COMMITTEE REPORT

March 18, 2009

**S. 577**

Introduced by Senators Leatherman, Land, Setzler, Malloy, McGill, O’Dell, Reese, Nicholson, Williams, Elliott and Knotts

S. Printed 3/18/09--S.

Read the first time March 12, 2009.

**THE COMMITTEE ON FINANCE**

To whom was referred a Concurrent Resolution (S. 577) to provide that pursuant to HR‑1 of 2009, the American Recovery and Reinvestment Act of 2009, the General Assembly accepts the use of federal stimulus funds provided, etc., respectfully

**REPORT:**

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

HUGH K. LEATHERMAN, SR. for Committee.

**A** **CONCURRENT RESOLUTION**

TO PROVIDE THAT PURSUANT TO HR‑1 OF 2009, THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009, THE GENERAL ASSEMBLY ACCEPTS THE USE OF FEDERAL STIMULUS FUNDS PROVIDED TO THIS STATE IN THIS ACT IF THE GOVERNOR OF SOUTH CAROLINA, WITHIN THE REQUIRED FORTY‑FIVE DAY PERIOD, FAILS TO CERTIFY THAT HE WILL REQUEST AND USE THESE FUNDS FOR THIS STATE AND THE AGENCIES AND ENTITIES THEREOF IN THE MANNER PROVIDED IN THE FEDERAL ACT, AND TO PROVIDE FOR THE MANNER OF DISTRIBUTION OF THESE FUNDS.

Whereas, in Section 1607 of HR‑1 of 2009, the American Recovery and Reinvestment Act of 2009, the Congress of the United States has provided as follows:

“(a) CERTIFICATION BY GOVERNOR. ‑ Not later than 45 days after the date of enactment of this Act, for funds provided to any State or agency thereof, the Governor of the State shall certify that: (1) the State will request and use funds provided by this Act; and (2) the funds will be used to create jobs and promote economic growth.

(b) ACCEPTANCE BY STATE LEGISLATURE. ‑ If funds provided to any State in any division of this Act are not accepted for use by the Governor, then acceptance by the State legislature, by means of the adoption of a concurrent resolution, shall be sufficient to provide funding to such State.

(c) DISTRIBUTION. ‑ After the adoption of a State legislature’s concurrent resolution, funding to the State will be for distribution to local governments, councils of government, public entities, and public‑private entities within the State either by formula or at the State’s discretion.”; and

Whereas, pursuant to subsection (b) of the above provision, the South Carolina General Assembly accepts for use all or any applicable portion of the funds provided to the State of South Carolina or any agency thereof, if the Governor of South Carolina pursuant to subsection (a) above fails to certify not later than forty‑five days after enactment of HR‑1 of 2009, that he will on behalf of this State request the funds provided in HR‑1 of 2009; and

Whereas, pursuant to subsection (c) above, the South Carolina General Assembly declares the distribution of these funds to state agencies, entities, and any other political subdivision of this State, including those distributed to local governments through the State of South Carolina, shall be provided by formula or as directed by the General Assembly; and

Whereas, to enhance the General Assembly’s ability to utilize these funds to create the most jobs and promote as much economic growth as possible, the General Assembly shall create a joint review committee to provide recommendations to both the General Assembly and the executive branch regarding the most efficient policy for the receipt, appropriation, expenditure, and reporting of these funds. Now, therefore,

Be it resolved by the Senate, the House of Representatives concurring:

That the South Carolina General Assembly, pursuant to HR‑1 of 2009, the American Recovery and Reinvestment Act of 2009, accepts the use of federal stimulus funds provided to this State if the Governor of South Carolina within the required forty‑five day period fails to certify that he will request and use these funds for this State and to create jobs and promote economic growth.

Be it further resolved that the South Carolina General Assembly further declares that the manner of distribution of these funds shall be as stipulated in this resolution.

Be it further resolved that a copy of this resolution be forwarded to the United States Senate, the United States House of Representatives, and to each member of the South Carolina Congressional Delegation.

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