

AGENCY NAME:	Legislative Council of the South Carolina General Assembly	
AGENCY CODE:	A15	SECTION:

**Fiscal Year 2015-16
Accountability Report**

SUBMISSION FORM

AGENCY MISSION

The mission of the Legislative Council is to provide high quality bill drafting and legal services to the General Assembly on a timely basis in compliance with the highest ethical standards and to accurately publish enactments of the General Assembly in codified form for use by government, the courts, and the general public.

AGENCY VISION

To continuously strive to improve our processes relating to the provision of high quality bill drafting and legal services to the General Assembly on a timely basis in compliance with the highest ethical standards and the accurate publishing of enactments of the General Assembly in codified form for use by government, the courts, and the general public.

Please state yes or no if the agency has any major or minor (internal or external) recommendations that would allow the agency to operate more effectively and efficiently.

**RESTRUCTURING
RECOMMENDATIONS:**

As an attaché to the General Assembly, Legislative Council does not participate in restructuring and thus has no recommendations.

Please identify your agency's preferred contacts for this year's accountability report.

	<u>Name</u>	<u>Phone</u>	<u>Email</u>
PRIMARY CONTACT:	James H. Harrison	803-212-4500	jimharrison@scstatehouse.gov
SECONDARY CONTACT:	W. Andrew Beeson	803-212-4500	andybeeson@scstatehouse.gov

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I have reviewed and approved the enclosed FY 2015-16 Accountability Report, which is complete and accurate to the extent of my knowledge.

AGENCY DIRECTOR
(SIGN AND DATE):

 9/13/16

(TYPE/PRINT NAME):

James H. Harrison, Code Commissioner and Director

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DISCUSSION AND ANALYSIS

A. Introduction

In 2016-2017, Legislative Council marked the second year of a two-year legislative session in which the quantity of legislation we generated surpassed any levels of the past decade. Despite this increased workload, we maintained high levels of efficiency and effectiveness throughout our operations. We attribute this ongoing success to efficiency measures and succession planning undertaken by our agency in recent years, and believe similar efforts will enable to us to continue improving our services while meeting potentially greater demands.

Although we directly serve only the General Assembly, our work indirectly advances Statewide Enterprise Strategic Objectives because our office drafts legislation related to them. In 2016-2017, our research and drafting services were instrumental in furthering major legislative efforts regarding highway funding, ethics reform, and the General Assembly's response to directives from the South Carolina Supreme Court regarding equity in K-12 public education, among many others.

B. Performance measures

The fluid nature of the legislative process and the multitude of events and interests that drive legislative actions make it impossible to render a meaningful projection of the volume of research, drafting, and act preparation that our agency will undertake each year. Consequently, we must prepare to respond to wide fluctuations in our workflow while maintaining the highest standards of quality and responsiveness.

Given the varying complexity of research and drafting requests received by our agency, measuring the precise time taken to prepare each bill or the page length of a bill does not provide a complete picture of our work, although it does indicate how our staff must manage thousands of such requests each year. We subjectively measure our efficiency in handling these requests by making each drafting attorney responsible for the timely production of bills to which he or she has been assigned, and holding the attorney accountable for content quality and delivery efficiency.

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

C. Legislation

Legislation is the stock-in-trade of the Legislative Council, and delivering a top-quality product to the full satisfaction of our clients in the General Assembly is our ultimate goal.

Over the past decade, our office has produced an average of 1,500 bills and resolutions during the second year of each two-year legislative session, but in 2016 we exceeded this average by almost ten percent, generating a total of 1,634 such documents. Taking the two-year legislative session as a whole, our office produced 3,747 bills and resolutions, an increase of almost twenty percent over the 3,131 bills and resolutions our office averaged producing during all of the two-year sessions of the past decade.

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The Legislative Council ratified and enrolled 170 acts in 2016, a thirty percent increase over the number we ratified and enrolled in 2015. This increase is typical during the second year of a two-year session for a variety of reasons, primarily being that legislation has had more time to complete the legislative process. We also drafted 1,431 amendments for the General Assembly, representing a decrease of approximately 15 percent from the 1,704 from 2015, which was an extended session.

In total, Legislative Council produced 3,235 bills, resolutions, acts, and amendments during the 2016 legislative session. This number represents an increase of almost 4.5 % over the 3,102 bills, resolutions, acts, and amendments we produced during the second year of the 2014-2015 legislative session.

D. Regulations

Legislative Council processed 151 regulations and necessary related documents totaling 1,455 pages during the 2016 session, and continues to provide the *State Register* for free online to increase availability of this publication to the public and important constituents, including state agencies.

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

E. Research

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

We recorded the processing of approximately 1,580 research requests during the 2016 session, which is an increase of nearly 32% above our 2015 levels and a 58% increase over our 2014 levels. These numbers do not capture all of the research requests handled by Legislative Council research staff, because many are made and fulfilled by our research staff and our staff attorneys so rapidly during the hectic course of a legislative day that time does not reasonably permit properly recording all of them. In addition to numerous routine requests, we also handled research for larger, long-term projects, including a project to develop legislation providing for the joint election of the governor and lieutenant governor and revising the method of succession in the Office of Lieutenant Governor in the event of a vacancy.

To expedite the processing of our voluminous research requests in a professional and timely manner, we reorganized our research department in 2016 through the addition of a research librarian who has an advanced degree in library science and previous professional experience working in the University of South Carolina School Law’s library, the Senate, and the House of Representatives.

F. Codification

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

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

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

Our agency was able to improve the online Code product this year by updating it during session with acts passed through mid-March. In addition, the online Code will be finally updated in late fall of this year rather than January as has been the practice in the past. Expediting the online updating of the Code has involved cooperation with the Legislative Council staff, the Legislative Services Agency, and Thompson Reuters. Additionally, more information is now being provided online for the benefit of our users. Code text, numbering, history, and Effect of Amendments, Editor’s and Code Commissioner’s notes are now provided.

G. Succession planning and cross-training

Legislative Council enjoyed the benefits of past succession planning and cross-training efforts during the 2016 session.

Recruitment and mentoring of staff attorneys with aptitudes and interests in budgetary and financial matters enabled our office to continue providing excellent service in those areas after the retirement of an employee with decades of experience in those subjects at the beginning of the 2015-2016 session.

Similarly, cross-training a member of our research department who had an M.B.A. to learn the finance and personnel operations of our business office proved fruitful when our long-time business manager accelerated her retirement plans. This cross-training, along with ongoing modernization of our office practices, resulted in a seamless transition and improvement in these functions, which are vital to our operations.

Another example of cross-training that we’ve undertaken involves the expansion of the role of an employee previously responsible for managing bill services to include learning processes related to the management of the *State Register*. By receiving training and gaining expertise in the deadline and production process of the *State Register*, we are broadening our capacity for support in this highly-specialized area. We are also cross-training our new research librarian in human resources to provide additional support for that function.

H. Risk assessment and mitigation strategies

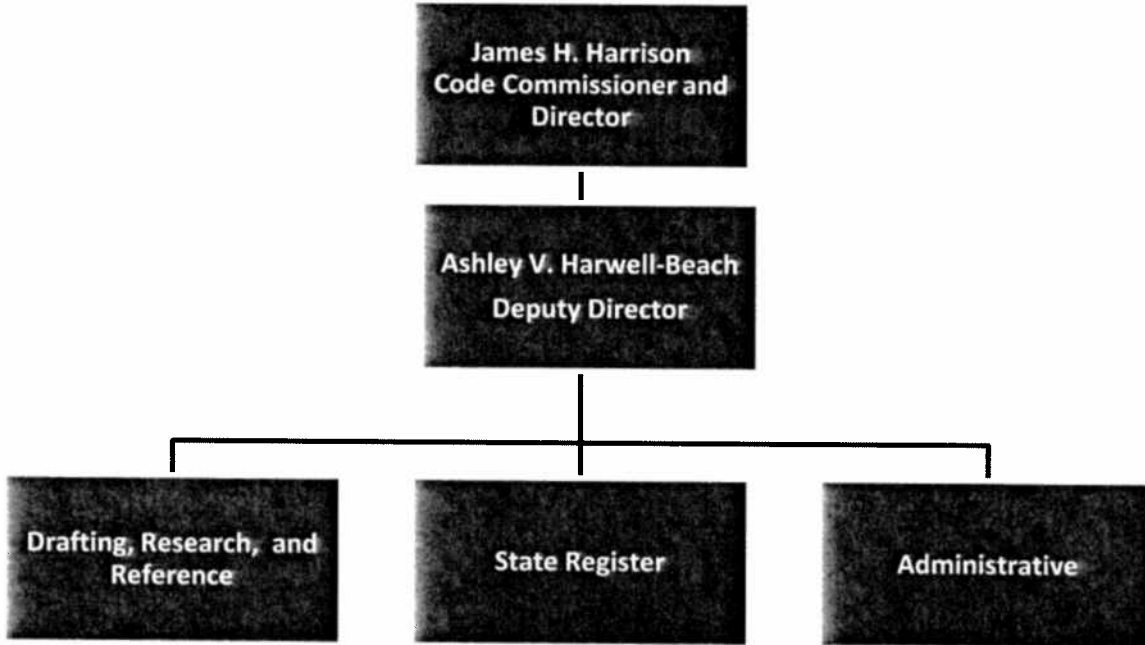
The agency exists to support the General Assembly and does not provide anything other than incidental services directly to the public. The public is affected by our office to the extent the General Assembly relies on our legal advice and drafting in the furtherance of its legislation actions.

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I. Restructuring Recommendations

This section is not applicable to our agency.

J. Organizational Chart



K. Overarching goal for 2016-2017

Looking to 2016-2017, Legislative Council intends to maintain our steadfast commitment to continuously improving our ability to provide our services with exceptional quality. We also intend to continue modernizing our administrative functions and cultivating our talented staff for future opportunities for growth and enrichment to ensure a bright future for our agency.

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Strategic Planning Template

Type	Goal	Item # Strat	Object	Associated Enterprise Objective	Description
G	1			Government and Citizens	Provide the General Assembly with quality research, reference, and drafting services
S		1.1			Refine process for responding to research requests
O		1.1.1			Expanded research staff to increase processing speed and content quality
O		1.1.2			Increased use of NCSL and other resources available to State legislative offices
O		1.1.3			Provide research staff with relevant, timely training at NCSL conference
S		1.2			Improve the quality and efficiency of bill, resolution, and amendment drafting and act preparation
O		1.2.1			Mentor newer staff attorneys to develop research, drafting, and counseling skills
O		1.2.2			Train all staff in best practices for bill, resolution, and amendment intake and drafting and act management
O		1.2.3			Add session employee specifically to draft resolutions
O		1.2.4			Reorganize workspaces to improve logistics of workflow
O		1.2.5			Continue to train one staff member to manage and monitor flow of acts
G	2			Government and Citizens	Compile, publish, and distribute the South Carolina Code and the State Register
S		2.1			Improve efficiency in updating Code supplements
O		2.1.1			Work with Thompson Reuters to update the Code during session
O		2.1.2			Work with Thompson Reuters to finalize annual Code supplements more quickly
O		2.1.3			Work with LSA to update Code available to internal and external users more quickly
S		2.2			Improve efficiency in processing regulations submitted for General Assembly review
O		2.2.1			Cross-train employee to back-up Editor of the State Register
O		2.2.2			Train staff attorney to provide legal advice on matters concerning the State Register
O					
G	3			Education, Training, and Human Development	Assist with Legislative initiative to review education statutes for obsolete provisions
S		3.1			Attend committee review meetings to identify obsolete, conflicting, and duplicative provisions
O		3.1.1			Attend committee review meetings to identify obsolete, conflicting, and duplicative provisions
O		3.1.2			Update past analysis of obsolete, conflicting, and duplicative provisions in technical education
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Performance Measurement Template

Item	Performance Measure	Target Value	Actual Value	Future Target Value	Time Applicable	Data Source and Availability	Calculation Method	Associated Objective(s)
1	Bill, resolution, and amendment production efficiency	Enter bill and resolution requests in database promptly but no later than the end of the workday, and to produce bills, resolutions, and amendments that reflect the intent of the sponsoring member as quickly as practical and to the satisfaction of the sponsor. Obtain feedback from legislators and staff, and promptly resolve any drafting issues.	Enter bill and resolution requests in database promptly but no later than the end of the workday, and to produce bills, resolutions, and amendments that reflect the intent of the sponsoring member as quickly as practical and to the satisfaction of the sponsor. Obtain feedback from legislators and staff, and promptly resolve any drafting issues.	Enter bill and resolution requests in database promptly but no later than the end of the workday, and to produce bills, resolutions, and amendments that reflect the intent of the sponsoring member as quickly as practical and to the satisfaction of the sponsor. Obtain feedback from legislators and staff, and promptly resolve any drafting issues.	Throughout the fiscal year	Our internal database contains information on all bill and resolution requests, and staff is directed to enter new requests as soon as practical but no later than the end of the workday in which the request was received. Amendment requests are managed by the attorney to whom the amendment is assigned. Any drafting issues are addressed and resolved as quickly as possible.	Our goal in drafting legislation and amendments is to accurately reflect the intent of the sponsor and provide related legal advice for the sponsor's contemplation. We seek to do both in a timely manner, relevant to the complexity and scope of the drafting project. The quality of our drafting and related legal advice is not quantifiable, but we value feedback from legislators and legislative staff in assessing our performance. Feedback typically comes in the form of unsolicited praise or criticism, but we also proactively solicit feedback. Management promptly responds to negative feedback by investigating the facts and subsequently developing and implementing a correction plan. We believe that we satisfactorily addressed all drafting issues received in fiscal year 2014-2015, and appropriately shared positive feedback for employee recognition purposes.	1.1.1, 1.1.2, 1.1.3, 1.2.1, 1.2.2, 1.2.3, 1.2.4, 2.1.1, 2.1.2, 2.1.3, 2.2.1, and 2.2.2
2	Act production efficiency	An average of 1.5 to 2 hours, but not more than 24-hours, depending on whether a ratification time has been set.	An average of 1.5 to 2 hours, but not more than 24-hours, depending on whether a ratification time has been set.	An average of 1.5 to 2 hours, but not more than 24-hours, depending on whether a ratification time has been set.	January through June	The employee who is tasked with managing bill and act flow through oversight of Availability varies depending on workflow, but she makes management aware of any outstanding acts as ratification time approaches.	The employee tasked with managing bill and act services maintains a log in which she records the times at which acts are received and completed.	1.2.1 and 1.2.5

Code and code supplement production efficiency

Set and meet earlier deadlines for updating Code and finalizing and distributing Code supplements

We provided a Code update during session and are on track to finalize the 2016 Supplements several months ahead of schedule

Continue to update Code as often as practical during session and finalize and distribute Code supplement as soon as practical after session

Primarily mid-Spring through early Fall

We maintain a high level of awareness of our deadlines with Thompson Reuters and are in constant communication with Thompson Reuters and with LSA to ensure all applicable deadlines are met well ahead of schedule

We compare the deadlines stated in our contract with Thompson Reuters and times at which we submitted related code materials to Thompson Reuters and to past release and distribution dates to measure improvement in our task completion times

2.1.1, 2.1.2, and 2.1.3

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Program/Title	Purpose	FY 2015-16 Expenditures (Actual)			FY 2016-17 Expenditures (Projected)			Associated Objective(s)
		General	Other	Federal	General	Other	Federal	
		TOTAL			TOTAL			
I. Administration	Agency management and legislative research and drafting services for the General Assembly, production of the SC Code supplements, replacement volumes, and other legislative publications	\$ 2,850,786			\$ 2,850,786	\$ 2,944,848		\$ 2,944,848
II. Development and Printing of the State Register	Administrative and production functions concerning the State Register	\$ 109,795			\$ 109,795	\$ 135,893		\$ 135,893
III. Employee Benefits	Employer contribution to employee fringe benefits	\$ 784,817			\$ 784,817	\$ 834,758		\$ 834,758
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Legal Standards Template Associated Program(s)

Item #	Law Number	Jurisdiction	Type of Law	Statutory Requirement and/or Authority Granted	Associated Program(s)
1	Part 1B, Section 118.16(B)(43)	State	Proviso	Provides for the payment of dues for memberships in the Uniform Law Commission, the Council of State Governments, and the National Conference of State Legislatures	Administration
2	Part 1B, Section 91.17	State	Proviso	Authorizes the Legislative Council to require reimbursement from public sector recipients except for the General Assembly of its cost of acquiring codes of law, supplements, or replacement volumes distributed to them	Administration
3	Section 1-23-20	State	Statute	Establishes the <i>State Register</i> and charges the Legislative Council with the custody, printing and distribution of certain documents related to proposed regulations under the APA	Development and Printing of the State Register
4	Section 1-23-30	State	Statute	Creates procedures related to the filing of proposed regulations with the Legislative Council under the APA	Development and Printing of the State Register
5	Section 1-23-40	State	Statute	Documents required to be filed with the Legislative Council in connection with the promulgation of proposed regulations under the APA	Development and Printing of the State Register
6	Section 1-23-50	State	Statute	Requires Legislative Council to establish procedures relating to the State Register under the APA	Development and Printing of the State Register
7	Section 1-23-60	State	Statute	Establishes the effect of filing certain documents with the Legislative Council under the APA	Development and Printing of the State Register
8	Section 1-23-80	State	Statute	Establishes funding of expenses of the Legislative Council in connection with the State Register and for the dispensation of funds collected from related sales by the Legislative Council	Development and Printing of the State Register
9	Section 1-23-90	State	Statute	Authorizes the Legislative Council to compile and produce the Code of Regulations	Development and Printing of the State Register
10	Section 1-23-100	State	Statute	Requires the Legislative Council to publish executive orders of the Governor which have general applicability in separate section of the <i>State Register</i>	Development and Printing of the State Register
11	Section 1-23-680	State	Statute	Exempts Administrative Law Court from reimbursing Legislative Council for cost of Code, supplements, and replacement volumes	Development and Printing of the State Register
12	Section 1-11-55	State	Statute	Places the Legislative Council among government entities excluded from the term "Governmental body" for the purposes of certain provisions relating to the leasing of real property by the Department of Administration	Administration
13	Section 2-3-65	State	Statute	Enables the Legislative Council to issue warrants on approved accounts for extra clerical	Administration
14	Section 2-3-70	State	Statute	Enables the Legislative Council to purchase its supplies and equipment	Administration
15	Section 2-13-10	State	Statute	Provides the election, term, and compensation of a Code Commissioner by the Legislative Council	Administration
16	Section 2-13-20	State	Statute	Requires the Legislative Council to elect a successor for the unexpired term of a Code Commissioner who vacates the office	Administration

17	Section 2-13-30	State	Statute	Establishes the powers of the Legislative Council as to the revision of the Code and establishes the Committee on Statutory Laws	Administration
18	Section 2-13-50	State	Statute	Designates the Code Commissioner as secretary of the Committee on Statutory Laws	Administration
19	Section 2-13-60	State	Statute	Describes duties of the Code Commissioner	Administration
20	Section 2-13-65	State	Statute	Directs the Code Commissioner to delete references to members of the General Assembly serving as members of state board and commissions, subject to an exception	Administration
21	Section 2-13-70	State	Statute	Authorizes the Code Commissioner to add crimes and offenses enacted by the General Assembly based on category	Administration
22	Section 2-13-70	State	Statute	States the office of Code Commissioner is not a Constitutional office and requires annual financial accounting to the members of the Legislative Council	Administration
23	Section 2-13-80	State	Statute	Provides for annual cumulative supplements to the Code	Administration
24	Section 2-13-90	State	Statute	Provides for the replacement of Code volumes	Administration
25	Section 2-13-100	State	Statute	Enables the Legislative Council to contract for the preparation and publication of the annual cumulative supplements, but for not more than a period of five years	Administration
26	Section 2-23-140	State	Statute	Grants the Code Commissioner and the Legislative Council access to State papers and documents in the custody of Secretary of State or other custodians of the State law and archives, and to require the cooperation of other state agencies and officials with the codifying the general statutory law	Administration
27	Section 2-23-150	State	Statute	Requires the Legislative Council to determine the laws to be included in the Code and report on them	Administration
28	Section 2-13-160	State	Statute	Requires that when the Code Commissioner is preparing a proposed code for adoption by the General Assembly, he must remove provisions providing compensation of state and local government employees	Administration
29	Section 2-13-180	State	Statute	Imposes certain requirements on the Code Commissioner and LSA with respect to the printing and publishing of advance sheets and acts and joint resolutions	Administration
30	Section 2-13-200	State	Statute	Authorizes the Legislative Council to sell the advance sheets and provides for the management and use of the proceeds	Administration
31	Section 2-13-210	State	Statute	Imposes certain requirements on the Code Commissioner and LSA with respect to the printing and publishing of acts and joint resolutions	Administration
32	Section 2-13-240	State	Statute	Requires the Legislative Council to distribute sets of the Code to specific parties, permits the Legislative Council to sell or distribute remaining copies of the Code, and exempts members of the Legislative Council, among others, from Sections 8-15-30 and 8-15-40, relating to the obligation of public officials with respect to the sets of the Code provided to them	Administration
33	Section 2-15-90	State	Statute	Requires the Legislative Council to cooperate with the Legislative Audit Council regarding the preparation of suggested legislation resulting from studies by the LAC staff	Administration
34	Section 2-47-20	State	Statute	Requires the Legislative Council, along with other legislative staff organizations, to assist the Joint Bond Review Committee as requested	Administration
35	Section 2-51-10	State	Statute	Requires the Legislative Council to provide legal services to the permanent committee	Administration

Research and Drafting Services

Our primary functions are to research legal issues; prepare acts for ratification; draft legislation, resolutions, and amendments; and maintain and update the Code of Laws and Code of Regulations for the General Assembly

Researching legal issues; preparing acts for ratification; drafting legislation, resolutions, and amendments; and maintaining and updating the Code of Laws and Code of Regulations for the General Assembly

Legislative Branch

The Editor of the *State Register* receives regulations promulgated by State agencies for review by the General Assembly, and subsequently prepares and publishes the *State Register* monthly

Receiving regulations promulgated by State agencies for review by the General Assembly, and subsequently preparing and publishing the State Register monthly

Executive Branch/State Agencies

The State Register

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Partner Template

Name of Partner Entity	Type of Partner Entity	Description of Partnership	Associated Objective(s)
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Legislative Services Agency (LSA)	State Government	LSA provides technical support relating to our computing, printing, telephone needs; and maintains our page on the State House website; and assists with the online publishing of the Code	2.1
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Thompson Reuters Publishing	Private Business Organization	Assists with integrating changes to the Code resulting from the enactment of legislative measures and otherwise, producing the annual cumulative supplement to the Code in printed and digital formats, and issuing replacement bound volumes of the Code	2.1
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National Conference of State Legislatures (NCSL) Council of State Governmentes (CSG) Uniform Law Commission (ULC)	Non-Governmental Organization	Assistance from these groups provides tremendous assistance with research projects, particularly legislative measures taken in various other states; keeps us abreast of trends and issues facing State legislative bodies; offers specialized training unique to our work, which results in higher quality research products and legislation; and promotes uniformity in certain areas of the law.	1.1
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