

State of South Carolina
Executive Department



FILED

JUN 29 2009

Mark Hammond
SECRETARY OF STATE 8

Office of the Governor

EXECUTIVE ORDER NO.

2009-09

WHEREAS, the Congress and President of the United States enacted the American Recovery and Reinvestment Act of 2009 ("the Act"), which provides for the expenditure of \$500 billion in federal funds for infrastructure investment, health care and welfare programs, and other public works; and

WHEREAS, the Act entitles the State of South Carolina to \$2.8 billion in federal funds for various public projects and programs; and

WHEREAS, the Act directs much of the stimulus funds programmatically to state and local governmental entities without requiring the approval or oversight of either the Governor or the General Assembly; and

WHEREAS, the expenditure of massive amounts of stimulus funds without oversight creates the possibility of government waste and fraud; and

WHEREAS, a coordinated effort to oversee and account for the expenditure of stimulus funds is fundamental to ensuring that taxpayer money is spent with efficiency and integrity; and

WHEREAS, pursuant to S.C. Code Ann. § 1-3-10, public officers have a duty to "immediately furnish to the Governor, in such form as he may require, any information desired by him in relation to their respective affairs or activities," a directive that is consistent with the constitutional authority found in Article IV, Section 17, of the South Carolina Constitution, which provides that "[a]ll state officers, agencies, and institutions within the Executive Branch shall, when required by the Governor, give him information in writing upon any subject relating to the duties and functions of their respective offices;" and

WHEREAS, Proviso 89.118 of the State Appropriations Act for Fiscal Year 2009-2010 establishes a committee chaired by the State Treasurer and Comptroller General for monitoring funds associated with the Act and authorizes such committee to collect from state agencies and local governments information relating to the expenditure of funds and other related data required to be reported under the Act.

NOW, THEREFORE, I hereby establish the South Carolina Stimulus Oversight, Accountability, and Coordination Task Force ("Task Force"). The Task Force shall coordinate efforts among state and local governmental entities to maintain transparency, accountability, efficiency, and consistency with the Act in the spending of stimulus funds. In addition, the Task Force shall consult with the Senate Finance Committee and the House Ways and Means Committee to prevent annualizations and ensure that stimulus funds are not used to fund existing obligations or programs that are currently funded in the State Appropriations Act. The Task Force shall be comprised of the following officials or their designee:

- (1) South Carolina Comptroller General and South Carolina Treasurer shall serve as Co-Chairs of the Task Force and be responsible for overseeing the duties and responsibilities of the Task Force.
- (2) Comptroller General shall have primary responsibility for accounting of stimulus related expenditures and for providing transparency in the spending of stimulus funds by establishing and maintaining a website tracking stimulus related expenditures. The South Carolina Treasurer shall have primary responsibility for overseeing the auditing of stimulus related expenditures and for ensuring that the reporting requirements of the Act are followed by state agencies and local governments. Each Co-Chair shall arrange for the necessary staffing to carry out their primary responsibilities and coordinate any staffing requirements for overlapping or additional requirements that may arise.
- (3) South Carolina State Auditor, who shall exercise all powers provided pursuant to Title 11, Chapter 7, of the South Carolina Code of Laws to ensure that the accounting of all stimulus funds complies with state and federal law and other applicable government accounting standards and who shall assist the Treasurer and Comptroller General in their roles as Co-Chairs of the Task Force; provided, however, that the State Auditor shall not perform any task which would jeopardize his independence as required by S.C. Code Ann. § 11-7-45;
- (4) South Carolina Superintendent of Education;
- (5) Secretary of the South Carolina Department of Transportation;
- (6) Director of the South Carolina Department of Health and Human Services;
- (7) Director of the Department of Social Services;
- (8) Secretary of the South Carolina Department of Commerce;

- (9) Chief of the State Law Enforcement Division;
- (10) Director of the Department of Public Safety
- (11) Director of the Department of Natural Resources;
- (12) Commissioner of the Department of Health and Environmental Control;
- (13) Director of the Office of Economic Opportunity;
- (14) Executive Director of the Budget and Control Board;
- (15) Director of the South Carolina Energy Office;
- (16) Executive Director of the South Carolina State Housing Finance and Development Authority;
- (17) Director of the Budget and Control Board's Office of State Budget; and
- (18) Other public officials receiving or applying for stimulus funds, as hereafter appointed by the Governor.

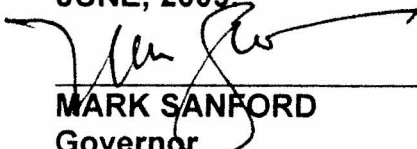
FURTHER, pursuant to Article IV, Section 17, of the South Carolina Constitution, S.C. Code Ann. § 1-3-10, and Proviso 89.118 of the State Appropriations Act, I hereby order that all State and local governmental entities that apply for, receive, or otherwise administer programs receiving funds from the Act provide the Task Force with such documents as it deems necessary to ensure that stimulus funds are expended, awarded, or otherwise distributed prudently, ethically, efficiently, and consistent with state and federal law.

FURTHER, I declare that Executive Order 2009-03 is rescinded and from this date declared null and void.


This Order shall take effect immediately.



GIVEN UNDER MY HAND AND THE
GREAT SEAL OF THE STATE OF
SOUTH CAROLINA, THIS 29th DAY OF
JUNE, 2009


MARK SANFORD
Governor

Attest:


MARK HAMMOND
SECRETARY OF STATE