COMMITTEE REPORT

March 30, 2011

**S. 435**

Introduced by Senator Elliott

S. Printed 3/30/11--S.

Read the first time January 26, 2011.

**THE COMMITTEE ON FINANCE**

To whom was referred a Bill (S. 435) to amend the Code of Laws of South Carolina, 1976, by adding Section 6‑1‑180 so as to require local governmental entities, agencies, organizations, or individuals, etc., respectfully

**REPORT:**

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

Amend the bill, as and if amended, by striking all after the enacting words and inserting:

/ SECTION 1. Article 15, Chapter 1, Title 1 of the 1976 Code is amended by adding:

“Section 1‑1‑1050. (A) By no later than July 1, 2012, a non‑governmental entity, agency, or organization, whether for or not‑for‑profit, that received more than one hundred dollars in county or municipal grants in the previous calendar year, must begin quarterly submissions of an expenditure report to the jurisdiction awarding the funds. For purposes of this section, ‘grants’ are those monies derived either from county or municipal tax revenue or appropriated to the jurisdiction by the General Assembly that are awarded, gifted, designated, or contributed by a jurisdiction to an entity, agency, or organization, whether by formula or at the jurisdiction’s discretion for any purpose, including revenues distributed pursuant to Section 4‑10‑970(B).  ‘Grants’ do not include payments for direct services or goods.

(B) The expenditure report must include:

(1) The amount of funds received,

(2) The amount of funds expended,

(3) The purposes for which the funds were expended, and

(4) Any other information required by the jurisdiction so as to promote transparency and public confidence in how the grantee entities, agencies, and organizations expend the funds.

(C) Unless all or portions of the report may be redacted or exempted pursuant to subsection (D), a county and municipality receiving expenditure reports required by this section shall prominently display the reports on the jurisdiction’s Internet website. The reports must be downloadable and maintained for three years. If a jurisdiction does not maintain an Internet website, the register must be maintained on the Internet website of the Comptroller General. Also, a jurisdiction shall display the name and amount of funds awarded to any entity, agency, or organization that has failed to timely submit an expenditure report.

(D) 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. A county or municipality may also exempt disclosure of any expenditure or reimbursement that the jurisdiction determines is reasonable and necessary to exclude. If a jurisdiction excludes an expenditure or reimbursement, the jurisdiction must, in general terms, state the reasons for the exclusion. The statement shall be displayed in the same manner and location as the expenditure report.

(E) To avoid additional expense for county and municipal governments in the implementation of this section, the expenditure reporting must be effected using existing resources with no additional expense to the jurisdiction. The Office of the Comptroller General must be available to county and municipal governments, upon their formal request, to provide technical assistance in meeting the requirements of this section. The Office of the Comptroller General shall not intercede on behalf of jurisdictions unless a formal request is made.”

SECTION 2. This act takes effect upon approval by the Governor. /

Renumber sections to conform.

Amend title to conform.

HUGH K. LEATHERMAN, SR. for Committee.

**STATEMENT OF ESTIMATED FISCAL IMPACT**

ESTIMATED FISCAL IMPACT ON GENERAL FUND EXPENDITURES:

$0 (No additional expenditures or savings are expected)

ESTIMATED FISCAL IMPACT ON FEDERAL & OTHER FUND EXPENDITURES:

$0 (No additional expenditures or savings are expected)

**EXPLANATION OF IMPACT:**

There is no fiscal impact on the General Fund of the State or on federal and/or other funds.

**LOCAL GOVERNMENT IMPACT:**

Pursuant to Section 2-7-76 of the Code of Laws of South Carolina, 1976, the Office of State Budget has surveyed members of the FIST Network. The responses will be forwarded upon receipt.

One county reported that the costs of this legislation could be absorbed. However, municipal responses indicated that because the bill’s language is pervasive that is difficult to quantify the potential expense. In addition, the level of detail required in the expenditure report (which is unknown) would also be a factor in determining the cost of implementation.

*Approved By:*

Harry Bell

Office of State Budget

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 6‑1‑180 SO AS TO REQUIRE LOCAL GOVERNMENTAL ENTITIES, AGENCIES, ORGANIZATIONS, OR INDIVIDUALS THAT RECEIVE, COLLECT, OR SPEND PUBLIC FUNDS DERIVED FROM STATE OR LOCAL TAX REVENUE TO FILE PERIODIC EXPENDITURE REPORTS WITH THE STATE OR LOCAL GOVERNMENTAL ENTITY OR AGENCY THAT PROVIDED, COLLECTED OR SPENT THE PUBLIC FUNDS.

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

SECTION 1. Article 1, Chapter 1, Title 6 of the 1976 Code is amended by adding:

“Section 6‑1‑180. A local governmental entity, agency, organization, or individual that receives, collects, or expends public funds derived from state or local tax revenue shall file a detailed expenditure report within ten days of the end of each calendar quarter with the state or local governmental entity or agency that provided, collected, or spent the public funds. The expenditure report required pursuant to this section constitutes public information for the purposes of the South Carolina Freedom of Information Act.”

SECTION 2. This act takes effect upon approval by the Governor.

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