**South Carolina General Assembly**

123rd Session, 2019-2020

**H. 3201**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Elliott, Tallon, Fry and Crawford

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Companion/Similar bill(s): 289

Introduced in the House on January 8, 2019

Currently residing in the House Committee on **Judiciary**

Summary: Local Government provisions

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

12/18/2018 House Prefiled

12/18/2018 House Referred to Committee on **Judiciary**

1/8/2019 House Introduced and read first time ([House Journal‑page 125](file:///h:\hj\20190108.docx))

1/8/2019 House Referred to Committee on **Judiciary** ([House Journal‑page 125](file:///h:\hj\20190108.docx))

1/16/2019 House Member(s) request name added as sponsor: Tallon

3/6/2019 House Member(s) request name added as sponsor: Fry, Crawford

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**VERSIONS OF THIS BILL**

[12/18/2018](file:///p:\pprever\2019-20\3201_20181218.docx)

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 11 TO CHAPTER 1, TITLE 6 SO AS TO PROVIDE THAT A COUNTY, MUNICIPALITY, OR SCHOOL DISTRICT SHALL POST CERTAIN INFORMATION ON ITS WEBSITE, DEVELOP, MAINTAIN, AND MAKE PUBLIC A CERTAIN WEBSITE DATABASE, AND TO REQUIRE THAT THE INFORMATION AVAILABLE ON THE WEBSITE BE EASILY ACCESSIBLE.

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

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

“Article 11

Local Government Transparency

Section 6‑1‑2110. (A) A county, municipality, or school district shall post on its website for the current calendar year, and the four years immediately before that calendar year, the following information:

(1) the contact information, including the phone numbers and email addresses, for all elected and appointed officials, the freedom of information officer, the chief administrator, and the head administrator for each department;

(2) the agendas of all regular meetings which must be posted at least seventy‑two hours before a meeting. The agenda of all special or emergency meetings must be posted at least twenty‑four hours before a meeting. The posting must indicate if the agendas are in draft form. The minutes from any regular or special meeting must be posted within seventy‑two hours of approval;

(3) in accordance with the Freedom of Information Act, the procedure for requesting information from the county, municipality, or school district;

(4) the annual budget ordinances and appropriation ordinances;

(5) the ordinances under which the county, municipality, or school district operates;

(6) the procedures required to apply for building permits and zoning variances;

(7) any budget, financial audit, audit schedule, or special project report, including without limitation the comprehensive annual financial report, performance audits, and reports required by law. All reports must include the following:

(a) all actual revenues and expenditures for at least the three previous fiscal years. Any report focusing on any subset of the total should specify that only partial amounts are shown and identify the total amount and the nature of items not included in the report;

(b) revenues must be broken out by source, including the broad categories of local, state, and federal tax dollars;

(c) expenditures must be separated into current operating, capital, and debt service; and

(d) expenditure summaries for a county or municipality must reflect the calculation for each resident for comparison to other governmental bodies. For schools, a calculation for each pupil must be made based on full‑time equivalent enrollment;

(8) a detailed list of the total compensation paid to each employee including wages, salary, overtime, and benefits, including health, dental, life, and pension;

(9) contracts with lobbying firms hired by the county, municipality, or school district, along with the name and amount of money paid to lobbying associations by the county, municipality, or school district;

(10) a detailed list of the taxes and fees imposed by the county, municipality, or school district;

(11) the ordinances and rules governing the award of all bids and contracts for purchase in the amount of twenty‑five thousand dollars or more;

(12) all bids and contracts for purchase in the amount of twenty‑five thousand dollars or more;

(13) all campaign contributions made by a vendor to an official of the county, municipality, or school district; and

(14) searchable expenditure and revenue website databases.

Section 6‑1‑2120. (A) Each county, municipality, or school district shall develop, maintain, and make publicly available a single, searchable expenditure and revenue website database that allows the public, at no cost, to review information concerning monies collected and expended by the county, municipality, or school district.

(B) The website database shall include the following data concerning all expenditures made by the county, municipality, or school district:

(1) the name and principal location or address of the entity receiving monies, except that information concerning a payment to an employee of the county, municipality, or school district shall identify the individual employee by name and business address or location only;

(2) the amount of money expended;

(3) the funding source of the money expended;

(4) the date of the expenditure;

(5) the name of the budget program, activity, or category supporting the expenditure;

(6) a description of the purpose for the expenditure; and

(7) a unique identifier for each expenditure, to the extent possible.

(C) The expenditure data must be provided in an open‑structured data format that:

(1) may be downloaded by the user; and

(2) allows the user to systematically sort, search, and access all data.

(D) The website database must contain only information that is a public record or that is not confidential or otherwise protected from public disclosure pursuant to state or federal law.

(E) The county, municipality, or school district shall:

(1) update the financial data contained on the website database at least monthly;

(2) archive the financial data, which must remain accessible and searchable on the website database;

(3) make the website database easily accessible from the main page of the county, municipality, or school district provider’s website; and

(4) create and make easily accessible an automated Rich Site Summary (RSS) feed to which users of the website database may subscribe for notification of updates to the website database.

Section 6‑1‑2130. (A) The information required to be posted pursuant to Section 6‑1‑2110 must be easily accessible from the county’s, municipality’s, or school district’s home page and searchable.

(B) The postings required by this article are in addition to any other posting requirements required by law or ordinance.

(C) If a county, municipality, or school district fails to comply with this section, then any citizen who is a resident of the offending county, municipality, or school district may file suit in the circuit court for the county where the county, municipality, or school district is located. The citizen may bring a mandamus or injunction action to compel the county, municipality, or school district to comply with the requirements set forth in subsection (A). The court may impose any penalty or other sanction as it deems appropriate. The court, in its discretion, also may award to the citizen bringing the action reasonable attorneys’ fees and costs.”

SECTION 2. This act takes effect upon approval by the Governor. The website databases required by Section 6‑1‑2120, as added by this act, must be fully operational on or before January 1, 2020.

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