COMMITTEE REPORT

January 26, 2011

**H. 3185**

Introduced by Reps. Harrell, Cooper, Owens, Harrison, Hardwick, Sandifer, Bingham, Atwater, Bowen, Daning, Hamilton, Hiott, Parker, Bannister, J.R. Smith, Tallon, Limehouse, Brady, Willis, Taylor, Young, Spires, Thayer, Long, Pitts, D.C. Moss, Patrick, Edge, Hixon, Norman, Chumley, Huggins, Frye, Pope, Brannon, Umphlett, Delleney, Allison, Bedingfield, Loftis, Crosby, McCoy, Horne, Clemmons, Skelton, Quinn, White, G.R. Smith, Toole, Ballentine, G.M. Smith, Barfield, Sottile, Erickson, Hearn, Murphy, Pinson, Ryan, Stringer, Lucas, Bikas, Gambrell, Corbin, Simrill, Forrester, Henderson and Viers

S. Printed 1/26/11--H.

Read the first time January 11, 2011.

**THE COMMITTEE ON EDUCATION AND PUBLIC WORKS**

To whom was referred a Bill (H. 3185) to enact the “South Carolina Higher Education Transparency Act of 2011” including the provisions to amend the Code of Laws of South Carolina, 1976, by adding Section, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass:

PHILLIP D. OWENS for Committee.

**STATEMENT OF ESTIMATED FISCAL IMPACT**

ESTIMATED FISCAL IMPACT ON GENERAL FUND EXPENDITURES:

Minimal (Some additional costs are expected, but can be absorbed)

ESTIMATED FISCAL IMPACT ON FEDERAL & OTHER FUND EXPENDITURES:

Minimal (Some additional costs are expected, but can be absorbed)

**EXPLANATION OF IMPACT:**

Colleges and Universities

Based on the colleges’ and universities’ individual responses to the Commission on Higher Education (CHE) survey, insitutions would incur minimal nonrecurring costs to develop collection and processing mechanisms. Institutions would incur minimal on-going recurring costs to provide and maintain the information on-line and to respond to information requests as a result of the postings. It is anticipated that all associated costs incurred would be absorbed within the existing budgets.

Comptroller General

Enactment of this bill would have no impact of the Comptroller General’s Office.

*Approved By:*

Harry Bell

Office of State Budget

**A** **BILL**

TO ENACT THE “SOUTH CAROLINA HIGHER EDUCATION TRANSPARENCY ACT OF 2011” INCLUDING THE PROVISIONS TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59‑101‑355 SO AS TO PROVIDE THAT EACH PUBLIC INSTITUTION OF HIGHER LEARNING MUST MAINTAIN A DETAILED TRANSACTION REGISTER OF ALL FUNDS EXPENDED EACH MONTH AND POST THAT REGISTER ONLINE, TO PROVIDE EXCEPTIONS AND OTHER REQUIREMENTS FOR IMPLEMENTATION, TO PROVIDE THAT EACH PUBLIC INSTITUTION OF HIGHER LEARNING MUST POST ONLINE ALL OF ITS CREDIT CARD STATEMENTS AND THE CREDIT CARD STATEMENTS FOR CREDIT CARDS ISSUED TO ITS OFFICERS AND EMPLOYEES FOR OFFICIAL USE, AND TO PROVIDE THAT IF THE COMPTROLLER GENERAL’S OFFICE POSTS THE SAME CREDIT CARD INFORMATION ON ITS WEBSITE, THE INSTITUTION MAY PROVIDE INFORMATION ON HOW TO ACCESS ITS CREDIT CARD INFORMATION ON THE COMPTROLLER GENERAL’S WEBSITE IN LIEU OF COMPLYING WITH THE ABOVE REQUIREMENTS.

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

SECTION 1. This act is known and may be cited as the “South Carolina Higher Education Transparency Act of 2011”.

SECTION 2. Article 1, Chapter 101, Title 59 of the 1976 Code is amended by adding:

“Section 59‑101‑355. (A) Each public institution of higher learning, as defined in Section 59‑103‑5, shall maintain a transaction register that includes a complete record of all funds expended from whatever source for whatever purpose. The register must be prominently posted on the institution’s Internet website and made available for public viewing and downloading.

(B)(1) The register must include for each expenditure:

(a) the transaction amount;

(b) the name of the payee;

(c) the identification number of the transaction; and

(d) a description of the expenditure, including the source of funds, a category title, and an object title for the expenditure.

(2) The register must include all reimbursements for expenses, but must not include an entry for salary, wages, or other compensation paid to individual employees, provided that nothing herein negates any requirements of salary disclosure under the Freedom of Information Act.

(3) The register must not include a social security number.

(4) The register must be accompanied by a complete explanation of any codes or acronyms used to identify a payee or an expenditure.

(5) At the option of the public institution, the register may exclude any information that can be used to identify an individual employee or student, except as required by this section.

(C) The register must be searchable and updated at least once a month. Each monthly register must be maintained on the Internet website for at least three years.

(D)(1) Each public institution of higher learning also shall maintain on its Internet website a copy of each monthly statement for all of the credit cards maintained by the entity, including credit cards issued to its officers or employees for official use.

(a) The credit card number on each statement must be redacted before posting on the Internet website.

(b) Each credit card statement must be posted not later than the thirtieth day after the first date that any portion of the balance due as shown on the statement is paid. Each statement must be maintained on the Internet website for at least three years.

(2) If the Comptroller General’s office on its own internet website posts the credit card information of the institution required by item (1) of this subsection, the institution on its own website may provide information about how to access this information on the Comptroller General’s website in lieu of complying with the requirements of item (1) of this subsection.

(E) Any information that is expressly prohibited from public disclosure by federal or state law or regulation must be redacted from any posting required by this section.”

SECTION 3. This act takes effect upon approval by the Governor, and public institutions of higher learning to which this act applies shall have one year from the effective date of this act to comply with its requirements.

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