COMMITTEE AMENDMENT AMENDED AND ADOPTED

April 1, 2009

**S. 239**

Introduced by Senators Massey and Rose

S. Printed 4/1/09--S.

Read the first time January 13, 2009.

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 2‑7‑67 ENACTING THE “APPROPRIATIONS BILL EARMARK DISCLOSURE ACT”, TO PROVIDE FOR THE DISCLOSURE OF INFORMATION SURROUNDING EARMARKS REQUESTED BY MEMBERS OF THE GENERAL ASSEMBLY FOR INCLUSION IN AN APPROPRIATIONS BILL, TO PROVIDE DEFINITIONS APPLICABLE FOR THIS DISCLOSURE, AND TO PROVIDE FOR THE ENFORCEMENT OF THESE DISCLOSURE REQUIREMENTS.

Amend Title To Conform

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

SECTION 1. Chapter 1, Title 2 of the 1976 Code is amended by adding:

“Section 2‑7‑67. (A)(1) Any member of the General Assembly who requests funds in an appropriations bill be appropriated to a specific county, municipality, or non‑profit organization shall make the request in writing on a form designed jointly by the House Ways and Means Committee and the Senate Finance Committee. The form must include the member’s name, the specifics of the request, including the county, municipality, or non‑profit organization for which the request was made, the purpose to be accomplished by the request, and such other information as the form may require. The form must be filed with the House Ways and Means Committee or Senate Finance Committee, as appropriate. The request must be published on the General Assembly’s website within three business days of filing. In the case of a request while an appropriations bill is under consideration by a committee of free conference, the form must be filed with the designee of the chairman of the committee of free conference and this filing applies, mutatis mutandis, in the manner of filing with a committee for purposes of consideration of the request in a committee of free conference. A request may not be considered in the House Ways and Means Committee or Senate Finance Committee or any subcommittee thereof or in a free conference committee for inclusion in an appropriations bill before the filing of the request form required pursuant to this subsection.

(B) For purposes of Chapter 4, Title 30, a request made pursuant to this section shall be considered a public record.

(C) For purposes of this section, ‘appropriations bill’ means the annual general appropriations bill, a supplemental appropriations bill, the joint resolution appropriating revenues of the capital reserve fund, a bill appropriating contingency reserve fund revenues, or any other bill appropriating state revenues while these bills are under consideration by the House Ways and Means Committee or Senate Finance Committee, or any subcommittee thereof, and any free conference committee on an appropriations bill. For purposes of this definition, a bill includes a joint resolution.

(D) Any director, officer, or employee of any state agency, institution, or instrumentality or any other entity who requests funds in an appropriations bill be appropriated to a specific county, municipality, or non‑profit organization must disclose to the House Ways and Means Committee or the Senate Finance Committee upon making the request, if any portion of the request was requested by a member of the General Assembly. The disclosure must be in writing and include when the request was made, the member requesting the project, and the specifics of the request. The request must then be recorded and maintained in the same manner as provided in subsection (A), unless the request has already been filed by the member.”

SECTION 2. This act takes effect upon approval by the Governor and applies for appropriations made for fiscal years beginning after June 30, 2009.

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