



South Carolina
House of Representatives
Legislative Oversight Committee

Transparency Report

2021-2022



124th General Assembly



“

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

- Woodrow Wilson
(Congressional Government, 1885)

”

124th General Assembly

House Legislative Oversight Committee

Wm. Weston J. Newton
Chairman

Joseph H. Jefferson
1st Vice-Chair, Subcommittee Chair

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Jeffrey E. “Jeff” Johnson

John Taliaferro “Jay” West, IV

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Research Analyst



Committee 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.

A black and white photograph of a highly ornate, vaulted ceiling, likely from a historical legislative building. The ceiling features a complex geometric pattern of octagons and squares, each containing a decorative medallion or light fixture. The architecture is classical, with deep moldings and intricate carvings. The perspective is looking up, emphasizing the height and grandeur of the space.

Committee 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.



Authority

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

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

National Recognition

From its creation, the South Carolina House Legislative Oversight Committee has garnered national recognition receiving six awards for the Committees work. For the past five consecutive years (2018-2022), the Committee has received the National Program Evaluation Society Certificate of Impact Award. During the 124th General Assembly, the Committee was presented with three awards.



2021 Certificate of Impact Award
Study of the Department of Parks, Recreation and Tourism



2021 National Legislative Research Librarian Notable Document Award
Study Dashboard: Study of the South Carolina Department of Corrections



2022 Certificate of Impact Award
Study of the Secretary of State's Office

South Carolina House Legislative Oversight Committee - Study Dashboard


Department of Corrections - 2020 Study

Print

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Legislative Oversight Committee's
Study of the Department of Corrections

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Videos

Downloads

Findings about...

Services required and outcomes expected

Resources available

Progress made, but more necessary

Recommendations to...

SCDC

Court Administration

State Human Resources

Insurance Reserve Fund

Law Enforcement Training Council

General Assembly

Changes

Changes made by agencies during study

Additional changes for future consideration

Implementation status of

Study Events

Timeline of study events

Meeting summaries and videos

Agency presentations

Agency Background and Services

History

Organization chart

Finances

Employees and volunteers

Buildings


Additional Agency Details

Select details...

Agency Study Page

Committee homepage

*Note: Full committee adopted the Subcommittee Report without revision on October 5, 2020.



House Legislative Oversight Committee - Study Dashboard

Instructions:

Use the content selection menus to quickly find information.

Video links are viewable from the embedded video player at the top of the page.

All other links take you directly to the relevant page of the document content.

You may print, download or share the document currently being viewed by using the dedicated buttons located above the document viewer.

This site uses a responsive layout, and the information may be displayed in a different format depending on the size and orientation of your device. If you have difficulty scrolling multi-page documents using the embedded viewer, use the Open button at the top of this window to view the document in a separate tab.



“This committee has set an example for other legislatures across the country.”

During the 124th General Assembly, the Committee was honored when Ben Eikey, the host of Oversight Matters Podcast, invited Chairman Newton on his show to discuss the importance of oversight. During the episode, Eikey recognized the Committee as an example for other legislatures across the country.

Structure

The Committee is made up of five Subcommittees, which are listed below. Each Subcommittee is led by a Subcommittee chair appointed pursuant to Committee Rule 6.1.



Economic Development, Transportation, and Natural Resources

Rep. Hixon, Chair
Rep. Morgan
Rep. Ott
Rep. Pendarvis



Education and Cultural Affairs

Rep. J. Johnson, Chair
Rep. Garvin
Rep. Rivers
Rep. Hyde



Executive

Rep. Jefferson, Chair
Rep. Moore
Rep. Newton
Rep. Oremus



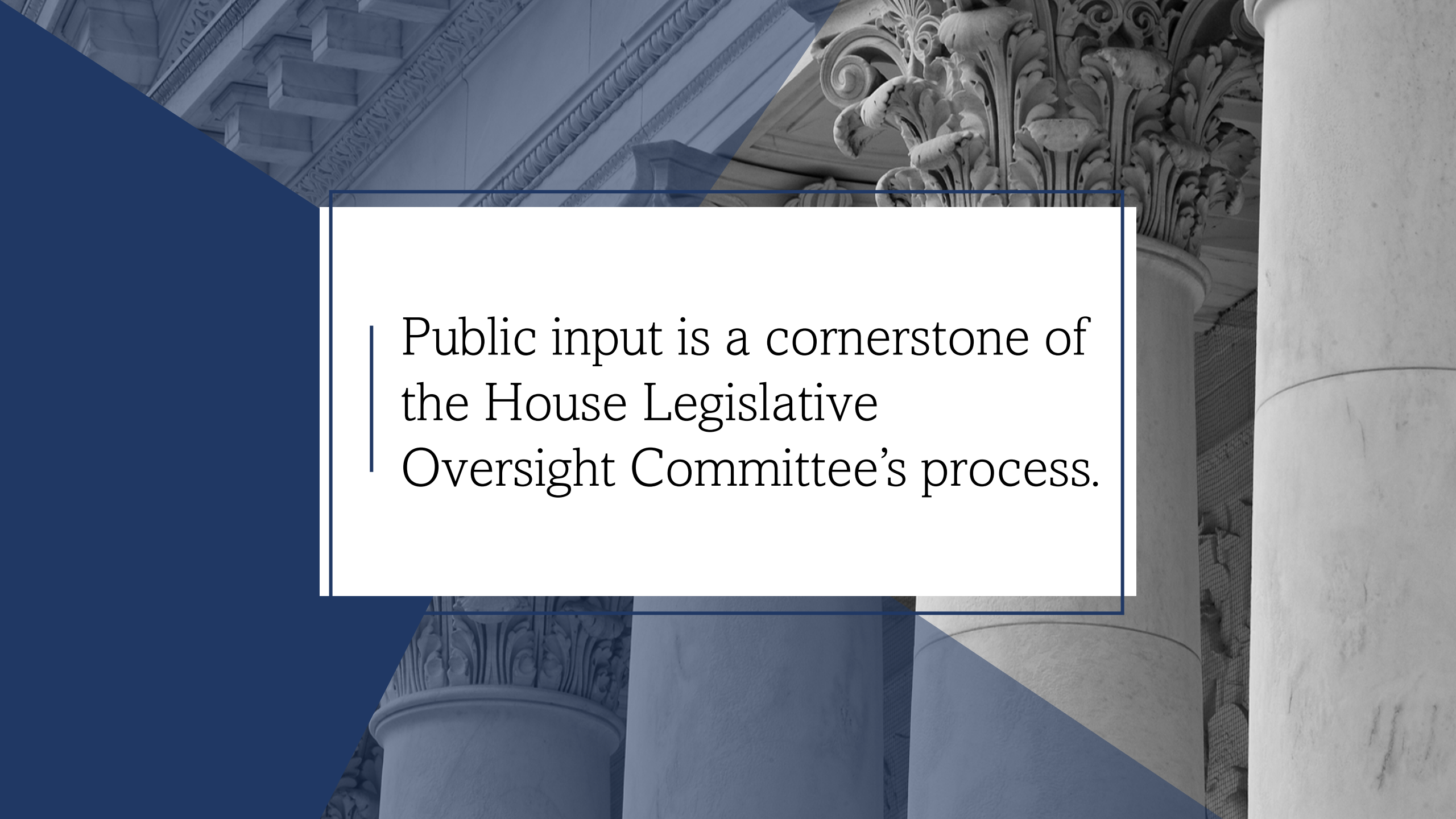
Healthcare and Regulatory

Rep. West, Chair
Rep. Gatch
Rep. Henderson-Myers
Rep. McGinnis



Law Enforcement and Criminal Justice

Rep. Wooten, Chair
Rep. K. Johnson
Rep. Magnuson
Rep. McCravy



Public input is a cornerstone of
the House Legislative
Oversight Committee's process.

Methods and Study Process

The Committee and Subcommittee evaluate:

Methods

1 the application, administration, execution, and effectiveness of the agency's laws and programs

2 the organization and operation of the agency; and

3 any conditions or circumstances that may indicate the necessity or desirability of enacting new or additional legislation pertaining to the agency.

Process

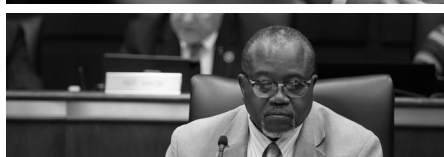
1 Full Committee schedules agency for study and gathers initial information

2 Subcommittee investigates through meetings and information requests

3 Subcommittee publishes report

4 Full Committee considers subcommittee report and may conduct further

5 Full Committee publishes report



Benefits to the Process



Identifying issues proactively



Providing agency personnel the opportunity to speak to legislators



Asking agency personnel what law changes may be of assistance to their work



Observing issues that affect multiple agencies



Facilitating cooperation among agencies



Receiving information about agencies to help inform policy decision

| Agency Comments

Agency leadership comment about the benefits of the oversight process.

“This process has really opened our eyes to two metrics and trying to get a measure of what our employees are doing out there and how they’re serving our policyholders.”

- Erin Farthing
State Accident Fund Acting Director
Testimony to Committee 3.31.2022

“We have had a great working relationship with staff. They have been very responsive and there has been a lot of give and take and we really appreciate the cooperative spirit and the constructive spirit that the staff has brought to the table, and we truly have enjoyed working with them.”

-Harry Lightsey
Secretary of Commerce
Testimony to Committee 4.27.2022

“This process has been quite helpful for us in that way. We know that what we do has merit, but it has identified some gaps where we feel like we haven’t been able to measure some things.”

- Leesa Aiken
State Library Director
Testimony to Committee 6.6.2022

“We actually like this. We think open process, the transparency of it. We appreciate you opening our hood and tinkering with the engine to see how we can be better and more efficient at doing our jobs and serving the state. So, I just want to thank everyone in this committee and the subcommittee and its staff for treating us so fairly. We appreciate the process.”

-Allan Wilson
Attorney General
Testimony to Committee 10.4.2022

Agency
Comments

Member Driven Oversight Process

Public Participation Opportunities 2021-2022



Participating in surveys online open for 30 days each time the Committee selects the next group of agencies to study



Submitting information via the public input link on the Committee's website



Submitting information to the Committee via traditional means of communicating with legislators - e.g., email, telephone, or in-person visits with legislators or Committee staff



Testifying during meetings, in person and online, that are live streamed

Public Participation

Many people took advantage of public input opportunities during the 124th General Assembly.



Virtual

participation was available



63

meetings were held



341

participated in the
month-long survey

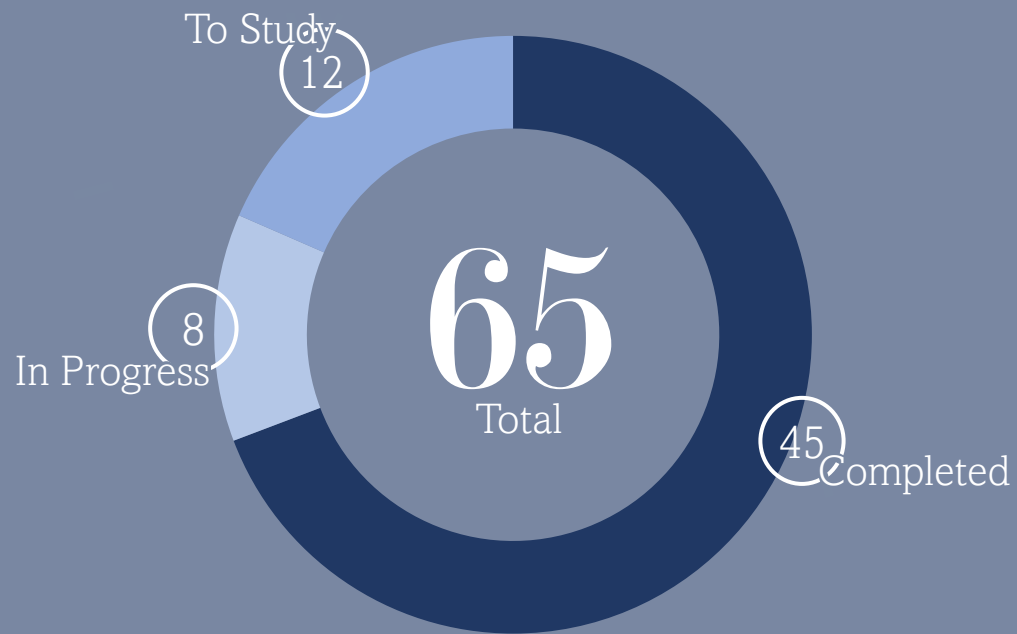


315

submitted information via
the public input link on
the Committee's website

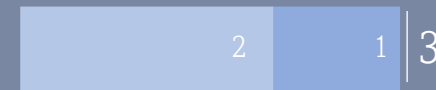
Status of Agencies Under Study

The Committee has a seven-year cycle to study 65* agencies.



In Progress and To Study by Subcommittee

Law Enforcement and Criminal And Civil Justice



Healthcare and Regulatory



Education and Cultural



Economic Development, Transportation, and Natural Resources



*Additional agencies may be assigned to these subcommittees, pursuant to the Legislative Oversight Committee's Rule 6, as the Legislative Oversight Committee determines its interpretation of the definition of the term agency as set forth in S.C. Code Section 2-2-10(1).

Studies Completed

The Committee completed the following studies during the 124th General Assembly.

Department of Health
and Human Services



Department of Probation,
Parole and Pardon



State Accident
Fund



Attorney General's
Office



South Carolina Arts
Commission



State Ethics
Commission



Department of
Commerce



State Library



Adopted

The Committee adopted the following
during the 124th General Assembly.

66

Findings

Findings note information a member of the public, or General Assembly, may seek to know or on which they may desire to act.

229

Recommendations

Recommendations are based on the agency's self-analysis requested by the Committee, discussions with agency personnel during multiple meetings, and analysis of the information obtained by the Committee.

12

Internal Changes

Agency internal change implemented directly related to participation in the study process.

Common Categories

The Committee made 229 recommendations, which can be organized into the following categories:

effectiveness

of agency programs

efficiency

of agency operations

modernization of laws

both statutes and regulations, to better reflect current practice

collaboration

among government entities to better serve the people of South Carolina

employee input

about how to improve agency operations

accountability

of state agencies and their employees to the Committee and the public

transparency

of agency operations, documents, and policies

Findings Made

A finding notes information a member of the public, or General Assembly, may seek to know or about which they may desire to act. These are a couple of examples of findings made during the 124th General Assembly.



South Carolina Department of Health and Human Services

South Carolina has nine counties with a Medicaid population of 40% or more of the total county population (i.e., Dillon [47.07%], Marion [46.69%], Barnwell 42.90%], Marlboro [42.84%], Allendale [42.54%], Williamsburg [41.97%], Lee [41.63%], Colleton [41.04%], and Orangeburg [40.53%]). For more information, see finding 1 in the Committee's Study of the Department of Health and Human Services.



South Carolina State Library

Recruitment and retention of employees is an issue with the State Library as it is with many other state agencies. Contributing factors may include lack of salary competitiveness, labor competition, and reallocation of vacant position salary dollars to support existing staff salaries. For more information, see finding 2 in Committee's Study of the South Carolina State Library.

Legislative Implementation

The Committee does not consider or file legislation. Rather any member or any legislator may file a bill to implement the Committee's recommendation. In the 124th General Assembly there were 12 bills enacted implementing Committee recommendations. A few are listed.



Department of Natural Resources

ACT 9 OF 2021

Removes references to expired directives relating Heritage Trust Revenue Bonds

ACT 231 OF 2022

Removes references to inactive entities within agency



Department of Corrections

ACT 215 OF 2022

Lower the minimum age for certification of correctional officers from 21 to 18.



Department of Motor Vehicles

Act 27 of 2021

Requires inclusion on vehicle titles of brands (e.g., "salvage water," "salvage fire," etc.) that provide information on a vehicle's history

Act 38 of 2021

Standardizes the fees and eligibility requirements for military license plates

Internal Agency Change

These are a few examples of changes implemented in an agency directly related to participation in the study process.

Department of Commerce

Multiple state agencies (i.e., Department of Administration, Department of Natural Resources, Department of Parks, Recreation and Tourism, Forestry Commission, and Conservation Bank) now provide various information to the Revenue and Fiscal Affairs Office (RFA) for use in RFA's Locateme and Public Dashboard applications.

Attorney General's Office

Updated process for agency's internal regulations review.

Clarified language in the agency's litigation retention agreements.

State Ethics Commission

State Ethics Commission takes actions necessary to bring its records back into compliance with its records management policy.

Issues Affecting Multiple Agencies

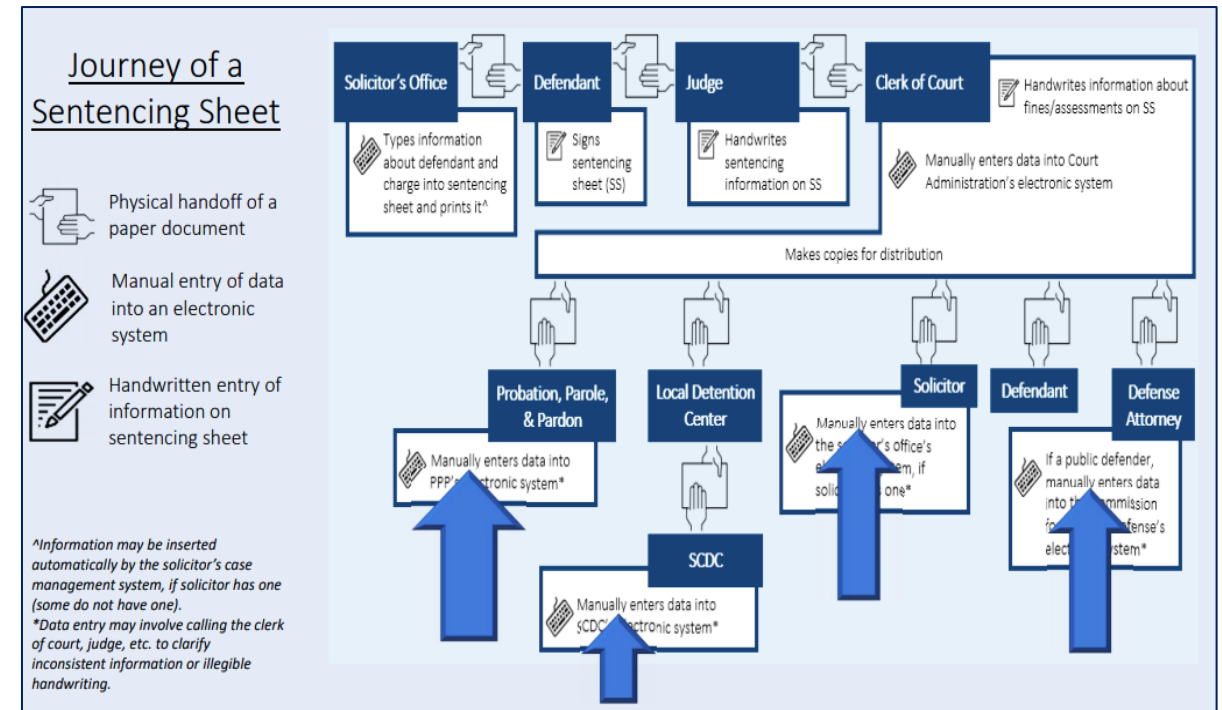
Agency Redundant Data Entry

Initial inquiry notes more than **30 state agencies** report some amount of redundant, manual entry of data from another state agency

For example:

It costs the Commission on Indigent Defense almost \$2 million annually in employee time manually entering information, that may be available directly from Court Administration, into the statewide public defender case management system.

For more information and to view a larger version of the chart on the right, see recommendation 39 of the Committee's study of the Department of Corrections. Click on agency logo to view the study report.



Issues Affecting Multiple Agencies

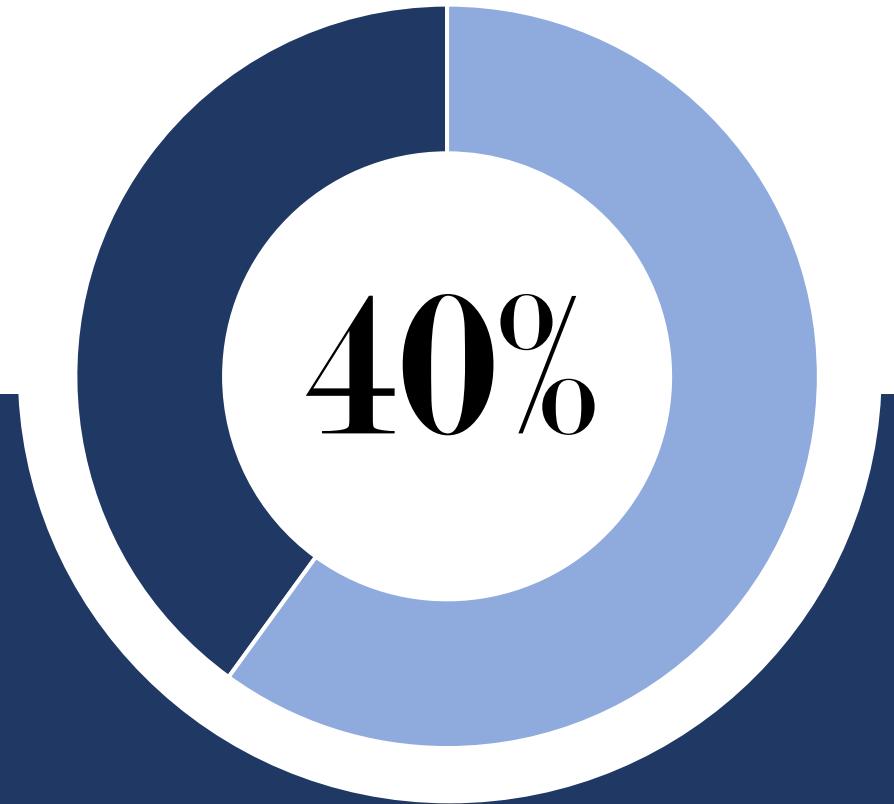
Questionable Validity of Available Data Pertaining to State Boards

Available data indicates 40% of all seats on the more than 150 boards monitored by the Secretary of State's Office were vacant or included people serving in a hold-over capacity

For example:

There were 48 boards with no current appointments on file with the Secretary of State's Office, other than ex-officio or legislative members. Mechanisms are lacking to ensure information is shared with the Secretary of State's Office.

For more information, see findings 5 - 10 in the Committee's Study of the Secretary of State's Office. Click on the agency logo to view the study report.



Covid-19 Impact

At the beginning of the 124th General Assembly, the Committee was still dealing with the ramifications of the Covid-19 pandemic. Being a process driven by members and the public, the inability to hold meetings in person stalled many studies. To mitigate this problem the Committee turned to alternative processes.

Covid-19 Processes

- Maintained efficiency while working from home through weekly Zoom meetings and take-home laptops
- Worked closely with agencies to ensure study processes did not hinder services to consumers
- Facilitated virtual meetings with agency staff and members
- Allowed virtual testimony from the public
- Practiced social distancing and other health mandates during in-person meetings





Local Collaboration

During the 124th General Assembly, the Committee had the privilege to collaborate with the Interactive Design Class at the University of South Carolina to improve the useability and design of the Committee's communications, including our weekly email, reports, and websites. This collaboration provided students with experience and our staff with valuable input on how to improve these publications.

Improving Our Product

To increase reader engagement, the committee has adopted a new design format for reports.

House Legislative Oversight Committee

Full Study Report:
South Carolina State Library

October 2022

FINDING #2

Recruitment and retention of employees is an issue with the State Library as it is with many other state agencies. Contributing factors may include lack of salary competitiveness, labor competition, and reallocation of vacant position salary dollars to support existing staff salaries.

A benefit of the House Legislative Oversight Committee's process is the ability for members to observe issues that affect multiple state agencies. Overcoming barriers to employee recruitment and retention is a challenge expressed by many state agency leaders during the House's oversight review process.⁵

A frequent barrier mentioned during reviews is competitive employee compensation. Notably, the FY2022-2023 General Appropriations Act included a three percent raise for state employees, the largest pay raise in six years, a \$1,500 bonus; and fully covered state employee health and dental insurance increase.⁶

During the study, agency leadership specifically testified as to how the State Library has been challenged to find qualified staff willing to accept the compensation offered by the agency. Agency leadership shared within the last two years, they missed opportunities to hire four qualified candidates due to an inability to meet salary requirements.⁷ Also, the agency has been unable to hire experienced staff due to their uncompetitive compensation packages.⁸ Staff noted the agency's offer to an experienced librarian was \$23,000 less than the candidate's current salary.⁹

“Within the last two years, they missed opportunities to hire four qualified candidates due to an inability to meet salary requirements.”

Residents of the state with a visual print disability preventing them from reading normal print books have the State Library's Talking Book Service. Services include access to digital talking books and braille books.¹⁰ These services are provided by the federal government. Costs associated with postage are paid by the federal government. Also, residents who apply for service of downloading books and their personal devices (e.g., audio

Recommendations #2 and #11 address

S.C. House Legislative Oversight Committee: 2022 Study of the State Library

Hiring less skilled staff, who will accept lower compensation, negatively impacts the agency due to the additional cost of training, either internally or through conferences funded by the agency, and reduced productivity, which increases the backend.¹⁰

Recommendations #7 and #8 address

FINDING #3

While the State Library's services are all, they serve as the public library visually impaired.

The State Library for the physical, or print residents.¹¹ For community, the provides services available at the (e.g., patrons books, etc.). The unique constellation of the State Library's primary include state agencies, institutions (e.g., Department of Health and Human Services, Department of Corrections and Rehabilitation, etc.) and public (i.e., community

Residents of the state with a visual print disability preventing them from reading normal print books have the State Library's Talking Book Service. Services include access to digital talking books and braille books.¹⁰ These services are provided by the federal government. Costs associated with postage are paid by the federal government. Also, residents who apply for service of downloading books and their personal devices (e.g., audio

Recommendations #2 and #11 address

S.C. House Legislative Oversight Committee: 2022

Duties of State Library Staff:



Figure 3. Duties of State Library staff

FINDING #4

The agency offers differing programs and services to South Carolina libraries. According to the agency director's testimony during the study, "if it happens in a library, we consult on it." This includes providing access to training on controversial topics and issues (e.g., drag queen story hour, etc.) of interest to the public.

S.C. Code Section 60-1-60 lists responsibilities specific to the type of services, and associated expertise, required of the State Library staff.¹² Figure 3 lists the statutory duties of State Library staff.¹³

Agency leadership identified consulting service responsibilities as the primary driver of agency conference participation and training.¹³ However, the agency does not track the number and type of consultations provided by county. Agency personnel are "in the process of revising how [they] collect and record statistical data."²⁰

Figure 4 shows total agency expenses just shy of \$400,000 for domestic and international (Poland and Greece) travel for FY2017-2020.²¹ As the consultant for all 46 county library systems, agency leadership opined the necessity to be experts on anything that is happening in a library (e.g., emerging trends, etc.).²² State Library staff advise

and consult public (i.e., county) libraries do not advocate for individual library materials, or programs. Each county board is responsible for setting policy of its libraries.²³

State Library consulting staff develop guides to assist the library community government, and the public. These resources and information on a wide range of subjects and topics (e.g., Continuum Genealogy Resource Center, etc.) are accessible via the agency website.²⁴

Recommendations #17 addresses

FINDING #5

State Library staff, as approved by the director, have participated in agency for county library site visits, national (e.g., Washington, DC; Illinois; California) and international conference (e.g., Poland) at a cost of \$398,430. Currently, no approval beyond an agency required for international travel by employees.

The State Library "is the primary administrative, federal and state support for the state's libraries."²⁵ As discussed in Finding #3, agency leadership assert the development and extension

in response to the Covid-19 pandemic. With students engaged in remote learning and not in a traditional school environment, agency staff realized online tutoring assistance would be a valuable resource to include in Discus.²⁴

Figure 9 notes the real-time tutoring and coaching services offered by Tutor.com.²⁵

Also, Figure 9 provides session hour and usage data about Tutor.com for FY2021-2022. However, the absence of key metrics, to benchmark and track resource utilization, prevents agency personnel from adjusting methods and strategies designed to promote and market this product. The South Carolina Department of Education reported a 180-day active headcount of 777,292 PK-12 students enrolled in public schools during the 2021-2022 academic year.²⁶ Considering the total number of students active in state schools, Tutor.com is underutilized. Additionally, when factoring in the public and college and university students, utilization of this service is stark.

Tutor.com is only one service provided by the agency and should be incorporated into the broader strategy implemented by agency leadership to better promote its subscription free databases.

Real-time tutoring and coaching services offered by Tutor.com



Tutor.com Hours Data (FY2021-22)



Tutor.com Session Data



Figure 9. Tutor.com utilization data.
Note: Tutor.com changed the metric used to track utilization of its service from sessions to hours in FY2021-22. Converting session data to the hour's metric is not possible. Hour's data was not reported in Quarter 1 of FY2021-22. FY2021-22 session data was annualized based on two quarters of data. The annualized number was divided and used as projections for Q3 and Q4.

Agencies Under Study

The Committee will study the following agencies during the 125th General Assembly.



Jobs Economic
Development
Authority



Forestry
Commission



SC Higher
Education Tuition
Grants Commission



SC Commission on
Higher Education

Department on
Aging



Department of
Consumer Affairs



State Law
Enforcement
Division



Workers'
Compensation
Commission





Website: www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee.php

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