changed, number purchased, and a brief explanation of how the agency utilizes the funds.	Yea	Nay	Not Voting
Rep. Arrington	✓		
Rep. Hixon	✓		
Rep. Johnson			Not Present
Rep. Tallon	✓		

Rep. Hixon's motion that the Subcommittee Study recommendation related to turkey tags that was approved during the October 9, 2017, Subcommittee meeting be amended to state this Subcommittee recommends the agency review turkey tags in an effort to obtain a process that will allow the state to avoid incurring costs for printing and mailing tags.	Yea	Nay	Not Voting
Rep. Arrington	✓		
Rep. Hixon	✓		
Rep. Johnson			Not Present
Rep. Tallon	✓		

Rep. Arrington's motion that the Subcommittee Study include a recommendation that the agency research the costs and feasibility of making it easier for individuals to renew their licenses from year to year (e.g., adding a one button auto-fill option for online hunting license renewals that automatically fills in the licenses requested by the individual the previous year).	Yea	Nay	Not Voting
Rep. Arrington	✓		
Rep. Hixon	✓		
Rep. Johnson			Not Present
Rep. Tallon	✓		

Rep. Arrington's motion that the Subcommittee Study include a recommendation that the agency include information online regarding the percentage of individuals who received a permit through each of the lottery hunts so members of the public applying for the permits are aware of their chances and have information on the point system.	Yea	Nay	Not Voting
Rep. Arrington	✓		
Rep. Hixon	✓		
Rep. Johnson			Not Present
Rep. Tallon	✓		

Rep. Arrington's motion that the Subcommittee Study recommendation related to procurement training that was approved during the October 9, 2017, Subcommittee meeting be amended to clarify the type of purchases to which it applies. The amended recommendation is that state agencies be prohibited from procuring products or services over \$2,500 annually until all agency employees involved in procurement of products or services over \$2,500 successfully complete the annual curriculum of training approved by the state's Division Director of Procurement Services subject to reasonable extensions (e.g., insufficient space available in approved classes, etc.).	Yea	Nay	Not Voting
Rep. Arrington	✓		
Rep. Hixon	✓		
Rep. Johnson			Not Present
Rep. Tallon	✓		

Rep. Hixon's motion that the Subcommittee Study include a recommendation that state statute be revised to include a fee for permits related to the harvesting of horseshoe crabs for biomedical purposes and the House Agriculture Committee further analyze the issue to determine what may be a reasonable fee.	Yea	Nay	Not Voting
Rep. Arrington	✓		
Rep. Hixon	✓		
Rep. Johnson			Not Present
Rep. Tallon	✓		

Rep. Hixon's motion that the Subcommittee Study include a recommendation that DNR's dike repair and maintenance be exempt from capital project requirements.	Yea	Nay	Not Voting
Rep. Arrington	✓		
Rep. Hixon	✓		
Rep. Johnson			Not Present
Rep. Tallon	✓		



Rep. Hixon's motion that the Subcommittee Study include a finding that current South Carolina practices regarding migratory bird permits, may detrimentally impact the Federal Harvest Information program for migratory birds, which utilizes the number of permits issued across states as part of the information it collects for scientific purposes. Some other states are addressing this potential detrimental impact by charging a nominal fee to encourage requests for permits from only those individuals who intend to use the permit.	Yea	Nay	Not Voting
Rep. Arrington	✓		
Rep. Hixon	✓		
Rep. Johnson			Not Present
Rep. Tallon	✓		

Rep. Hixon's motion that the Subcommittee Study include a recommendation that the that the Law Enforcement Training Council, of which the agency director is a member, produce a brief report, sent to the General Assembly and statewide media outlets, which lists law enforcement entities across the state in the following areas for the previous year, and provides this data for the past three years: (1) percentage of graduates from Criminal Justice Academy basic training; (2) number of advanced hours of training; (3) percentage of law enforcement officers leaving the entity; (4) percentage of new officers that transferred from another SC law enforcement entity; (5) retention rate for past five years; and (6) retention rate for past ten years.	Yea	Nay	Not Voting
Rep. Arrington	✓		
Rep. Hixon	✓		
Rep. Johnson			Not Present
Rep. Tallon	✓		

Rep. Hixon's motion that the Subcommittee Study include a recommendation that the agency research and create a policy for handling complaints against Deputy Directors and the agency Director.	Yea	Nay	Not Voting
Rep. Arrington	✓		
Rep. Hixon	✓		
Rep. Johnson			Not Present
Rep. Tallon	✓		

Rep. Hixon’s motion that the Subcommittee Study include a finding that because (1) the safety of individuals on the water is paramount; (2) there are at least nine other southeastern states, including those immediately surrounding South Carolina, which have a mandatory boater safety course requirement, (3) DNR has learned through numerous public meetings that South Carolina boaters support a boater safety education requirement; and (4) the number of boats owned in South Carolina has risen, the Subcommittee request the House Agriculture Committee’s Wildlife Subcommittee further analyze the issue.	Yea	Nay	Not Voting
Rep. Arrington	✓		
Rep. Hixon	✓		
Rep. Johnson			Not Present
Rep. Tallon	✓		

- VII. Subcommittee members note some best practices observed during the study of the agency.
- VIII. Mr. Pulliam, DNR Board Chairman, and DNR Director Taylor, testify about the oversight process and work of agency employees.
- IX. Chairman Tallon directs staff to draft the Subcommittee Study Report, and provide a copy to all subcommittee members by Friday, December 8, 2017. He further explains subcommittee members have until 5:00pm on Friday, December 15, 2017, to provide a written statement for inclusion in the report, as permitted by Standard Practice 12.4. In addition, he states he will provide notice to the full Committee that the Subcommittee Study is available for consideration, unless he receives a written request for another meeting from a Subcommittee Member prior to 5:00pm on Friday, December 15, 2017.
- X. There being no further business, the meeting is adjourned.