

SENATORS SHEALY and JACKSON

~~1.81. (SDE: Educational Services for Children with Disabilities Report) In order to determine whether educational services provided to students with disabilities are delivered effectively and efficiently and whether services or funding should be reformed, the Department of Education shall provide a report to the Joint Citizens and Legislative Committee on Children and to the Revenue and Fiscal Affairs Office on targets identified from the Annual Performance Report on the most recent State Performance Plan submitted as required by the Individuals with Disabilities Education Act (IDEA) of 2004, Section 616 and Section 619 to include all Indicators 1-16 and Tables 1-6 required under these sections that have not been met by a school district.~~

~~Further, the department shall report the number of special education personnel employed or contracted as of November 1, 2020, to provide special education and related services to students eligible under IDEA Part B, disaggregated by position and by school district, and to indicate the number of FTEs considered fully certified for their position and the number of FTEs not fully certified who are employed on an emergency, provisional, or other basis, including long term substitute teachers.~~

~~The Joint Citizens and Legislative Committee on Children, in conjunction with the department, shall establish the reporting format, and the department shall submit the required reports to the joint committee on or before September 1, 2021. The Joint Citizens and Legislative Committee on Children is directed to report its finding and a work plan to assess and develop recommendations concerning service delivery to students with disabilities to the Governor, the General Assembly, the Department of Education, and the State Board of Education by February 1, 2022.~~

SENATOR DAVIS

1A.46. (SDE-EIA: EOC-South Carolina Autism Society) Of the funds appropriated in Section 1A, VIII.F. Partnerships, Education Oversight Committee (A85), \$500,000 must be transferred in quarterly installments from the Education Oversight Committee to the South Carolina Autism Society for the Autism Parent-School Partnership Program. ~~Beginning October 10, 2015, the South Carolina Autism Society shall provide a quarterly accounting report to the Chairman of the Senate Finance Committee, the Chairman of the House Ways and Means Committee and the Education Oversight Committee. No more than ten percent of these funds may be used for central office related administrative purposes, with the remaining funds used to directly provide services through the Parent-School Partnership Program.~~

On a quarterly basis, the South Carolina Autism Society shall submit to the Chairmen of the Senate Finance Committee and the House Ways and Means Committee a comprehensive report concerning the society's finances. The report must include, but is not limited to:

- (1) All income derived during the quarter from any source;
- (2) An itemized list of all expenditures for the quarter, including the amount of each expenditure;
- (3) A list of employees, independent contractors hired by the society, and any other person or entity that provides goods or services to the society, including the amount paid to each; and
- (4) Any other such information that aids in fully understanding the fiscal health of the society.

On or before August 1, 2022, the society shall provide the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee an audit of the society's books from the society's previous fiscal year. On or before June 30, 2023, the society shall provide an updated audit to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee.

SENATORS SCOTT AND CROMER

33.rod. *(DHHS: Reimagining Our Destiny) The funds appropriated in Act 94 of 2021 by proviso 118.18(B)(74) to the Department of Health and Human Service for the South Carolina HIV Council “The Wright Wellness Center” shall be redirected to Voorhees College to be used for the HBCU’s Reimagining Our Destiny health study. The college shall provide a report on all expenditures of the funds to the Chairmen of the Senate Finance Committee and the House Ways and Means Committee by June 30, 2023.*

SENATORS MARTIN and CORBIN

34.ip. (DHEC: Immunity Passport) The Department of Health and Environmental Control shall be restricted from using any resources to issue an immunity passport related to COVID-19. This restriction also shall encompass any integration with or becoming an issuer of SMART Health Cards.

SENATOR ALEXANDER

38.14. (DSS: Family Foster Care Payments) The Department of Social Services shall furnish as Family Foster Care payments for individual foster children under their sponsorship and under kinship care:

ages	0 - 5	\$605	<u>\$619</u>	per month
ages	6 - 12	\$708	<u>\$723</u>	per month
ages	13 +	\$747	<u>\$764</u>	per month

These specified amounts are for the basic needs of the foster children to include kinship care assistance. Basic needs within this proviso are identified as food (at home and away), clothing, housing, transportation, education and other costs as defined in the U.S. Department of Agriculture study of "Annual Cost of Raising a Child to Age Eighteen". Further, each agency shall identify and justify, as another line item, all material and/or services, in excess of those basic needs listed above, which were a direct result of a professional agency evaluation of clientele need. Legitimate medical care in excess of Medicaid reimbursement or such care not recognized by Medicaid may be considered as special needs if approved by the sponsoring/responsible agency and shall be reimbursed by the sponsoring agency in the same manner of reimbursing other special needs of foster children.

SENATOR JACKSON

42.hsa. (HFDA: SC Housing Statewide Assessment) For Fiscal Year 2022-23, of the funds appropriated to the Housing Finance and Development Authority, \$100,000 shall be used for a comprehensive statewide housing needs assessment prepared by the Darla Moore School of Business. The assessment must include the following:

(1) a statement by the authority on housing policies and recommendations for South Carolina; and

(2) an evaluation and summary of housing conditions and trends in South Carolina broken down by geographic regions including, but not limited to, the Upstate, the Midlands, and the Lowcountry, including housing stock of all types and housing costs analyses, general population and household composition demographic analyses, and housing and demographic forecasts.

The assessment also must include an evaluation of housing assistance needs that is based in part on the evaluation described in item (2). Further, the assessment must include a discussion of major housing issues, including housing production, housing and neighborhood conservation, housing for persons with special needs, fair housing and accessibility, and housing affordability. In preparing the assessment, the authority and the Darla Moore School of Business may obtain input from housing authorities, community-based organizations, the private housing industry, and other persons interested in housing assistance and development. A copy of the assessment must also be provided to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee by June 30, 2023.

SENATOR JOHNSON

44.cs. (AGRI: County of Sumter) Funds remaining of the \$45,100 appropriated in Act 94 of 2021, Section 118.18(B)(77) to the Department of Agriculture for the Town of Mayesville Grant Matching Funds shall be redirected to the County of Sumter to be used for the same purpose.

SENATOR SETZLER

47.mgp. (DNR: Matching Grant Programs) Of the funds appropriated and/or authorized to the South Carolina Conservation Bank, \$1,000,000 shall be provided to the Department of Natural Resources as the state match for the North American Wetlands Conservation Act (NAWCA) matching grant program and \$3,000,000 as the state match for the Pittman-Robertson Wildlife Restoration Act matching grant program. The department annually shall report to the Senate Finance Committee, the House Ways and Means Committee, and the South Carolina Conservation Bank regarding utilization of the funds and the impact of the funds on conservation efforts in the State of South Carolina.

SENATOR MCELVEEN

49.ccc. (PRT: Columbia Convention Center) Funds remaining of the \$9,000,000 appropriated in Act 94 of 2021, Section 118.18(B)(77) to the Department of Parks, Recreation, and Tourism for the Columbia Convention Center Renovation shall be redirected to be used for the Columbia Congaree Commons project.

SENATOR HEMBREE

60.13. (PCC: Intake and Analysis Funding) Funds appropriated and/or authorized for Intake and Analysis Programs shall be distributed ~~at an amount of \$135,000~~ *on a pro rata basis* to each *judicial* circuit that ~~establishes, maintains, and~~ *continue to operate and* annually reports information and data regarding its Intake ~~and~~ Analysis Program, *and funds may be used to implement processes for post-conviction case reviews and analysis of offenders requesting termination of required registration as a sex offender.* ~~Funds not expended by the end of the current fiscal year shall be remitted to the General Fund.~~

SENATOR GROOMS

73.10. (ORS: Santee Cooper Billing) The Office of Regulatory Staff is authorized, subject to the Public Utilities Review Committee's approval of the Office of Regulatory Staff's annual budget, to bill Santee Cooper for costs associated with its oversight of Santee Cooper performed pursuant to Act 90 of 2021 and any other relevant legislation, statute, or provision, provided such costs do not exceed the amounts authorized for the oversight of Santee Cooper in this act. Santee Cooper may reduce their remittance of revenues to the State by the amount paid to the Office of Regulatory Staff for oversight costs under this provision. This reduction shall be made in Santee Cooper's second semiannual remittance to the State.

SENATOR MCELVEEN and SENATOR JACKSON

78.fcs. (INS: Special Study on Fraudulent Claim Status) Of the funds appropriated and/or authorized to the Department of Insurance, the department shall conduct a study on possible violations pursuant to Title 38 of the 1976 Code. The study shall review instances in which insurers licensed to do business in South Carolina engage in improper claim practices, including, but not limited to, inappropriately or inaccurately classifying or presuming claims as fraudulent. The Department of Insurance shall report the results of their study to the General Assembly and the Governor's Office by December 1, 2022.

SENATOR DAVIS

88.5. (SPA: Jasper Ocean Terminal) There is created within the State Ports Authority the Jasper Ocean Terminal Port Facility Permitting and Infrastructure Fund. The State Ports Authority shall maintain the Jasper Ocean Terminal Port Facility Permitting and Infrastructure Fund and, the \$3,125,000 in state funds previously appropriated to the State Ports Authority for use in connection with the proposed Jasper Ocean Terminal Port ~~any funds appropriated in this act for this purpose~~ shall be deposited into this account. This fund shall be separate and distinct from the General Fund and interest accrued by the fund must remain in the fund. This fund must be used exclusively by the State Ports Authority for permitting and capital infrastructure expenditures supporting the development of the Jasper Ocean Terminal Port facility, including, but not limited to, any and all permits and matters associated therewith that are required by the United States Army Corps of Engineers in order to develop the Jasper Ocean Terminal Port, roads, utilities, dredge disposal areas, and acquisition of property and property rights (such as easements, rights-of-way, and licenses) and any other matter reasonably related to the authorization and development of the Jasper Ocean Terminal Port. In regard to the permits and other activities associated with the Corps of Engineers, the State Ports Authority must ensure that the legal posture of the permitting is at all times such that the Jasper Ocean Terminal Port is qualified to be considered an alternative by the Corps of Engineers in connection with its consideration of any other permits for ports-related activity in the Savannah River, including, without limitation, any attempt to permit the development of port-related facilities on Hutchinson Island. These funds must be expended by the State Ports Authority for the stated purpose within the current fiscal year. The State Ports Authority is directed to take action against the Georgia Ports Authority in accordance with the Joint Venture Agreement between the parties dated December 2015, in the event the Georgia Ports Authority fails to expend funds in furtherance of that joint venture that are equal to the funds expended by the State Ports Authority, such action to include, without limitation, invocation of the mediation provisions of the Joint Venture Agreement. In the event ~~the~~ of an assignment by the State Ports Authority of its interest in the Jasper Ocean Terminal Project to Jasper County that is consented to by the Georgia Ports Authority, the funds appropriated pursuant to this provision shall be transferred by the State Ports Authority to the Department of Administration, for subsequent disbursement by the department for the purposes set forth herein, upon applications for such made by Jasper County, and Jasper County shall assume all of the State Ports Authority's obligations hereunder.

SENATORS CROMER and GROOMS

117.19. (GP: Per Diem) The per diem allowance of all boards, commissions and committees shall be at the rate of ~~\$35~~ \$50 per day. No full-time officer or employee of the State shall draw any per diem allowance for service on such boards, commissions or committees.

SENATOR FANNING

117.162. (GP: Retained Counsel) In the current fiscal year, from the funds appropriated, public colleges and universities, including public technical schools, shall revise or adopt policies to allow a student facing disciplinary or honor code violations as a result of a criminal charge the right to retain counsel, at the student's expense, to provide full legal representation in all proceedings including, but not limited to, allowing counsel to appear on behalf of the student, speak on behalf of the student, question witnesses, protect the statutory and constitutional rights of the student, and to otherwise fully participate in all proceedings on behalf of the student.

SENATOR SETZLER

117.167. (GP: Job Order Contracting Pilot Program) For the current fiscal year, the Division of Procurement Services of the State Fiscal Accountability Authority may pilot test a job order contracting method at the request and on behalf of ~~one or more~~ up to four governmental bodies or public procurement units consisting of two state agencies and two school districts by entering into job order contracts to acquire construction services when the exact time or exact quantities of future jobs are not known at the time of contract award. ~~Procurement Services shall determine, in its~~ The State Engineer must approve, in his sole discretion, which governmental bodies and public procurement units may participate in the pilot project. Procurement Services may enter into job order contracts with up to four businesses for each ~~geographic area~~ governmental body or public procurement unit for each licensing classification and sub-classification for construction. The job order contracts must terminate twenty-four months after award.

For purposes of this provision, the term 'job order contract' means a contract that provides for the issuance of job orders for the performance of construction, renovation, and repair work, where contractors propose an adjustment factor or factors to be applied to a catalog of preset unit prices calculated using local prevailing wage rates, local equipment, and local material costs, and where individual job orders are issued to the awarded contractors on an as-needed basis and the price paid for the work is a lump sum of the preset unit prices needed to complete the job order multiplied by the quantity required multiplied by the adjustment factor.

For purposes of the pilot project, an individual project using job orders may not exceed five hundred thousand dollars and the sum of all individual job orders may not exceed four million dollars per contract. Work may not be divided artificially in order to avoid these limits. A single project must not be performed using job order contracts in combination with contracts awarded pursuant to Section 11-35-1550 of the 1976 Code.

For purposes of the pilot project, a job order must clearly specify all tasks to be performed or property to be delivered under the order so the full price for the performance of the work can be established when the order is placed. All job orders must be issued on a fixed-price basis. All job orders must be issued within the period of the contract and must be within the scope and maximum value of the contract. Each job order shall provide an itemized list of each construction tasks required to complete the work with the task's associated unit price and applied adjustment factor. Each job order proposal shall be certified as contract compliant by a reviewer independent of the contractor.

Any solicitation for a job order contract must include the following: (1) the period of the contract; (2) the maximum dollar value of the services to be procured under the contract; (3) the maximum dollar value of the services to be procured under a single job order; (4) a description that reasonably describes the licensing classification and the general scope, nature, complexity, and purposes of the services to be procured under the contract in a manner that will enable a prospective bidder to decide whether to submit a bid; (5) the procedures that the governmental body will use for issuing job orders for the pilot program; (6) if applicable, the geographic area to which the job order contract applies; ordinarily, a geographically contiguous area should not be subdivided; and (7) the number of job order contracts to be awarded.

SENATOR CROMER

117.169. (GP: In-State Tuition Mitigation) The following recurring funds have been appropriated in Part IA to institutions of higher learning to mitigate tuition and fee increases for in-state undergraduate students:

(1)	<i>The Citadel</i>	\$	1,189,367;
(2)	<i>Clemson University</i>	\$	9,963,485;
(3)	<i>University of Charleston</i>	\$	4,108,313;
(4)	<i>Coastal Carolina University</i>	\$	3,442,628;
(5)	<i>Francis Marion University</i>	\$	2,495,943;
(6)	<i>Lander University</i>	\$	2,441,095;
(7)	<i>South Carolina State University</i>	\$	1,371,942;
(8)	<i>University of South Carolina-Columbia</i>	\$	11,669,772;
(9)	<i>University of South Carolina-Aiken</i>	\$	2,021,849;
(10)	<i>University of South Carolina-Upstate</i>	\$	3,480,946;
(11)	<i>University of South Carolina-Beaufort</i>	\$	1,287,792;
(12)	<i>University of South Carolina-Lancaster</i>	\$	1,269,009;
(13)	<i>University of South Carolina-Salkehatchie</i>	\$	558,244;
(14)	<i>University of South Carolina-Sumter</i>	\$	995,522;
(15)	<i>University of South Carolina-Union</i>	\$	842,249;
(16)	<i>Winthrop University</i>	\$	2,684,528; and
(17)	<i>Medical University of South Carolina</i>	\$	5,485,000.

In order to retain the above appropriations, each institution of higher learning listed above must certify to the Commission on Higher Education by August 15, 2022, there is no in-state undergraduate tuition or in-state undergraduate mandatory fee increase, excluding increases in auxiliary fees, for the 2022-2023 academic year.

The Commission on Higher Education shall develop the process by which institutions provide the certification. Any institution unable to provide such certification to the commission shall remit their respective above recurring allocation to the General Fund by September 15, 2022.

By November 1, 2022, the Commission on Higher Education shall report to the House Ways and Means Committee, the Senate Finance Committee, and the Executive Budget Office the institutions that failed to certify that the in-state undergraduate tuition or in-state undergraduate mandatory fee increase met the guidelines outlined in this provision. The Executive Budget Office is directed to reduce the recurring appropriation of any institution found to be non-compliant with the certification.

SENATOR MARTIN

117.ep. (GP: Equal Parenting and Alimony Reform Study Committee) There is created the Equal Parenting and Alimony Reform Study Committee. The committee shall study the concept of the presumption of equally shared parenting time in custody orders and on reforms to the alimony system with a focus on permanent alimony to ensure fair and equitable economic allocations. Membership of the study committee shall be comprised of five members as follows:

(1) the Chairman of the Senate Judiciary Committee, or their designee, who shall serve as Co-Chair;
(2) the Chairman of the House of Representatives Judiciary Committee, or their designee, who shall serve as Co-Chair;

(3) one member appointed by the President of the Senate, or their designee;

(4) one member appointed by the Speaker of the House of Representatives, or their designee; and

(5) one member appointed by the Governor.

The study committee shall submit findings and recommendations to the General Assembly by March 1, 2023, at which time the study committee shall be dissolved. Members of the study committee shall receive mileage, per diem, and subsistence from the Judicial Department, as provided by law. Staff support for the study committee shall be provided by the relevant standing committees of the Senate and the House of Representatives, as appropriate.

SENATOR DAVIS

117.1eb. (GP: Law Enforcement Beneficiaries) In the current fiscal year, if a member of law enforcement while engaged in the performance of the member's duties, is accidentally killed or receives accidental bodily injury which results in the loss of the member's life, provided that such killing is not the result of suicide and that such bodily injury is not intentionally self inflicted, an amount of seventy-five thousand dollars shall be paid to the member's beneficiary. In addition to the original amount of seventy-five thousand dollars, an additional seventy-five thousand dollars must be paid to the member's beneficiary, if a member is accidentally killed as defined herein and the accidental death also occurs as follows:

(1) as a result of the member's response to fresh pursuit, defined as, the pursuit of a person who has committed or is reasonably suspected of having committed a felony, misdemeanor, traffic infraction, or violation of a county or municipal ordinance;

(2) as a result of the member's response to what is reasonably believed to be an emergency;

(3) at the scene of a traffic accident to which the member has responded; or

(4) while the member is enforcing what is reasonably believed to be a traffic law or ordinance.

If a member, while engaged in the performance of the member's duties, is unlawfully and intentionally killed or dies as a result of such unlawful and intentional act, an amount of one hundred fifty thousand dollars must be paid to the member's beneficiary. A payment made for unlawful and intentional acts is in lieu of the payments made for accidental deaths.

Payments made pursuant to this provision, whether secured by insurance or not, must be made to the beneficiary designated by the member in writing, signed by the member, and delivered to the employer during the member's lifetime. If no such designation is made, then the payments must be paid to the member's surviving child or children and to the member's surviving spouse in equal portions, and if there is no surviving child or spouse, then to the member's parent or parents. If a beneficiary is not designated and there is no surviving child, spouse, or parent, then the sum must be paid to the member's estate. The payments required by this provision are in addition to any other benefit set forth in this chapter or otherwise in law, including worker's compensation, and are exempt from the claims and demands of creditors of the member.

PEBA shall administer the benefits authorized in this section and shall establish a subfund within the Division of Retirement Systems from which to make payments.

SENATOR ALEXANDER

117.pasc. (GP: Palmetto Autism Study Committee) (A) For Fiscal Year 2022-23, there shall be established the Palmetto Autism Study Committee to be housed in the South Carolina Department of Health and Human Services. The study committee shall address, but is not limited to, the following issues:

(1) the best ways to ensure the timely evaluation, diagnosis, and treatment of autism for individuals aged eighteen and under and their families;

(2) the need for and viability of development of autism centers of excellence that engage in the training of practitioners and advanced treatment practices and research related to autism;

(3) reviewing and evaluating the accessibility to initial autism evaluations and Medicaid eligibility to identify any barriers to diagnosis and enrollment; and

(4) methods by which financial assistance can be provided to families in order to obtain needed autism services.

(B) The study committee shall be composed of members appointed as follows:

(1) one appointee by the Governor, which may be a parent of an autistic child;

(2) two appointees by the Chairman of the House Ways and Means Committee, one of which may be a House member and one which may be a parent of an autistic child;

(3) two appointees by the Chairman of the Senate Finance Committee, one of which may be a Senate member and one of which may be a parent of an autistic child;

(4) the director of the Department of Health and Human Services or his/her designee; and

(5) the director of the Department of Disabilities and Special Needs or his/her designee.

No member of the study committee shall be entitled to any compensation or reimbursement.

(C) Any administrative services or support for the study committee shall be provided by the Department of Health and Human Services.

(D) No later than January 15, 2023, the study committee shall provide the Governor, the Chairman of the House Ways and Means Committee, and the Chairman of the Senate Finance Committee with a report on its findings and recommendations on the issues contained in this provision.

SENATOR MARTIN

117.pvr. (GP: COVID-19 Proof of Vaccination Restriction - Institutions) For the current fiscal year, state-supported institutions of higher learning that receive funds appropriated or authorized through the general appropriations act shall be restricted from requiring proof of COVID-19 vaccination, the wearing of a facemask, or a COVID-19 diagnostic test result, for any student as a condition of enrollment, attendance at on campus instruction, use of facilities, or residence on campus. The COVID-19 diagnostic test result shall also extend to a COVID-19 antibody test. In instances of off-campus learning events for which third party program providers require proof of vaccination, the third party requirements shall apply.

SENATOR WILLIAMS

118.at. (SR: Admissions Tax) In the current fiscal year, up to one hundred percent in admissions tax revenue collected annually from all events held at a NASCAR sanctioned motor speedway or racetrack that hosts at least one race each year featuring the preeminent NASCAR cup series must be rebated to the motorsports entertainment complex facility in the current fiscal year to keep a NASCAR race at the motorsports entertainment complex facility. In addition, any sports facility that hosts at least one preeminent Women's Tennis Association sanctioned tournament or any sports facility that operates as the home venue for a professional soccer team that participates in the United Soccer Leagues, second division or higher, must be rebated to the facility half of its admissions tax revenue for the fiscal year and used by the facility for marketing the events held at the facility.