**PART III**

**FISCAL YEAR 2009-10 STATE STABILIZATION FUND**

SECTION 1. Pursuant to Title XVI of the American Recovery and Reinvestment Act of 2009 (ARRA), the Governor has certified that (1) the State will request and use funds provided by the ARRA, and (2) the funds will be used to create jobs and promote economic growth. As a result of the Governor's action, the General Assembly recognizes $694,060,272 of federal funds pursuant to the State Fiscal Stabilization Fund established by Title XIV of the ARRA and that these funds are authorized for appropriation pursuant to the provisions of this Part. In order to fund the appropriations provided by this Part, the Governor and the State Superintendent of Education shall take all action necessary and required by the ARRA and the U.S. Secretary of Education in order to secure the receipt of the funds recognized and authorized for appropriation pursuant to this section. The action required by this Part includes but is not limited to: (1) within five days of the effective date of this Part, the Governor shall submit an application to the United State’s Secretary of Education to obtain phase one State Fiscal Stabilization Funds, and (2) within thirty days of phase two State Fiscal Stabilization Funds becoming available or thirty days following the effective date of this act, whichever is later, the Governor shall submit an application to the United State’s Secretary of Education to obtain phase two State Fiscal Stabilization Funds. The State Superintendent of Education shall take all action necessary and provide any information needed to assist the Governor in fulfilling his obligation to apply for State Fiscal Stabilization funds pursuant to this Section.

SECTION 2. (A) Upon the receipt of the funds in Section 1, the following sums must immediately be transferred to the following agencies to be expended for the specified purposes to supplement appropriations made for the expenses of state government in the annual general appropriation act for Fiscal Year 2009-10 and the Office of State Budget is directed to increase agency federal fund authorization for funds from the State Budget Stabilization Fund allocated herein:

(1) H63 - Department of Education

EFA Base Student Cost $ 184,922,339

(2) H09 - The Citadel $ 2,161,240

(3) H12 - Clemson University $ 14,691,917

(4) H15 - University of Charleston $ 4,692,447

(5) H17 - Coastal Carolina University $ 2,270,097

(6) H18 - Francis Marion University $ 2,588,272

(7) H21 - Lander University $ 1,440,348

(8) H24 - South Carolina State University $ 3,253,587

(9) H27 - University of South Carolina - Columbia $ 23,945,887

(10) H29 - University of South Carolina - Aiken $ 1,469,806

(11) H34 - University of South Carolina - Upstate $ 1,959,567

(12) H36 - University of South Carolina - Beaufort $ 481,777

(13) H37 - University of South Carolina - Lancaster $ 356,295

(14) H38 - University of South Carolina - Salkehatchie $ 310,271

(15) H39 - University of South Carolina - Sumter $ 575,463

(16) H40 - University of South Carolina - Union $ 138,095

(17) H47 - Winthrop University $ 3,092,270

(18) H51 - Medical University of South Carolina $ 12,671,177

(19) H53 - Consortium of Community Teaching Hospitals $ 2,012,569

(20) H59 - Board for Technical & Comprehensive Education $ 21,811,254

(21) N04 - Department of Corrections $ 22,000,000

(22) N12 - Department of Juvenile Justice $ 5,000,000

(23) N20 - Law Enforcement Training Council

Criminal Justice Academy $ 120,000

(24) N08 - Department of Probation, Parole, and Pardon Services $ 2,000,000

(25) K05 - Department of Public Safety $ 15,000,000

(26) H87 - State Library

State Aid for County Libraries $ 1,685,045

(27) H91 - Arts Commission

Statewide Education, Arts, and Cultural Grants $ 500,000

(28) H79 - Department of Archives and History $ 500,000

(29) H63 - Department of Education

Governor’s School for the Arts and the Humanities $ 500,000

(30) H63 - Department of Education

Governor’s School for Science and Mathematics $ 500,000

(31) H71 - Wil Lou Gray Opportunity School $ 500,000

(32) H75 - School for the Deaf and the Blind $ 500,000

(33) D10 - State Law Enforcement Division $ 2,000,000

(34) B04 - Judicial Department $ 4,000,000

(35) H67 - Educational Television Commission

Satellite Lease $ 540,000

(36) P20 - Clemson University - PSA $ 2,500,000

(37) P21 - South Carolina State University - PSA $ 500,000

(38) P32 - Department of Commerce

Regional Economic Development Organizations $ 3,450,000

(39) H03 - Commission on Higher Education

University Center of Greenville $ 364,440

(40) P12 - Forestry Commission $ 500,000

(41) P16 - Department of Agriculture $ 250,000

(42) P24 - Department of Natural Resources $ 250,000

Total Funds Authorized for Fiscal Year 2009-10 $ 348,004,163.

(B) Of the funds transferred to the Department of Commerce for Regional Economic Development Organizations in this section, the department shall divide $3,150,000 equally to the following seven economic development organizations:

(1) Central SC Economic Development Alliance;

(2) Charleston Regional Development Alliance;

(3) Economic Development Partnership;

(4) North Eastern Strategic Alliance (NESA);

(5) Southern Carolina Alliance;

(6) Upstate Alliance; and

(7) LowCountry Alliance.

The funds dispersed to each organization must be matched with an equal amount of private funds. The organization receiving state funds must certify that the private funds are new dollars specifically designated for the purpose of matching state funds and have not been previously allocated or designated for economic development.

The remaining $300,000 shall be provided to Chester County, Lancaster County, Union County, and York County provided they meet the requirements established above.

Upon receipt of the request for the funds and certification of the matching funds, the Department of Commerce shall disperse the funds to the requesting organization. Any funds remaining in the department’s account for Regional Economic Development Organizations at the end of Fiscal Year 2009-2010 shall be transferred to the General Fund.

Funds recipients shall provide an annual report by November 1, to the Chairman of the Senate Finance Committee, the Chairman of the House Ways and Means Committee, and the Secretary of Commerce on the expenditure of the funds and on the outcome measures.

(C) Of the funds transferred to the State Law Enforcement Division in this section, the division must utilize the funds to maximize statutorily-mandated law enforcement services.

(D) Of the funds transferred to the Arts Commission in this section, the commission must utilize $100,000 of the funds for Spoleto and $10,435 of the funds for the McClellanville Arts Council.

(E) Of the funds transferred to the Department of Natural Resources in this section, the department must utilize $100,000 of the funds for the Southeastern Wildlife Exposition.

(F) For purposes of the expenditures authorized by this section, the funds must be used in a manner consistent with the provisions of the State Fiscal Stabilization Fund established by the American Recovery and Reinvestment Act of 2009 and the provisions of this act.

(G) The remaining portion of the State Fiscal Stabilization funds received pursuant to Section 1 not necessary to meet the appropriations of this Part, must be deposited in a separate and distinct account in the State Treasurer’s Office and may only be disbursed pursuant to an appropriation contained in a subsequent act of the General Assembly.

(H) The General Assembly recognizes that the receipt of the funds appropriated in this Part is designed to address a precipitous drop in revenue due to the pending economic crisis and the use of this money to fund recurring expenses is a means to address this shortfall in recurring funds until the economy improves. The General Assembly further recognizes that these funds are temporary in nature and may not be sufficient to address a shortfall in recurring revenue if the current economic crisis extends beyond the period currently contemplated. As a result, the General Assembly strongly encourages state agencies and institutions and school districts receiving these funds to limit the reliance on these funds and make contingency plans that include savings necessary to meet future recurring obligations.

SECTION 3. If any section, subsection, part, paragraph, subparagraph, sentence, clause, phrase, or word of this act is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this act, the General Assembly hereby declaring that it would have passed this severability, and each and every section, subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

SECTION 4. This part takes effect upon approval by the Governor.

**END OF PART III**

All acts or parts of acts inconsistent with any of the provisions of Parts IA, IB, II, or III of this act are suspended for Fiscal Year 2009‑2010.

If any part, section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this act is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this act, the General Assembly hereby declaring that it would have passed this act, and each and every part, section, subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other parts, sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

Except as otherwise specifically provided, this act takes effect immediately upon its approval by the Governor.