

**SENATE FINANCE COMMITTEE
HIGHER EDUCATION SUBCOMMITTEE
PROVISO RECOMMENDATIONS FOR FY 2022-23**

SECTION 3 - H660 - LOTTERY EXPENDITURE ACCOUNT

- 3.1 AMEND** (LEA: Audit) Directs each state agency that receives lottery funds to develop and implement procedures to monitor lottery expenditures to ensure that lottery funds are expended in accordance with applicable state laws, rules, and regulations. Directs the Executive Budget Office to ensure that these state agencies have effective monitoring procedures in place.
WMC: AMEND proviso to update “October 1, 2021” to “October 1 of the current fiscal year.”
HOU: ADOPT proviso as amended.
SFC SUBCOMMITTEE RECOMMENDATION: ADOPT proviso as amended.

3.1.(LEA: Audit) Each state agency receiving lottery funds shall develop and implement procedures to monitor the expenditures of lottery funds in order to ensure that lottery funds are expended in accordance with applicable state laws, rules, and regulations.

For institutions of higher learning, adopted procedures to monitor expenditures of lottery funds shall be reported to the Commission on Higher Education and the Executive Budget Office by October 1, ~~2021~~ *of the current fiscal year*, and these expenditures are subject to annual verification and audit by the Commission on Higher Education on a rotational schedule not to exceed three years. The annual verification and audit shall be funded from the funds appropriated to or authorized for the Commission on Higher Education and the commission shall not assess a fee or charge institutions of higher learning for performing this function. In addition, the Commission on Higher Education shall provide a report to the Executive Budget Office, the Chairman of the Senate Finance Committee, and the Chairman of the House Ways and Means Committee by October first each year summarizing, by institution, how lottery funds were expended in the prior fiscal year, issues and concerns as well as institution responses to those issues and concerns discovered as a result of the commission’s verification and/or audit activity during the prior fiscal year, if any.

For the Department of Education, adopted procedures to monitor expenditures of lottery funds that are allocated to the South Carolina school districts and other recipient institutions according to law and Department of Education guidelines shall be reported to the Executive Budget Office by October 1, ~~2021~~ *of the current fiscal year*. In addition, the Department of Education shall provide a report to the Executive Budget Office, the Chairman of the Senate Finance Committee, and the Chairman of the House Ways and Means Committee on the amount of lottery funds the department distributed to each entity in the prior fiscal year.

All other state agencies must submit their adopted procedures to monitor expenditures of lottery funds to the Executive Budget Office by October 1, ~~2021~~ *of the current fiscal year*.

The Executive Budget Office shall ensure that state agencies receiving lottery funds have procedures in place to monitor expenditures of lottery funds and that the monitoring procedures are operating effectively.

- 3.4 DELETE** (FY 2021-22 Lottery Funding) Directs expenditure of lottery funds for Fiscal Year 2021-22.
WMC: DELETE proviso.
HOU: ADOPT deletion.
SFC SUBCOMMITTEE RECOMMENDATION: ADOPT deletion.

3.4.(LEA: FY 2021-22 Lottery Funding) ~~There is appropriated from the Education Lottery Account for the following education purposes and programs and funds for these programs and purposes shall be transferred by the Executive Budget Office as directed below. These appropriations must be used to supplement and not supplant existing funds for education. For~~

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cash flow purposes, the Executive Budget Office may facilitate limited transfers from the general deposits of the state for the exclusive purpose of ensuring the timely distribution of scholarships and tuition assistance payments as provided below. Any use of this transfer allowance must include full reimbursement from the Education Lottery Account to the general deposit accounts of the state prior to the close of the fiscal year.

The Executive Budget Office is directed to prepare the subsequent Lottery Expenditure Account detail budget to reflect the appropriations of the Education Lottery Account as provided in this section.

All Education Lottery Account revenue shall be carried forward from the prior fiscal year into the current fiscal year including any interest earnings, which shall be used to support the appropriations contained below.

For Fiscal Year 2021-22, certified net lottery proceeds and investment earnings for the current fiscal year, and Fiscal Year 2020-21 certified surplus are appropriated as follows:

- (1) Commission on Higher Education—LIFE Scholarships as provided in Chapter 149, Title 59 \$ 236,771,166;
- (2) Commission on Higher Education—HOPE Scholarships as provided in Section 59-150-370..... \$ 10,371,104;
- (3) Commission on Higher Education—Palmetto Fellows Scholarships as provided in Section 59-104-20 \$ 71,173,280;
- (4) Commission on Higher Education and State Board for Technical and Comprehensive Education—Tuition Assistance.... \$ 51,100,000;
- (5) Commission on Higher Education—Need Based Grants..... \$ 60,000,000;
- (6) Higher Education Tuition Grants Commission—Tuition Grants \$ 20,000,000;
- (7) Commission on Higher Education—SC National Guard College Assistance Program as provided in Section 59-111-75 . \$ 2,631,129;
- (8) State Board for Technical and Comprehensive Education—South Carolina Workforce Industry Needs Scholarship \$ 17,000,000;
- (9) South Carolina State University \$ 2,500,000;
- (10) State Board for Technical and Comprehensive Education—Workforce Scholarships and Grants \$ 5,000,000;
- (11) State Board for Technical and Comprehensive Education—High Demand Job Skill Training Equipment..... \$ 18,000,000;
- (12) Department of Education—Instructional Materials \$ 66,730,412;
- (13) Department of Alcohol and Other Drug Abuse Services—Gambling Addiction Services..... \$ 50,000;
- (14) Commission on Higher Education—Transition Program Scholarships \$ 750,000;
- (15) State Library—Aid to County Libraries \$ 1,015,382;
- (16) Commission on Higher Education—Higher Education Excellence Enhancement Program \$ 11,927,526;
- (17) Commission on Higher Education—South Carolina State University Institutes of Innovation \$ 750,000;
- (18) State Board for Technical and Comprehensive Education—Trident Technical College Diesel Mechanic and Driver Training Program..... \$ 500,000;
- (19) Office of State Treasurer—Scholarship Trust Fund..... \$ 1;
- (20) Commission on Higher Education—Newberry College Dyslexia Program \$ 250,000;
- (21) Commission on Higher Education—American College of the Building Arts Campus Upgrades \$ 300,000; and

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- (22) Commission on Higher Education—University Center of Greenville \$ 380,000.
- For Fiscal Year 2021-22, funds certified from unclaimed prizes are appropriated as follows:
- (1) State Board for Technical and Comprehensive Education—Workforce Scholarships and Grants..... \$ 11,000,000;
- (2) Commission on Higher Education—Higher Education Excellence Enhancement Program..... \$ 6,072,474;
- (3) Department of Alcohol and Other Drug Abuse Services—Gambling Addiction Services \$ 50,000;
- (4) Commission on Higher Education—PASCAL..... \$ 1,500,000;
- (5) Department of Education—School Bus Lease/Purchase..... \$ 1;
- (6) Department of Education—Instructional Materials..... \$ 827,524;
- (7) Commission on Higher Education—Carolina Career Clusters Grant \$ 550,000; and
- (8) Office of State Treasurer—Scholarship Trust Fund \$ 1.

Any unclaimed prize funds available in excess of the Board of Economic Advisors estimate of \$20,000,000 shall be appropriated as follows:

Department of Education—School Bus Lease/Purchase \$ All remaining.

If the lottery revenue received from certified unclaimed prizes for Fiscal Year 2021-22 is less than the amounts appropriated, the projects and programs receiving appropriations for any such year shall have their appropriations reduced on a pro rata basis.

Fiscal Year 2021-22 funds appropriated to the Commission on Higher Education and the State Board for Technical and Comprehensive Education for Tuition Assistance must be distributed to the technical colleges and two-year institutions as provided in Section 59-150-360. Annually the State Board for Technical and Comprehensive Education and the Commission on Higher Education shall develop the Tuition Assistance distribution of funds.

The provisions of Section 2-75-30 of the 1976 Code regarding the aggregate amount of funding provided for the Centers of Excellence Matching Endowment are suspended for the current fiscal year.

The Commission on Higher Education is authorized to temporarily transfer funds between appropriated line items in order to ensure the timely receipt of scholarships and tuition assistance. It is the goal of the General Assembly to fund the Tuition Assistance program at such a level to support at least \$996 per student per term for full-time students.

Fiscal Year 2021-22 net lottery proceeds and investment earnings in excess of the certified net lottery proceeds and investment earnings for this period are appropriated and must be used to ensure that all LIFE, HOPE, and Palmetto Fellows Scholarships for Fiscal Year 2021-22 are fully funded.

If the lottery revenue received for Fiscal Year 2021-22 certified net lottery proceeds and investment earnings for the current fiscal year, Fiscal Year 2020-21 certified surplus, and Fiscal Year 2019-20 certified surplus are less than the amounts appropriated, the projects and programs receiving appropriations for any such year shall have their appropriations reduced on a pro rata basis, except that a reduction must not be applied to the funding of LIFE, HOPE, and Palmetto Fellows Scholarships.

The Commission on Higher Education is authorized to use up to \$400,000 of the funds appropriated in this provision for LIFE, HOPE, and Palmetto Fellows scholarships to provide the necessary level of program support for the scholarship award process and to provide for a Scholarship Compliance Auditor.

The Higher Education Tuition Grants Commission is authorized to use up to \$70,000 of the funds appropriated in this provision for Tuition Grants to provide the necessary level of program support for the grants award process.

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The funds appropriated to the State Board for Technical and Comprehensive Education (SBTCE) for Workforce Scholarships and Grants shall be used to provide grants for tuition, fees, transportation, or textbook expenses to South Carolina residents enrolled in a career education program that meets all eligibility guidelines promulgated by the SBTCE in consultation with the Department of Education. Funds shall not be used for continuing education courses that do not lead to a degree, professional certificate, or industry recognized credential (IRC).

(A) Prior to disbursement of funds and no later than July 30, SBTCE must provide the colleges with a Board approved list, compiled based on regional and statewide industry needs of the programs and credentials for which the colleges are allowed to award grants for the current fiscal year.

(B) Grants shall be awarded from the fund in an amount not exceeding five thousand dollars or the total cost of attendance, whichever is less, for students to attend the program of their choice, including a professional certification program, at a South Carolina public technical college. Priority for grant awards shall be given to students seeking a degree, professional certificate, or industry recognized credential (IRC) in an industry sector with critical workforce needs as identified and recommended by the SBTCE and ratified by the Coordinating Council for Workforce Development.

(C) By April fifteenth, the SBTCE shall provide a report to the Chairman of House Ways and Means Committee and the Chairman of the Senate Finance Committee detailing use of funds received in the prior fiscal year. The report must include at minimum for each technical college: a list of programs that received funding, amount spent per program, number of students that received grants, grant amount per student, names of credentials completed by students receiving grants, amount of each type of credential completed, and job placement rates for students who completed programs and/or credentials.

Of the funds appropriated to the State Board for Technical and Comprehensive Education for the South Carolina Workforce Industry Needs Scholarship, the board shall administer the South Carolina Workforce Industry Needs Scholarship as outlined below:

(A) (1) In the current fiscal year, a student attending a two year public technical college and majoring in a critical workforce area program, as defined and recommended by the State Board for Technical and Comprehensive Education (SBTCE) and ratified by the South Carolina Coordinating Council for Workforce Development, and who is receiving a Lottery Tuition Assistance Program Scholarship (LTAP) for the current fiscal year, shall receive an additional South Carolina Workforce Industry Needs Scholarship (SC WINS). A student who is attending a two year public technical college, who meets the income eligibility guidelines for free and reduced priced meals as established by the United States Department of Agriculture (USDA) and who is receiving a LTAP scholarship for the current fiscal year, shall receive a SC WINS scholarship regardless of the student's major. The SC WINS scholarship is equal to the cost of tuition and mandatory fees after applying all other scholarships or grants, not to exceed two thousand five hundred dollars.

(2) If the student is a freshman, the student must be enrolled in at least six credit hours of instruction each semester, including at least three credit hours of instruction in one of the critical workforce areas defined by the SBTCE. A student who meets the income guidelines for free and reduced priced meals as established by the USDA, must be enrolled in at least six credit hours of instruction each semester for the purpose of meeting the required minimum level of instruction in the student's major courses. To receive the additional SC WINS scholarship, the student must receive the underlying LTAP scholarship for that fiscal year and must be making acceptable progress towards receiving a degree in one of the majors pursuant to this proviso. For purposes of meeting this required minimum level of instruction in the freshman's major courses, dual enrollment courses taken in high school in these critical workforce area programs count toward the fulfillment of the minimum requirement.

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~~(B) The SBTCE shall adopt rules to define what constitutes a critical workforce program area. Nothing herein prevents a student from changing majors within the acceptable disciplines. Additionally, the SBTCE shall communicate with high school guidance counselors regarding the list of qualifying majors. Critical workforce program additions or deletions must be ratified by the South Carolina Coordinating Council for Workforce Development.~~

~~(C) If the additional SC WINS scholarship is lost, it may be regained in the same manner the underlying LTAP scholarship is regained.~~

~~(D) In order for a student to be eligible after attempting twenty four academic credit hours, the student must have earned a grade point average of 2.0 or better on a 4.0 grading scale.~~

~~(E) A student may not be eligible to receive the SC WINS scholarship for more than one certificate, diploma, or degree unless the additional certificate, diploma, or degree constitutes progress in the same field of study.~~

~~(F) A dual enrollment student in high school who is majoring in one of the critical workforce areas at a technical college qualifies for the SC WINS scholarship. A dual enrollment student in high school who receives a LTAP scholarship at a technical college and qualifies for free and reduced priced meals, also qualifies for the SC WINS scholarship regardless of the student's major.~~

~~(G) Additionally, an up to three hundred dollar book allowance is applied to a SC WINS recipient's account, who is majoring in one of the critical workforce areas, for expenses towards the cost of textbooks.~~

~~(H) If a critical workforce area program is placed on suspension during the SBTCE's program evaluation process, that program no longer qualifies for SC WINS funds at that specific college. Students must be advised on how to complete their program by transferring to another technical college or serving as a transient student at another technical college to complete specified courses.~~

~~Of the funds appropriated to the Commission on Higher Education for College Transition Scholarships, the commission shall provide scholarships to South Carolina resident students enrolled at a public institution of higher education in an established College Transition Program (CTP) that serves students with intellectual disabilities. The commission, in consultation with the CTPs, shall develop guidelines establishing scholarship eligibility, retention, and/or renewal requirements in accordance with this paragraph. Scholarships shall be awarded to each South Carolina resident student enrolled in an established public CTP in an amount of \$2,500 per semester, not to exceed \$5,000 per academic year (including summer semester), and no student may receive a scholarship for more than eight semesters in total. The commission, in cooperation with the CTPs, shall collect and report the number of scholarship recipients and other information determined necessary to evaluate the effectiveness of these scholarships in assisting students with intellectual disabilities in college transition programs. The commission shall provide this report to the Governor, the Chairman of the House Education and Public Works Committee, the Chairman of the Senate Education Committee, the Chairman of the House Ways and Means Committee, and the Chairman of the Senate Finance Committee no later than September 30.~~

~~Of the funds appropriated to the Commission on Higher Education for South Carolina State University Institutes of Innovation, the university shall provide the following information to the Commission on Higher Education by August first: (a) an operating budget demonstrating how the state funds will be spent in the fiscal year in which funds are received; (b) goals to be accomplished and a proposed timeline for reaching the goals; and (c) proposed measures to evaluate success in implementing and meeting the goals. For accountability purposes, by March first, the university shall submit a final report to the Commission on Higher Education that details: (a) final expenditures and any remaining funds in the operating budget; (b) achieved goals and the timeline detailing when the goals were achieved; and (c) specific measures demonstrating success in implementing and meeting the stated goals. By April fifteenth, the Commission on~~

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~~Higher Education shall report this information to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee.~~

~~Of the funds appropriated to the Commission on Higher Education for Carolina Career Clusters Grant, upon application by an eligible institution as defined in this paragraph, the commission shall disburse \$300,000 to Allen University and \$50,000 each to Benedict College, Claflin University, and Voorhees College provided that each were recipients of a single competitive grant from a private sector endowment of not less than \$1,000,000 within the immediately two prior fiscal years. The proceeds of \$300,000 to Allen University must be expended on the statewide expansion of the Institute for Civility and supportive services directly related to the private sector donor's initiatives. The proceeds of \$50,000 each to Benedict College, Claflin University, and Voorhees College must be expended on students and/or student support services directly related to the private sector grantor's initiative to better prepare students for employment in high paying job clusters across the state and for no other purpose. Prior to disbursement, the commission shall verify that an eligible institution shall provide no less than a 1 to 1 match of the funds to be disbursed. Notwithstanding other requirements of this paragraph, the commission shall also disburse \$100,000 to a non-profit, four year comprehensive institution of higher learning in South Carolina, first established as a college in 1908, is SACS accredited, and offers baccalaureate degrees and at least one master's or graduate degree.~~

SECTION 11 - H030 - COMMISSION ON HIGHER EDUCATION

- 11.12** **AMEND** (CHE: College Transition Need-Based Grants) Directs that no more than \$350,000 of need-based grants funding be used to provide need-based grants at an established college transition program that serves students with intellectual disabilities. Provides guidelines for awarding and allocating the funds and requires the number of grant recipients be tracked to evaluate the effectiveness of the program.
SFC SUBCOMMITTEE RECOMMENDATION: AMEND proviso to change "\$350,000" to "\$700,000."

11.12. (CHE: College Transition Need-Based Grants) Of the currently appropriated need-based grants funding, no more than ~~\$350,000~~ \$700,000 shall be used to provide need-based grants to South Carolina resident students enrolled at a public institution of higher education in an established college transition program that serves students with intellectual disabilities. The Commission on Higher Education shall allocate the available funds to eligible institutions on the basis of student need and enrollment in the established college transition programs. All other grants and gift aid for which these students are eligible must be applied first to the cost of attendance prior to using the need-based grant funding. If the cost of attendance for an eligible student is met with all other grants and gift aid, the need-based grant shall not be used. The participating institutions, in cooperation with the Commission on Higher Education, shall track the number of grant recipients and other information determined necessary to evaluate the effectiveness of these grants in assisting students with intellectual disabilities in college transition programs.

- 11.18** **AMEND** (CHE: Suspend Governor's Professor of the Year Award) Suspends the Governor's Professor of the Year Award for FY 2021-22.
WMC: AMEND proviso to update fiscal year reference to "2022-23."
HOU: ADOPT proviso as amended.
SFC SUBCOMMITTEE RECOMMENDATION: ADOPT proviso as amended.

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11.18. (CHE: Suspend Governor’s Professor of the Year Award) The requirements of Section 59-104-220 of the 1976 Code pertaining to the Governor’s Professor of the Year Award shall be suspended for Fiscal Year ~~2021-22~~ 2022-23.

11.iii. CONFORM TO FUNDING/ADD (CHE: Institutes of Innovation and Information) **SFC SUBCOMMITTEE RECOMMENDATION:** ADD new proviso to direct that **\$\$\$** be made available to each four-year institution in South Carolina of the funds appropriated to the commission for Institutes of Innovation and Information. Provides for the requirements of the use of funds for the university and the information they shall provide the commission in order to receive the funds. Allows any eligible institution to opt out of the program and directs that their funding, or any excess funds, shall remain within the commission for administrative services in support of the Institutes. Directs that the commission shall establish a separate fund to receive private donations for the program. Requires each institution to submit a final report to the commission by March 1st and provides for the report requirements, and directs that information be reported by the commission to the Chairmen of the Senate Finance Committee and the Ways and Means Committee by March 15th. Allows the Executive Director of the commission to order an audit on any participating institution as necessary.

*11.iii. (CHE: Institutes of Innovation and Information) Of the funds appropriated to the Commission on Higher Education for the Institutes of Innovation and Information (Institutes), **\$\$\$\$** shall be made available to each four-year institution located in South Carolina as defined under 20 U.S.C. Section 1061.*

Each university shall use these funds to meet the Institutes goals. The university shall provide the following information to the Commission on Higher Education by August first: (a) an operating budget demonstrating how the state funds will be spent in the fiscal year in which funds are received; (b) goals to be accomplished and a timeline for reaching the goals; and (c) measures to evaluate success in implementing and meeting the goals. The Commission on Higher Education shall not disburse funding for the Institutes until this information is received and approved by the Executive Director. Any eligible institution may opt out of the program and its funding shall remain with the commission for administrative services in support of the Institutes.

*Any funds in excess of the **\$\$\$\$** made available to each eligible institution shall remain with the commission to provide administrative services, oversight, consulting, technical assistance, and other services in support of the Institutes. The commission shall also establish a separate and distinct fund to receive private donations on behalf of the program. This fund shall retain its interest earnings.*

For accountability purposes, by March first, each institution shall submit a final report to the Commission on Higher Education that details the Institutes: (a) final expenditures and any remaining funds in the operating budget; (b) achieved goals and the timeline detailing when the goals were achieved; and (c) specific measures demonstrating success in implementing and meeting the stated goals. By March fifteenth, the Commission on Higher Education shall report this information to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee.

The Executive Director of the commission shall order an audit of any participating institution’s Institutes of Innovation and Information program activities and expenditures as he deems necessary.

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SECTION 18 - H210 - LANDER UNIVERSITY

- 18.1 DELETE** (LU: Lander Fund Repurpose) Redirects funds remaining of the \$3,313,400 appropriated in Act 92 of 2019 for Lander University - Roof Replacement to be used for campus renovations and improvements. Directs that unexpended funds may be carried forward for the same purpose.
WMC: DELETE proviso.
HOU: ADOPT deletion.
SFC SUBCOMMITTEE RECOMMENDATION: ADOPT deletion.

~~18.1. (LU: Lander Fund Repurpose) Funds remaining of the \$3,313,400 appropriated in Act No. 92 of 2019, Section 2, Item (9) to Lander University— Roof Replacements shall be redirected to be used for campus renovations and improvements. Unexpended funds may be carried forward to be expended for the same purpose.~~

SECTION 20 - H450 - UNIVERSITY OF SOUTH CAROLINA

- 20.4 DELETE** (USC: Beaufort Fund Repurpose) Directs that funds remaining from the \$1,750,000 appropriated in the 2018 CRF and the \$4,500,000 appropriated in the 2019 CRF for USC Beaufort Library/Classroom Building Expansion be redirected and used for a new commencement/convocation center. Allows unexpended funds to be carried forward and used for the same purpose.
WMC: DELETE proviso.
HOU: ADOPT deletion.
SFC SUBCOMMITTEE RECOMMENDATION: ADOPT deletion.

~~20.4. (USC: Beaufort Fund Repurpose) Funds remaining of the \$1,750,000 appropriated in Act 268 of 2018, Section 1, Item (21) and \$4,500,000 appropriated in Act No. 92 of 2019, Section 2, Item (16) to the University of South Carolina Beaufort for the Library/Classroom Building Expansion shall be redirected to be used for a new commencement/convocation center. Unexpended funds may be carried forward to be expended for the same purpose.~~

SECTION 25 - H590 - STATE BOARD FOR TECHNICAL AND COMPREHENSIVE EDUCATION

- 25.5 DELETE** (TEC: Aiken Fund Repurpose) Directs that the \$640,000 appropriated for the Aiken Technical College Academic Building in Support of STEM and Engineering in Act 104 of 2013 be redirected for campus renovations and improvements and authorize unexpended funds to be carried forward and used for the same purpose.
WMC: DELETE proviso.
HOU: ADOPT deletion.
SFC SUBCOMMITTEE RECOMMENDATION: ADOPT deletion.

~~25.5. (TEC: Aiken Fund Repurpose) Funds remaining of the \$640,000 appropriated in Act No. 104 of 2013, Section 1, Item (29) to the State Board for Technical and Comprehensive Education for the Aiken Technical College Academic Building in Support of STEM and Engineering shall be redirected to be used for campus renovations and improvements. Unexpended funds may be carried forward to be expended for the same purpose.~~

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SECTION 117 - X900 - GENERAL PROVISIONS

117.139 AMEND (GP: Transfer Student Credits) Directs CHE to work in consultation with the State Board for Technical and Comprehensive Education and public institutions of higher learning, to develop policies by March 1, 2022, to guarantee students who have earned an Associate of Arts or Science degree from a public 2-year institution receive at least 60 transfer credits and are given a junior status at a public 4-year college or university. Directs that course prerequisites and minimum credit requirements for awarding degrees still apply. Directs that the effective date for implementation is June 1, 2022.

WMC: DELETE proviso.

HOU: ADOPT deletion.

SFC SUBCOMMITTEE RECOMMENDATION: REINSERT original proviso and amend to direct the Commission on Higher Education to continue to work with the State Board for Technical and Comprehensive Education to develop policies. Deletes March 1, 2022 deadline. Requires the commission to provide a report of the policies and changes the implementation date from “June 1, 2022” to “April 30, 2023”.

117.139. (GP: Transfer Student Credits) The Commission on Higher Education shall continue to work in consultation with the State Board for Technical and Comprehensive Education and the public institutions of higher learning to develop policies ~~by March 1, 2022~~, to guarantee students who have earned an Associate of Arts or Associate of Science degree from a public two-year institution of higher learning shall receive a minimum of sixty transfer credit hours at a public four-year college or university and shall be given a junior status at the college or university. Course prerequisites and minimum credit requirements for awarding degrees shall still apply. ~~Implementation of the provisions shall be effective beginning June 1, 2022.~~ The Commission shall report on the implementation of these policies to the Chairmen of the Senate Finance Committee, House Ways and Means Committee, Senate Education Committee, and House Education and Public Works Committee by April 30, 2023.

117.140 AMEND (GP: Permanent Improvement Projects) Exempts permanent improvement projects from the requirements of Section 2-47-50 [JBRC: ESTABLISHMENT OF PERMANENT IMPROVEMENT PROJECTS BY AUTHORITY; REVIEW OF PROPOSED REVISIONS; “PERMANENT IMPROVEMENT PROJECT” DEFINED] where the project cost is at least \$1,000,000 but not greater than \$5,000,000 at public research universities and not greater than \$2,000,000 at all other public institutions of higher learning. Directs that a project is not considered approved unless the institution’s governing board has voted for approval in a public session. Requires institutions provide a report of approved projects to the CHE Chairman, to JBRC, and to SFAA by September 30th.

WMC: AMEND proviso to change reporting date from “September 30th” to “November 15th”.

HOU: ADOPT proviso as amended.

SFC SUBCOMMITTEE RECOMMENDATION: ADOPT proviso as amended.

117.140. (GP: Permanent Improvement Projects) For the current fiscal year, permanent improvement projects, as defined in Title 2, Chapter 47 of the 1976 Code, where the cost is at least one million dollars but not greater than five million dollars for public research universities and not greater than two million dollars for all other public institutions of higher learning shall be exempt from the requirements of Section 2-47-50, except that a project shall not be considered approved without an institution’s governing board having first voted to approve the project in a public session. Institutions shall provide a report of projects approved by their governing boards pursuant to this provision to the Chairman of the Commission on Higher Education, the Joint

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Bond Review Committee, and the State Fiscal Accountability Authority by ~~September 30th~~ *November 15th* of the current fiscal year.

- 117.145 REINSERT ORIGINAL PROVISO** (GP: COVID-19 Proof of Vaccination Restriction - Institutions) Directs that any state supported institution of higher learning that receives appropriated funds shall be restricted from requiring proof of COVID-19 vaccination for any student. Requires that if third party program providers require proof of vaccination for off-campus learning events, the third party requirements shall apply.

WMC: DELETE proviso.

HOU: ADOPT deletion.

SFC SUBCOMMITTEE RECOMMENDATION: REINSERT original proviso.

117.145. (GP: COVID-19 Proof of Vaccination Restriction - Institutions) For the current fiscal year, state-supported institutions of higher learning that directly or indirectly receive funds appropriated or authorized through the general appropriations act shall be restricted from requiring proof of COVID-19 vaccination for any student as a condition of enrollment, attendance at on campus instruction, or residence on campus. In instances of off-campus learning events for which third party program providers require proof of vaccination, the third party requirements shall apply.

- 117.152 DELETE** (GP: Longitudinal Funding Report) Directs the Commission on Higher Education to work with the public institutions of higher education and the State Board for Technical and Comprehensive Education to collect and analyze data for their longitudinal state and federal funding. Requires the commission to submit a report that includes each public institution for higher learnings' and technical colleges' state appropriation and federal formula-based funding data no later than January 31, 2022.

WMC: DELETE proviso.

HOU: ADOPT deletion.

SFC SUBCOMMITTEE RECOMMENDATION: ADOPT deletion.

117.152. (GP: Longitudinal Funding Report) ~~In the current fiscal year, the Commission on Higher Education shall work in consultation with the public institutions of higher education and the State Board for Technical and Comprehensive Education to collect and analyze longitudinal state and federal funding data for these institutions. The Commission on Higher Education shall submit a report that includes for each public institution of higher education and technical college, at a minimum, state appropriation and federal formula based funding data in the aggregate and by full-time equivalent student to the Chairman of the House Ways and Means Committee and the Chairman of the Senate Finance Committee no later than January 31, 2022.~~

- 117.159 REINSERT ORIGINAL PROVISO** (GP: Masks at Higher Education Facilities) Directs that a public institution of higher learning or technical college may not use appropriated or authorized funds to require students to have been vaccinated for COVID-19 in order to be present at the institution's facilities without being required to wear a facemask.

WMC: DELETE proviso.

HOU: ADOPT deletion.

SFC SUBCOMMITTEE RECOMMENDATION: REINSERT original proviso.

117.159. (GP: Masks at Higher Education Facilities) A public institution of higher learning, including a technical college, may not use any funds appropriated or authorized pursuant to this act to require that its students have received the COVID-19 vaccination in order to be present at

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the institution's facilities without being required to wear a facemask. This prohibition extends to the announcement or enforcement of any such policy.

117.161 DELETE (GP: Transfer Student Credits) **WMC:** ADD new proviso to direct CHE to work in consultation with the State Board for Technical and Comprehensive Education and public institutions of higher learning to develop policies to guarantee students who have earned an Associate of Arts or Science degree from a public 2-year institution receive at least 60 transfer credits and are given a junior status at a public 4-year college or university. Directs that course prerequisites and minimum credit requirements for awarding degrees still apply. Directs that the effective date for implementation is April 30, 2023.

HOU: ADOPT new proviso.

SFC SUBCOMMITTEE RECOMMENDATION: DELETE new proviso.

~~*117.161. (GP: Transfer Student Credits) The Commission on Higher Education shall work in consultation with the State Board for Technical and Comprehensive Education and the public institutions of higher learning to implement policies to guarantee students who have earned an Associate of Arts or Associate of Science degree from a public two-year institution of higher learning shall receive a minimum of sixty transfer credit hours at a public four-year college or university and shall be given a junior status at the college or university.*~~

~~*Graduates covered under this agreement are defined as students who have:*~~

~~*(1) earned an Associate in Arts (AA) or Associate in Science (AS) degree from one of the 16 colleges within the South Carolina Technical College System (SCTCS);*~~

~~*(2) earned a grade of "C" or better in each course applicable to the AA or AS degree;*~~

~~*and*~~

~~*(3) expressed intent to transfer to a public four-year institution.*~~

~~*Graduates from a South Carolina technical college will be granted admission to the public four-year institution and shall expect the following:*~~

~~*(1) students who have completed the AA or AS degree shall enter the public four-year institution with Junior academic standing and will have satisfied the public four-year institution's general education program requirements;*~~

~~*(2) all transfer courses that are accepted by the public four-year institution will be applied to the attainment of the baccalaureate degree as appropriate to the student's major; and*~~

~~*(3) all transfer students must meet specific admission requirements for their desired major and must take junior and senior seminar courses.*~~

~~*The public four-year institution shall facilitate a reverse transfer option for South Carolina technical college students who enroll in their institution without completing the Associate of Arts or Associate of Science degree. Upon successful completion of coursework and hours at the public four-year institution, credits earned at the institution may be transferred back to the originating South Carolina technical college and applied toward an associate degree. Course prerequisites and minimum credit requirements for awarding degrees shall still apply. Implementation of the provisions shall be effective no later than April 30, 2023.*~~

117.162 ADD (GP: Retained Counsel) **WMC:** ADD new proviso to direct colleges, universities, and technical schools to adopt policies allowing students facing a disciplinary proceeding to retain counsel for representation at the student's expense.

HOU: ADOPT new proviso.

SFC SUBCOMMITTEE RECOMMENDATION: ADOPT new proviso.

~~*117.162. (GP: Retained Counsel) In the current fiscal year, from the funds appropriated, colleges and universities, including technical schools, shall revise or adopt policies to allow a*~~

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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.

117.169 CONFORM TO FUNDING / ADD (GP: In-State Tuition Mitigation) **WMC:** ADD new proviso to state that specific recurring funds have been appropriated in Part IA to institutions of higher education to mitigate tuition and mandatory fee increases. Requires institutions, in order to retain these funds, to certify to CHE by August 15, 2022, that, except for tuition increases due to required pension and state health plan increases, there is no in-state tuition or mandatory fee increase for the 2022-23 academic year. Directs CHE to develop a certification process and requires any institution that is unable to provide the certification to remit their recurring allocation listed in this provision to the General Fund by September 15, 2022. Directs CHE, by November 1, 2022, to report to the House Ways and Means and Senate Finance Committees and to EBO the institutions that did not meet the certification requirement and directs EBO to reduce the recurring appropriation for non-compliant institutions.

HOU: ADOPT new proviso.

SFC SUBCOMMITTEE RECOMMENDATION: CONFORM TO FUNDING.

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:

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

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 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

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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.

- 117.172 ADD** (GP: Name Image Likeness) **HOU:** ADD new proviso to suspend Act 35 of 2021 for FY 2022-23. Sponsors: Reps. McGinnis, Simrill, Hayes, and J.L. Johnson
SFC SUBCOMMITTEE RECOMMENDATION: ADOPT new proviso.

117.172. (GP: Name Image Likeness) For Fiscal Year 2022-23, Act 35 of 2021 in its entirety pertaining to intercollegiate athlete (NIL) name, image, or likeness is suspended.

- 117.itp ADD** (GP: In-state Tuition Payment) **SFC SUBCOMMITTEE RECOMMENDATION:** ADD new proviso to require individuals who receive educational assistance under Chapter 35, Title 38 of the United States Code and attend a public institution of higher learning to pay in-state tuition and fees while living in the State.

117.itp. (GP: In-state Tuition Payment) For the current fiscal year, an individual enrolled in a public institution of higher learning who receives educational assistance under Chapter 35, Title 38 of the United States Code is entitled to pay in-state tuition and fees, while living in the State, without regard to the length of time the individual has resided in the State.

- 117.ice CONFORM TO FUNDING / ADD** (GP: Indirect Costs Exemption) **SFC SUBCOMMITTEE RECOMMENDATION:** ADD new proviso to exempt the first five hundred thousand dollars of a non-research grant for public institutions of higher learning that directly supports another state agency, institution, or unit of government from the requirements of Section 2-65-70(A) [RECOVERY OF INDIRECT COSTS]. Requires a report to be provided to the Chairmen of the House Ways and Means Committee, Senate Finance Committee, and State Fiscal Accountability Authority by September 30.

117.ice. (GP: Indirect Costs Exemption) For the current fiscal year, the requirements of Section 2-65-70(A) of the 1976 Code shall apply except, that for public institutions of higher learning, the first five hundred thousand dollars of a non- research grant shall be exempt when the grant directly supports the mission of another state agency, institution, or unit of government. Public institutions of higher learning shall provide a report to the Chairmen of the House Ways and Means Committee, Senate Finance Committee, and State Fiscal Accountability Authority by September 30 of the current fiscal year detailing the utilization of this provision.

SECTION 118 - X910 - STATEWIDE REVENUE

- 118.20 CONFORM TO FUNDING /ADD** (SR: Savannah River Site Litigation) **WMC:** ADD new proviso to appropriate nonrecurring revenue generated from the Savannah River Site Litigation to various agencies for Fiscal Year 2022-23.
HOU: AMEND proviso to decrease amount for the Barnwell County Consolidated High School & CATE Center to \$105,000,000. Adds an item for Bamberg County Consolidated Schools - Schools Facilities Bond Reduction for \$5,000,000. Sponsors: Reps. Bamberg and Hosey
SFC SUBCOMMITTEE RECOMMENDATION: CONFORM TO FUNDING.

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118.20. (SR: Savannah River Site Litigation) (A) The source of revenue appropriated in subsection (B) is nonrecurring revenue generated from the Savannah River Site Litigation in the amount of \$525,000,000.

Any restrictions concerning specific utilization of these funds are lifted for the specified fiscal year. The transfers shall occur no later than thirty days after the close of the books on Fiscal Year 2021-22 and shall be available for use in Fiscal Year 2022-23.

This revenue is deemed to have occurred and is available for use in Fiscal Year 2022-23 after September 1, 2022, following the Comptroller General's close of the state's books on Fiscal Year 2021-22.

(B) The appropriations in this provision are listed in priority order. Item (1) must be funded first and each remaining item must be fully funded before any funds are allocated to the next item. Provided, however, that any individual item may be partially funded in the order in which it appears to the extent that revenues are available.

The State Treasurer shall disburse the following appropriations by September 30, 2022, for the purposes stated:

- (1) H360 - State Department of Education
 - (a) Barnwell County Consolidated High School & CATE Center..... \$105,000,000;
 - (b) Aiken County Public School District \$30,000,000;
 - (c) Allendale School District Capital Improvements..... \$15,000,000;
 - (d) Edgefield County School District Workforce Equipment and Training \$1,600,000;
 - (e) Bettis Academy Preparatory School Renovation and Construction..... \$1,200,000;
 - (f) Fox Creek Athletic Complex \$1,000,000;
 - (g) Bamberg County Consolidated Schools - Schools Facilities Bond Reduction..... \$5,000,000;
- (2) H590 - Board for Technical and Comprehensive Education
 - (a) Aiken Technical College - Welding Lab \$1,500,000;
 - (b) Piedmont Technical College Advanced Manufacturing Center..... \$10,000,000;
- (3) J020 - Department of Health & Human Services
 - Aiken Rural Health Service Building and Construction..... \$6,000,000;
- (4) J040 - Department of Health & Environmental Control
 - (a) North Augusta/Aiken County New Savannah Bluff Lock and Dam..... \$15,000,000;
 - (b) Aiken County Storage Tanks and Pump Stations..... \$4,000,000;
 - (c) North Augusta Regional Solid Waste Transfer Station..... \$2,000,000;
- (5) P280 - Department of Parks, Recreation & Tourism
 - (a) Aiken Generational Park \$1,200,000;
 - (b) Aiken Railroad Facilities Renovation and Completion \$900,000;
- (6) P320 - Department of Commerce
 - Industrial Park Project in Eastern Aiken County..... \$10,000,000;
- (7) Y140 - State Ports Authority
 - Naval Base Intermodal Facility and Container Barge Infrastructure..... \$223,100,000;
- (8) K050 - Department of Public Safety
 - Edgefield Law Enforcement Center..... \$18,000,000;
- (9) E240 - Adjutant General
 - (a) National Lab \$20,000,000;

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- (b) Dreamport National Guard \$10,000,000;
- (c) Cyber Initiative - Fort Gordon Army Cyber
Command Center \$15,000,000;
- (10) X220 - Aid To Subdivisions - State Treasurer
 - (a) City of Aiken/Aiken County - Redevelopment and
Economic Development in Downtown Aiken \$20,000,000;
 - (b) Allendale CV Bing Community Center \$4,500,000;
 - (c) Barnwell Multipurpose Building..... \$2,000,000;
 - (d) Blackville Multipurpose Space..... \$2,000,000;
 - (e) Williston City Park Multipurpose Building..... \$1,000,000.

(C) Prior to the disbursement of any funds appropriated pursuant to this provision, designated recipient entities shall submit a comprehensive plan for the use of the funds to the Joint Bond Review Committee for consideration and authorization. Upon authorization, the Joint Bond Review Committee shall notify the appropriate state agency to transfer the funds to the designated recipient entity. In addition, the entities shall provide quarterly progress reports on the expenditure of each project to the Joint Bond Review Committee until such time as all funds have been expended. The committee may prescribe the reporting format and such other informational requirements and reports as it deems useful and necessary, to ensure the financial integrity, accountability, and stewardship of the funds and the ongoing operations of the project.