**South Carolina General Assembly**

125th Session, 2023-2024

**H. 3932**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Harris, Magnuson, May, O'Neal, Lawson, Nutt, Beach, Cromer, A.M. Morgan, T.A. Morgan, Kilmartin, Pace, Trantham and T. Moore

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Introduced in the House on February 9, 2023

Currently residing in the House Committee on **Ways and Means**

Summary: Government Transparency Act

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

2/9/2023 House Introduced and read first time ([House Journal‑page 13](h:\hj\20230209.docx))

2/9/2023 House Referred to Committee on **Ways and Means** ([House Journal‑page 13](h:\hj\20230209.docx))

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**VERSIONS OF THIS BILL**

[02/09/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/3932_20230209.docx)

A bill

to amend the South Carolina Code of Laws by enacting the “Government Transparency Act”; by adding sections 2‑1‑260 and 2‑1‑270 so as to require meetings of legislative committees to be made available online as well as certain documents, and to set forth the manner in which earmarks may be awarded; by adding Section 11‑11‑60 so as to require that agency budget requests include an explanation for base budget appropriations; by adding Section 6‑1‑2020 so as to require certain political subdivisions to post certain information regarding public records; by adding Section 59‑17‑170 so as to require school board meetings to be made available online; and by adding Section 30‑4‑170 so as to require certain public bodies to make available certain salary information with either the Department of Administration or on its own website.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. This act may be cited as the “Government Transparency Act”.

SECTION 2. Chapter 1, Title 2 of the S.C. Code is amended by adding:

Section 2‑1‑260. (A) In addition to any other open meetings requirement, each meeting of a legislative committee must be accessible to the public and also available by means of live electronic access, such as livestream transmission, on the General Assembly’s website. The meeting must be made available to view while the actual meeting is occurring and must be archived for subsequent viewing.

(B) Within twenty‑four hours after the conclusion of a legislative meeting, any committee records from the meeting, such as documents that were circulated during the meeting, must be made available and archived on the General Assembly’s website.

(C) For purposes of this section, legislative committee meetings include, standing committee meetings, subcommittee meetings, ad hoc committee meetings, Judicial Merit Selection Commission, and legislative study committee meetings.

Section 2‑1‑270. (A) Each request for an earmark project or program included in an appropriations bill must be memorialized in writing on a form designed by the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee, respectively. The form must include the member’s name who requested the earmark project or program, the date of the request, the amount requested, a description of the project and the manner in which the funds will be spent, and the full name of the recipient entity. The form must be filed with the Senate Finance Committee or the House Ways and Means Committee and must be posted on the General Assembly’s website with twenty-four hours of filing.

(B)(1)No earmark may be awarded to an organization whose governing board includes a member of the General Assembly or member of the General Assembly’s immediate family member, as defined in Section 8-13-100.

(2) An agency may only pass through an earmark to a private entity if the entity is registered and in good standing with the Secretary of State’s Office.

(C) For purposes of this section, earmark means:

(1) an appropriation for a specific program or project not originating with a written agency budget request or not included in an appropriations act from the prior fiscal year; or

(2) an appropriations bill proviso directing the expenditure of funds appropriated to an agency for a purpose not originating with a written agency budget request or not included in an appropriations act from the prior fiscal year.

SECTION 3. Chapter 11, Title 11 of the S.C. Code is amended by adding:

Section 11‑11‑60. When making a budget request to the Senate Finance Committee, the House Ways and Means Committee, or for the Governor’s executive budget, each state agency must include in the request the need and purpose of any appropriations that the agency wishes to continue receiving, and the need and the purpose of any new appropriations. The state agency must post the full request on its website.

SECTION 4. Chapter 1, Title 6 of the S.C. Code is amended by adding:

Section 6‑1‑2020. (A) The local governing body of each county, municipality, and school district in this State shall make available on its website:

(1)(a) contract information for its elected officials and executive staff;

(b) the agenda for an upcoming meeting at least three days in advance of the meeting;

(c) a detailed list of public employee compensation as required by Chapter 4, Title 30;

(d) all budgets, audits, and financial reports;

(e) a detailed list of all taxes and fees imposed by the political subdivision;

(f) a searchable database with the political subdivision’s sources of revenue and expenditures;

(2) any meeting records from meetings of the local governmental body, such as documents that were circulated during the meeting.

(B) Within twenty‑four hours after the conclusion of a meeting of the local governing body of a county, municipality, or school district, any records from the meeting, such as documents that were circulated during the meeting, must be made available and archived on the local governing body’s website.

SECTION 5. Chapter 17, Title 59 of the S.C. Code is amended by adding:

Section 59‑17‑170. In addition to any other open meetings requirement, each meeting of a school district’s board of trustees must be accessible to the public and also available by means of live electronic access, such as livestream transmission, on the school district’s website. The meeting must be made available to view while the actual meeting is occurring and must be archived for subsequent viewing.

SECTION 6. Chapter 4, Title 30 of the S.C. Code is amended by adding:

Section 30‑4‑170. If a public body employs persons receiving compensation for which a public body must disclose the amount but the public body is not required to report such to the Department of Administration, the public body must either report such salaries to the Department of Administration quarterly, or post such salaries to its own website quarterly.

SECTION 7. The General Assembly finds that the sections presented in this act constitute one subject as required by Article III, Section 17 of the South Carolina Constitution, in particular finding that each change and each topic relates directly to or in conjunction with other sections to the subject of government transparency as clearly enumerated in the title.  The General Assembly further finds that a common purpose or relationship exists among the sections, representing a potential plurality but not disunity of topics, notwithstanding that reasonable minds might differ in identifying more than one topic contained in the act.

SECTION 8. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this act is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this act, the General Assembly hereby declaring that it would have passed this act, and each and every section, subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

SECTION 9. This act takes effect upon approval by the Governor.

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