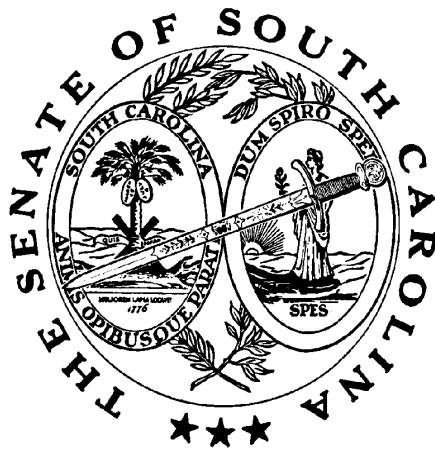


NO. 61

**JOURNAL**  
**OF THE**  
**SENATE**  
**OF THE**  
**STATE OF SOUTH CAROLINA**



REGULAR SESSION BEGINNING TUESDAY, JANUARY 12, 2021

---

TUESDAY, APRIL 26, 2022

**Tuesday, April 26, 2022**  
**(Statewide Session)**

~~Indicates Matter Stricken~~  
Indicates New Matter

The Senate assembled at 12:00 Noon, the hour to which it stood adjourned, and was called to order by the PRESIDENT.

A quorum being present, the proceedings were opened with a devotion by the Chaplain as follows:

Hebrews 12:1

We read in the Book of Hebrews: "Therefore, since we are surrounded by such a great cloud of witnesses, let us throw off everything that hinders and the sin that easily entangles, and let us run with perseverance the race marked out for us."

Let us pray, friends: Truly, O loving God, today we ask that You will lead this Senate to take stock of where it actually is at this point of the second session of its 124<sup>th</sup> General Assembly. Certainly a great many major issues have been resolved already. But, Lord, the list of matters still to be wrestled with and settled remains a long one. And here today, with time slipping away, surrounded as we are "by such a great cloud of witnesses" -- the portraits of many here on the walls of this Chamber -- we pray, O God, that You will grant these Senators and their aides the zeal and the perseverance necessary to keep charging forward. May these servants truly run the "race" expected of them this term, drawing their strength from You, as always. So we pray in Your loving name, dear Lord. Amen.

The PRESIDENT called for Petitions, Memorials, Presentments of Grand Juries and such like papers.

**Point of Quorum**

At 12:04 P.M., Senator SETZLER made the point that a quorum was not present. It was ascertained that a quorum was not present.

**Call of the Senate**

Senator SETZLER moved that a Call of the Senate be made. The following Senators answered the Call:

Adams	Alexander	Bennett
Campsen	Climer	Corbin
Cromer	Davis	Fanning

**TUESDAY, APRIL 26, 2022**

Garrett	Goldfinch	Grooms
Gustafson	Harpootlian	Hembree
Hutto	Jackson	<i>Johnson, Kevin</i>
<i>Johnson, Michael</i>	Kimbrell	Kimpson
Martin	Massey	Matthews
McElveen	Peeler	Reichenbach
Rice	Scott	Senn
Setzler	Shealy	Stephens
Talley	Turner	Verdin
Williams	Young	

A quorum being present, the Senate resumed.

**REGULATIONS WITHDRAWN AND RESUBMITTED**

The following were received:

Document No. 5038

Agency: Department of Disabilities and Special Needs

Chapter: 88

Statutory Authority: 1976 Code Section 44-20-220

SUBJECT: Appeal Procedures

Received by Lieutenant Governor January 11, 2022

Referred to Committee on Medical Affairs

Legislative Review Expiration May 11, 2022

Withdrawn and Resubmitted April 21, 2022

Document No. 5039

Agency: Department of Disabilities and Special Needs

Chapter: 88

Statutory Authority: 1976 Code Section 44-20-220

SUBJECT: Research Involving Persons Eligible for Services

Received by Lieutenant Governor January 11, 2022

Referred to Committee on Medical Affairs

Legislative Review Expiration May 11, 2022

Withdrawn and Resubmitted April 21, 2022

Document No. 5040

Agency: Department of Disabilities and Special Needs

Chapter: 88

Statutory Authority: 1976 Code Section 44-20-220

SUBJECT: Eligibility Determination

Received by Lieutenant Governor January 11, 2022

Referred to Committee on Medical Affairs

**TUESDAY, APRIL 26, 2022**

Legislative Review Expiration May 11, 2022  
Withdrawn and Resubmitted April 21, 2022

Document No. 5105

Agency: Department of Motor Vehicles

Chapter: 90

Statutory Authority: 1976 Code Section 56-23-100

SUBJECT: Driver Training Schools

Received by President of the Senate March 3, 2022

Referred to Committee on Transportation

Legislative Review Expiration February 28, 2023

Withdrawn and Resubmitted April 25, 2022

**Leave of Absence**

On motion of Senator SETZLER, at 12:09 P.M., Senator ALLEN was granted a leave of absence until 12:30 P.M.

**Leave of Absence**

On motion of Senator KIMBRELL, at 5:34 P.M., Senator ADAMS was granted a leave of absence until 7:30 P.M.

**Leave of Absence**

On motion of Senator GOLDFINCH, at 5:34 P.M., Senator GROOMS was granted a leave of absence for the balance of the day.

**Leave of Absence**

On motion of Senator HUTTO, at 5:34 P.M., Senator HARPOOTLIAN was granted a leave of absence for the balance of the day.

**Leave of Absence**

At 5:34 P.M., Senator CROMER requested a leave of absence until 6:45 P.M.

**Leave of Absence**

At 5:55 P.M., Senator MARTIN requested a leave of absence until 7:03 P.M.

**Expression of Personal Interest**

Senator ADAMS rose for an Expression of Personal Interest.

**TUESDAY, APRIL 26, 2022**

**Expression of Personal Interest**

Senator KIMPSON rose for an Expression of Personal Interest.

**Expression of Personal Interest**

Senator HARPOOTLIAN rose for an Expression of Personal Interest.

**Expression of Personal Interest**

Senator JACKSON rose for an Expression of Personal Interest.

**Remarks to be Printed**

On motion of Senator HARPOOTLIAN, with unanimous consent, the remarks of Senator JACKSON, when reduced to writing and made available to the Desk, would be printed in the Journal.

**Expression of Personal Interest**

Senator HEMBREE rose for an Expression of Personal Interest.

**CO-SPONSORS ADDED**

The following co-sponsors were added to the respective Bills:

- S. 918 Sens. Rankin, Hembree, Sabb and Williams
- S. 919 Sens. Rankin, Hembree, Sabb and Williams

**INTRODUCTION OF BILLS AND RESOLUTIONS**

The following were introduced:

S. 1283 -- Senator Shealy: A SENATE RESOLUTION TO CONGRATULATE THE LEXINGTON COUNTY COMMUNICATIONS CENTER FOR BEING AWARDED CALEA ACCREDITATION FOR THE FIFTH TIME.

l:\s-res\ks\067lexi.kmm.ks.docx

The Senate Resolution was adopted.

S. 1284 -- Senator Shealy: A SENATE RESOLUTION TO CONGRATULATE THE LEXINGTON POLICE DEPARTMENT FOR BEING AWARDED CALEA ACCREDITATION FOR THE FIFTH TIME.

l:\s-res\ks\068lexi.kmm.ks.docx

The Senate Resolution was adopted.

S. 1285 -- Senator Alexander: A SENATE RESOLUTION TO CONGRATULATE MYRA GIBSON UPON THE OCCASION OF HER RETIREMENT AS BENEFITS ADMINISTRATOR IN OCONEE

**TUESDAY, APRIL 26, 2022**

COUNTY'S HUMAN RESOURCES DEPARTMENT, TO COMMEND HER FOR HER NEARLY TWENTY YEARS OF DEDICATED SERVICE TO OCONEE COUNTY, AND TO WISH HER MUCH HAPPINESS AND FULFILLMENT IN THE YEARS AHEAD.

l:\s-res\tca\073myra.kmm.tca.docx

The Senate Resolution was adopted.

S. 1286 -- Senator Davis: A SENATE RESOLUTION TO CONGRATULATE CALEB "CAL" E. THOMAS UPON THE OCCASION OF HIS RETIREMENT AS A SUPERVISOR, INVESTIGATOR, AND TASK FORCE OFFICER, TO COMMEND HIM FOR HIS FOURTEEN YEARS OF DEDICATED SERVICE TO THE SOUTH CAROLINA DEPARTMENT OF PUBLIC SAFETY, AND TO WISH HIM MUCH HAPPINESS AND FULFILLMENT IN THE YEARS AHEAD.

l:\s-res\td\014cale.kmm.td.docx

The Senate Resolution was adopted.

S. 1287 -- Senator Fanning: A SENATE RESOLUTION TO RECOGNIZE AND CONGRATULATE BETHEL UNITED METHODIST CHURCH OF CHESTER ON THE OCCASION OF ITS HISTORIC ONE HUNDRED EIGHTY-FIFTH ANNIVERSARY AND TO COMMEND THE CHURCH FOR ITS MANY YEARS OF SERVICE TO GOD AND THE COMMUNITY.

l:\council\bills\rm\1450zw22.docx

The Senate Resolution was adopted.

S. 1288 -- Senator Fanning: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 5-31-1525 SO AS TO PROHIBIT THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL FROM DENYING THE REPAIR, REPLACEMENT, OR CONSTRUCTION OF WELLS AND SEPTIC TANKS ON CERTAIN RURAL LANDS REGARDLESS OF THE AVAILABILITY OF MUNICIPAL WATER AND SEWER SERVICE.

l:\council\bills\cc\16178vr22.docx

Read the first time and referred to the Committee on Judiciary.

S. 1289 -- Senator Fanning: A BILL TO AMEND SECTION 5-31-1520, RELATING TO THE EXTENSION OF WATER AND SEWER SYSTEMS BY A MUNICIPALITY, SO AS TO PROHIBIT

**TUESDAY, APRIL 26, 2022**

EXTENSIONS CONDITIONED ON ANNEXATION AND FOR OTHER PURPOSES.

l:\council\ills\cc\16177vr22.docx

Read the first time and referred to the Committee on Judiciary.

S. 1290 -- Banking and Insurance Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF INSURANCE, RELATING TO SUITABILITY IN ANNUITY TRANSACTIONS, DESIGNATED AS REGULATION DOCUMENT NUMBER 5065, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

l:\council\ills\dbs\31618wab22.docx

Read the first time and ordered placed on the Calendar without reference.

H. 5182 -- Reps. Lucas, Fry, Hewitt, Bailey, Erickson, Dillard, Huggins, Wooten, Caskey, Ballentine, R. Williams and Jefferson: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, TO ENACT THE "SOUTH CAROLINA OPIOID RECOVERY ACT" BY ADDING CHAPTER 50 TO TITLE 44 SO AS TO PROVIDE FOR PURPOSES OF THE ACT, PROVIDE DEFINITIONS, ESTABLISH THE SOUTH CAROLINA OPIOID RECOVERY FUND, ESTABLISH THE DISCRETIONARY SUBFUND, ESTABLISH THE GUARANTEED POLITICAL SUBDIVISION SUBFUND, ESTABLISH THE ADMINISTRATIVE SUBFUND, ESTABLISH THE SOUTH CAROLINA OPIOID RECOVERY FUND BOARD, PROVIDE THAT THE STATE FISCAL ACCOUNTABILITY AUTHORITY IS RESPONSIBLE FOR ADMINISTRATIVE OPERATIONS, PROVIDE FOR CERTAIN RESTRICTIONS ON BRINGING CERTAIN CLAIMS, AND TO PROVIDE THAT THIS ACT MUST BE LIBERALLY CONSTRUED.

Read the first time and referred to the Committee on Finance.

H. 5270 -- Reps. Whitmire, Lucas, Finlay and King: A CONCURRENT RESOLUTION TO FIX NOON ON WEDNESDAY, MAY 4, 2022, AS THE TIME TO ELECT ONE AT-LARGE MEMBER TO THE BOARD OF VISITORS FOR THE CITADEL FOR A TERM TO EXPIRE JUNE 30, 2028; FOR THE PURPOSE OF ELECTING THREE AT-LARGE MEMBERS TO THE BOARD OF TRUSTEES FOR CLEMSON UNIVERSITY FOR TERMS TO EXPIRE JUNE 30, 2026; FOR THE PURPOSE OF ELECTING A MEMBER TO THE BOARD OF TRUSTEES OF LANDER UNIVERSITY TO FILL THE

**TUESDAY, APRIL 26, 2022**

TERM OF THE MEMBER FOR THE AT-LARGE SEAT 8, WHOSE TERM WILL EXPIRE JUNE 30, 2026, THE TERM OF THE MEMBER FOR THE AT-LARGE SEAT 9, WHOSE TERM WILL EXPIRE JUNE 30, 2026, THE TERM OF THE MEMBER FOR THE AT-LARGE SEAT 10, WHOSE TERM WILL EXPIRE JUNE 30, 2026, THE TERM OF THE MEMBER FOR THE AT-LARGE SEAT 11, WHOSE TERM WILL EXPIRE JUNE 30, 2026, THE TERM OF THE MEMBER FOR THE AT-LARGE SEAT 12, WHOSE TERM WILL EXPIRE JUNE 30, 2026, THE TERM OF THE MEMBER FOR THE AT-LARGE SEAT 13, WHOSE TERM WILL EXPIRE JUNE 30, 2026, THE TERM OF THE MEMBER FOR THE AT-LARGE SEAT 14, WHOSE TERM WILL EXPIRE JUNE 30, 2026, AND THE TERM OF THE MEMBER FOR THE AT-LARGE SEAT 15, WHOSE TERM WILL EXPIRE JUNE 30, 2026; FOR THE PURPOSE OF ELECTING TWO AT-LARGE MEMBERS TO THE BOARD OF TRUSTEES FOR THE WIL LOU GRAY OPPORTUNITY SCHOOL WHOSE TERMS WILL EXPIRE JUNE 30, 2026; AND FOR THE PURPOSE OF ELECTING A MEMBER TO THE BOARD OF TRUSTEES FOR THE UNIVERSITY OF SOUTH CAROLINA TO FILL THE TERM OF THE MEMBER FOR THE FIFTH JUDICIAL CIRCUIT, FOR A TERM TO EXPIRE JUNE 30, 2026, THE MEMBER FOR THE SEVENTH JUDICIAL CIRCUIT, FOR A TERM TO EXPIRE JUNE 30, 2026, AND THE MEMBER FOR THE THIRTEENTH JUDICIAL CIRCUIT, FOR A TERM TO EXPIRE JUNE 30, 2026.

The Concurrent Resolution was introduced and referred to the Committee on Education.

**REPORTS OF STANDING COMMITTEES**

Senator CROMER from the Committee on Banking and Insurance submitted a favorable report on:

H. 4220 -- Reps. Sandifer and Hardee: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 38-63-230 SO AS TO PROVIDE FOR MUTUAL RESCISSION OF INDIVIDUAL LIFE INSURANCE POLICIES; AND TO AMEND SECTION 38-6-220, RELATING TO REQUIRED INDIVIDUAL LIFE INSURANCE POLICY PROVISIONS, SO AS TO ALLOW FOR THE MUTUAL DECISION TO TERMINATE OR RESCIND A POLICY OF INSURANCE.

Ordered for consideration tomorrow.



**TUESDAY, APRIL 26, 2022**

Senator CROMER from the Committee on Banking and Insurance submitted a favorable report on:

H. 4597 -- Reps. Bustos, M.M. Smith, Huggins, Bennett, Hill, Matthews and Brawley: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 15 TO CHAPTER 43, TITLE 44 SO AS TO PROHIBIT DISCRIMINATION AGAINST INDIVIDUALS WITH DISABILITIES IN ACCESSING ANATOMICAL GIFTS AND ORGAN TRANSPLANTS; TO DEFINE CERTAIN TERMS; TO ESTABLISH REQUIREMENTS AND PROHIBITED CONDUCT FOR COVERED ENTITIES, INCLUDING HOSPITALS AND ORGAN PROCUREMENT ORGANIZATIONS, WITH REGARD TO THE ORGAN TRANSPLANT PROCESS; TO CREATE CIVIL REMEDIES FOR VIOLATION OF THE PROVISIONS OF THE ARTICLE; TO ESTABLISH REQUIREMENTS APPLICABLE TO HEALTH INSURERS THAT PROVIDE COVERAGE FOR ANATOMICAL GIFTS AND ORGAN TRANSPLANTS; AND FOR OTHER PURPOSES.

Ordered for consideration tomorrow.

Senator CROMER from the Committee on Banking and Insurance submitted a favorable report on:

H. 4983 -- Rep. Sandifer: A BILL TO AMEND SECTION 37-11-20, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS FOR PURPOSES OF THE LICENSING AND REGULATION OF CONTINUING CARE RETIREMENT COMMUNITIES, SO AS TO DEFINE THE TERM "RESERVATION DEPOSIT"; TO AMEND SECTION 37-11-30, RELATING TO THE LICENSING OF CONTINUING CARE RETIREMENT COMMUNITIES, SO AS TO ADD THAT A CONTINUING CARE RETIREMENT COMMUNITY MUST NOT BE ADVERTISED OR COLLECT A RESERVATION DEPOSIT UNLESS THE APPROPRIATE LICENSE IS OBTAINED FIRST, AND TO ADD INFORMATION REQUIRED TO BE SET FORTH IN AN APPLICATION FOR A PRELIMINARY LICENSE; TO AMEND SECTION 37-11-35, RELATING TO CONTINUING CARE CONTRACT REQUIREMENTS, SO AS TO PROVIDE THE REQUIREMENTS ALSO APPLY TO RESERVATION AGREEMENTS, AND TO PROVIDE ADDITIONAL MINIMUM REQUIREMENTS FOR CONTRACTS AND AGREEMENTS; TO AMEND SECTION 37-11-40, RELATING TO A DETERMINATION BY THE DEPARTMENT OF CONSUMER AFFAIRS AS TO THE FINANCIAL RESPONSIBILITY OF AN APPLICANT FOR A

**TUESDAY, APRIL 26, 2022**

CONTINUING CARE RETIREMENT COMMUNITY LICENSE, SO AS TO ALLOW THE DEPARTMENT TO CONSIDER A PROJECT FEASIBILITY DOCUMENT; TO AMEND SECTION 37-11-50, RELATING TO LICENSING ELIGIBILITY FOR CONTINUING CARE RETIREMENT COMMUNITIES, SO AS TO PROVIDE THAT THE DEPARTMENT SHALL ISSUE A PRELIMINARY LICENSE TO AN APPLICANT IF CERTAIN DETERMINATIONS ARE MADE; TO AMEND SECTION 37-11-90, RELATING TO CERTAIN ENTRANCE FEES REQUIRED TO BE PLACED IN AN ESCROW ACCOUNT, SO AS TO ALSO REQUIRE THAT RESERVATION DEPOSITS BE PLACED IN AN ESCROW ACCOUNT, AND TO PROVIDE FOR THE CONDITIONS OF RELEASE OF RESERVATION DEPOSITS HELD IN ESCROW; AND TO AMEND SECTION 37-11-135, RELATING TO EXEMPTIONS FROM THE REQUIREMENTS OF THIS CHAPTER, SO AS TO PROVIDE THAT A FACILITY THAT HAS OBTAINED A LETTER OF NONAPPLICABILITY FROM THE DEPARTMENT MAY NOT HOLD ITSELF OUT TO BE A CONTINUING CARE RETIREMENT COMMUNITY.

Ordered for consideration tomorrow.

Senator CAMPSER from the Committee on Fish, Game and Forestry submitted a favorable report on:

H. 4986 -- Rep. Ott: A BILL TO AMEND SECTION 50-5-555, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO TRAP PLACEMENT, SO AS TO PROHIBIT TRAPS IN THE WATERS OF THE GENERAL TRAWL ZONE WHEN THESE WATERS ARE OPEN TO TRAWLING FOR SHRIMP.

Ordered for consideration tomorrow.

**Appointment Reported**

Senator CROMER from the Committee on Banking and Insurance submitted a favorable report on:

**Statewide Appointments**

Reappointment, South Carolina State Board of Financial Institutions, with the term to commence June 30, 2021, and to expire June 30, 2025  
Licensed consumer finance business restricted lender or supervised lender recommended by the Independent Consumer Finance Association:

James Daniel Walters, 301 Portabello Way, Simpsonville, SC 29681

Received as information.

**TUESDAY, APRIL 26, 2022**

**Appointments Reported**

Senator MARTIN from the Committee on Corrections and Penology submitted a favorable report on:

**Statewide Appointment**

Initial Appointment, Director of Department of Juvenile Justice, with term coterminous with Governor

Director:

Laurel Eden Harvey Hendrick, 6331 Westshore Road, Columbia, SC 29206-2122 *VICE* Freddie B. Pough

Received as information.

Senator MARTIN from the Committee on Corrections and Penology submitted a report with no recommendation on:

**Statewide Appointment**

Initial Appointment, South Carolina Board of Probation, Parole and Pardon Services, with the term to commence March 15, 2019, and to expire March 15, 2025

1st Congressional District:

Samuel Rivers, Jr., Post Office Box 760, Goose Creek, SC 29445-0760 *VICE* Christopher F. Gibbs

Received as information.

**THE SENATE PROCEEDED TO A CONSIDERATION OF H. 5150, THE GENERAL APPROPRIATIONS BILL.**

**REPORT OF THE SENATE FINANCE COMMITTEE ADOPTED, AMENDED**

H. 5150 -- Ways and Means Committee: A BILL TO MAKE APPROPRIATIONS AND TO PROVIDE REVENUES TO MEET THE ORDINARY EXPENSES OF STATE GOVERNMENT FOR THE FISCAL YEAR BEGINNING JULY 1, 2020, TO REGULATE THE EXPENDITURE OF SUCH FUNDS, AND TO FURTHER PROVIDE FOR THE OPERATION OF STATE GOVERNMENT DURING THIS FISCAL YEAR AND FOR OTHER PURPOSES.

The Senate proceeded to a consideration of the Bill, the question being the adoption of the amendment proposed by the Committee on Finance.

Senator PEELER spoke on the report.

**TUESDAY, APRIL 26, 2022**  
**ACTING PRESIDENT PRESIDES**

Senator TALLEY assumed the Chair.

**Motion Adopted**

**Report of the Committee on Finance Adopted**

Senator PEELER asked unanimous consent to make a motion that the Report of the Committee on Finance be adopted, with all members reserving the right to raise any Points of Order and to offer amendments without regard to questions of degree.

There was no objection.

The report of the Committee on Finance was adopted.

**Motion Adopted**

On motion of Senator PEELER, with unanimous consent, staff members from the Revenue and Fiscal Affairs office were authorized as necessary to be in that area behind the rail and, further, that Finance Committee staff and other staff designated by the PRESIDENT were admitted to the floor of the Senate Chamber while debate was in progress on H. 5150, the General Appropriations Bill.

There was no objection.

**Report of the Subcommittee on  
Health and Human Services**

Senator ALEXANDER, Chairman of the Subcommittee on Health and Human Services, was recognized to report to the Senate regarding the work of the subcommittee.

**PRESIDENT PRESIDES**

At 1:02 P.M., the PRESIDENT assumed the Chair.

**Report of the Subcommittee on  
Natural Resources and Economic Development**

Senator SETZLER, Chairman of the Subcommittee on Natural Resources and Economic Development, was recognized to report to the Senate regarding the work of the subcommittee.

**Report of the Subcommittee on  
Constitutional Officers and Administrative Laws**

Senator GROOMS, on behalf of the Chairman of the Subcommittee on Constitutional and Administrative Laws, was recognized to report to the Senate regarding the work of the subcommittee.

**TUESDAY, APRIL 26, 2022**

**Report of the Subcommittee on Higher Education**

Senator CROMER, Chairman of the Subcommittee on Higher Education, was recognized to report to the Senate regarding the work of the subcommittee.

**Report of the Subcommittee on  
Transportation and Regulatory Laws**

Senator JACKSON, Chairman of the Subcommittee on Transportation and Regulatory Laws, was recognized to report to the Senate regarding the work of the subcommittee.

**Report of the Subcommittee on  
Judicial and Criminal Justice**

Senator MARTIN, Chairman of the Subcommittee on Judicial and Criminal Justice, was recognized to report to the Senate regarding the work of the subcommittee.

**Report of the Subcommittee on K-12 Education**

Senator BENNETT, Chairman of the Subcommittee on K-12 Education, was recognized to report to the Senate regarding the work of the subcommittee.

**Amendment No. 7**

Senator SCOTT proposed the following amendment (SM REIMAGINING OUR DESTINY), which was adopted (#1):

Amend the bill, as and if amended, Part IB, Section 33, DEPARTMENT OF HEALTH AND HUMAN SERVICES, page 373, proviso 33.30, line 27, by striking / *the South Carolina Christian-Action Council* / and inserting / *Voorhees College* /

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator SCOTT explained the amendment.

The amendment was adopted.

**Point of Order**

Senator FANNING raised a Point of Order under Rule 24A that Proviso 1.3 of Part IB was out of order inasmuch as it was not germane to the Bill.

~~1.3. (SDE: State Aid to Classrooms) To the extent possible within available funds, it is the intent of the General Assembly to provide for one hundred percent of full~~

**TUESDAY, APRIL 26, 2022**

implementation of the Education Finance Act via an allocation from the State Aid to Classrooms appropriation. The funds appropriated for State Aid to Classrooms shall be allocated as follows: 63.60 percent must be allocated based on the Education Finance Act formula and the differentiated student weightings in this act; 28.62 percent must be allocated based on the manner of distribution of EFA employer contributions in the prior fiscal year; and 7.79 percent must be allocated to fully implement the State Minimum Teacher Salary Schedule with a minimum starting teacher salary of \$36,000. The department is authorized to adjust the percentage allocation related to EFA employer contributions to accommodate for the disbursement of the state retirement funds and any other related employee allocation sent to districts. For the current fiscal year, the total pupil count is projected to be ~~764,037~~ 761,855, which includes traditional school districts, charter school authorizers, and the special school districts. For the current fiscal year, the total pupil count for traditional school districts is projected to be 714,073, the total pupil count for the charter authorizers is projected to be 47,061, and the total pupil count for the special districts is projected to be 721. These funds represent an average per pupil of ~~\$3,887~~ \$4,834 in State Aid to Classrooms. The average per pupil funding is projected to be ~~\$6,902~~ \$7,629 state, ~~\$1,202~~ \$1,274 federal, and ~~\$7,423~~ \$7,859 local. This is an average total funding level of ~~\$15,527~~ \$16,762 excluding revenues of local bond issues. It is the intent of the General Assembly that the consolidation of the Education Finance Act and Education Finance Act Employer Contributions appropriations, and the subsequent allocation of the State Aid to Classrooms appropriation back to these categories, should not significantly alter the application of funding formulas or maintenance of effort requirements referencing the Education Finance Act and Education Finance Act Employer Contributions.

The funds allocated from State Aid to Classrooms for implementing the revised State Minimum Teacher Salary Schedule shall be distributed to school districts using the EIA Teacher Salary Supplement methodology. The resulting estimated teacher salary schedule is as follows:

	<del>CLASS 8</del>	<del>CLASS 7</del>	<del>CLASS 1</del>	<del>CLASS 2</del>	<del>CLASS 3</del>
	<del>DR</del>	<del>MASTERS</del>	<del>MASTERS</del>	<del>BACHELORS</del>	<del>BACHELORS</del>
		<del>+30 HRS</del>		<del>+18 HRS</del>	
<del>YRS</del>					
<del>EXP</del>					
<del>0</del>	<del>48,076</del>	<del>44,576</del>	<del>41,076</del>	<del>37,576</del>	<del>36,000</del>
	<del>2.12%</del>	<del>2.29%</del>	<del>2.50%</del>	<del>2.73%</del>	<del>2.86%</del>
<del>1</del>	<del>48,593</del>	<del>44,813</del>	<del>41,377</del>	<del>37,838</del>	<del>36,119</del>
	<del>2.10%</del>	<del>2.28%</del>	<del>2.48%</del>	<del>2.71%</del>	<del>2.85%</del>
<del>2</del>	<del>48,924</del>	<del>44,888</del>	<del>41,525</del>	<del>37,994</del>	<del>36,313</del>
	<del>2.09%</del>	<del>2.28%</del>	<del>2.47%</del>	<del>2.70%</del>	<del>2.83%</del>
<del>3</del>	<del>49,236</del>	<del>44,957</del>	<del>41,664</del>	<del>38,107</del>	<del>36,462</del>
	<del>2.07%</del>	<del>2.27%</del>	<del>2.46%</del>	<del>2.69%</del>	<del>2.82%</del>
<del>4</del>	<del>49,578</del>	<del>45,058</del>	<del>41,831</del>	<del>38,280</del>	<del>36,667</del>
	<del>2.06%</del>	<del>2.27%</del>	<del>2.45%</del>	<del>2.68%</del>	<del>2.80%</del>
<del>5</del>	<del>49,870</del>	<del>45,125</del>	<del>41,962</del>	<del>38,388</del>	<del>36,806</del>
	<del>2.05%</del>	<del>2.27%</del>	<del>2.44%</del>	<del>2.67%</del>	<del>2.79%</del>
<del>6</del>	<del>51,134</del>	<del>46,074</del>	<del>42,911</del>	<del>39,273</del>	<del>37,691</del>
	<del>1.99%</del>	<del>2.22%</del>	<del>2.39%</del>	<del>2.61%</del>	<del>2.73%</del>
<del>7</del>	<del>52,400</del>	<del>47,022</del>	<del>43,859</del>	<del>40,127</del>	<del>38,546</del>
	<del>1.95%</del>	<del>2.17%</del>	<del>2.33%</del>	<del>2.56%</del>	<del>2.66%</del>
<del>8</del>	<del>53,665</del>	<del>47,972</del>	<del>44,808</del>	<del>41,012</del>	<del>39,431</del>
	<del>1.90%</del>	<del>2.13%</del>	<del>2.28%</del>	<del>2.50%</del>	<del>2.60%</del>

**TUESDAY, APRIL 26, 2022**

<del>9</del>	<del>54,930</del>	<del>48,921</del>	<del>45,757</del>	<del>41,867</del>	<del>40,285</del>
	<del>1.85%</del>	<del>2.09%</del>	<del>2.23%</del>	<del>2.45%</del>	<del>2.55%</del>
<del>10</del>	<del>56,196</del>	<del>49,870</del>	<del>46,707</del>	<del>42,753</del>	<del>41,171</del>
	<del>1.81%</del>	<del>2.05%</del>	<del>2.19%</del>	<del>2.40%</del>	<del>2.49%</del>
<del>11</del>	<del>57,461</del>	<del>50,818</del>	<del>47,655</del>	<del>43,607</del>	<del>42,025</del>
	<del>1.77%</del>	<del>2.01%</del>	<del>2.14%</del>	<del>2.35%</del>	<del>2.44%</del>
<del>12</del>	<del>58,726</del>	<del>51,768</del>	<del>48,604</del>	<del>44,492</del>	<del>42,911</del>
	<del>1.73%</del>	<del>1.97%</del>	<del>2.10%</del>	<del>2.30%</del>	<del>2.39%</del>
<del>13</del>	<del>59,991</del>	<del>52,716</del>	<del>49,553</del>	<del>45,346</del>	<del>43,765</del>
	<del>1.70%</del>	<del>1.93%</del>	<del>2.06%</del>	<del>2.25%</del>	<del>2.34%</del>
<del>14</del>	<del>61,256</del>	<del>53,665</del>	<del>50,502</del>	<del>46,233</del>	<del>44,650</del>
	<del>1.66%</del>	<del>1.90%</del>	<del>2.02%</del>	<del>2.21%</del>	<del>2.29%</del>
<del>15</del>	<del>62,522</del>	<del>54,614</del>	<del>51,450</del>	<del>47,087</del>	<del>45,504</del>
	<del>1.63%</del>	<del>1.87%</del>	<del>1.98%</del>	<del>2.17%</del>	<del>2.25%</del>
<del>16</del>	<del>63,787</del>	<del>55,563</del>	<del>52,400</del>	<del>47,972</del>	<del>46,390</del>
	<del>1.59%</del>	<del>1.83%</del>	<del>1.95%</del>	<del>2.13%</del>	<del>2.20%</del>
<del>17</del>	<del>65,052</del>	<del>56,511</del>	<del>53,348</del>	<del>48,825</del>	<del>47,244</del>
	<del>1.56%</del>	<del>1.80%</del>	<del>1.91%</del>	<del>2.09%</del>	<del>2.16%</del>
<del>18</del>	<del>65,693</del>	<del>57,066</del>	<del>53,873</del>	<del>49,305</del>	<del>47,706</del>
	<del>1.55%</del>	<del>1.78%</del>	<del>1.89%</del>	<del>2.07%</del>	<del>2.14%</del>
<del>19</del>	<del>66,339</del>	<del>57,628</del>	<del>54,401</del>	<del>49,787</del>	<del>48,173</del>
	<del>1.53%</del>	<del>1.77%</del>	<del>1.87%</del>	<del>2.05%</del>	<del>2.12%</del>
<del>20</del>	<del>66,993</del>	<del>58,191</del>	<del>54,935</del>	<del>50,275</del>	<del>48,646</del>
	<del>1.52%</del>	<del>1.75%</del>	<del>4.0%</del>	<del>4.0%</del>	<del>4.0%</del>
<del>21</del>	<del>67,654</del>	<del>58,766</del>	<del>55,474</del>	<del>50,767</del>	<del>49,122</del>
	<del>1.50%</del>	<del>1.73%</del>	<del>1.84%</del>	<del>2.01%</del>	<del>2.08%</del>
<del>22</del>	<del>68,320</del>	<del>59,343</del>	<del>56,019</del>	<del>51,264</del>	<del>49,603</del>
	<del>1.49%</del>	<del>1.71%</del>	<del>1.82%</del>	<del>1.99%</del>	<del>2.06%</del>
<del>23</del>	<del>68,993</del>	<del>59,927</del>	<del>56,570</del>	<del>51,768</del>	<del>50,089</del>
	<del>1.47%</del>	<del>1.70%</del>	<del>1.80%</del>	<del>1.97%</del>	<del>2.04%</del>

*The State Minimum Teacher Salary Schedule for the current fiscal year is as follows:*

<del>CLASS 8</del>	<del>CLASS 7</del>	<del>CLASS 1</del>	<del>CLASS 2</del>	<del>CLASS 3</del>
<del>DR</del>	<del>MASTERS</del>	<del>MASTERS</del>	<del>BACHELORS</del>	<del>BACHELORS</del>
	<del>+30 HRS</del>		<del>+18 HRS</del>	

~~YRS~~  
~~EXP~~

<del>0</del>	<del>50,076</del>	<del>46,576</del>	<del>43,076</del>	<del>39,576</del>	<del>38,000</del>
	<del>4.16%</del>	<del>4.49%</del>	<del>4.87%</del>	<del>5.32%</del>	<del>5.56%</del>
<del>1</del>	<del>50,593</del>	<del>46,813</del>	<del>43,377</del>	<del>39,838</del>	<del>38,119</del>
	<del>4.12%</del>	<del>4.46%</del>	<del>4.83%</del>	<del>5.29%</del>	<del>5.54%</del>
<del>2</del>	<del>50,924</del>	<del>46,888</del>	<del>43,525</del>	<del>39,994</del>	<del>38,313</del>
	<del>4.09%</del>	<del>4.46%</del>	<del>4.82%</del>	<del>5.26%</del>	<del>5.51%</del>
<del>3</del>	<del>51,236</del>	<del>46,957</del>	<del>43,664</del>	<del>40,107</del>	<del>38,462</del>
	<del>4.06%</del>	<del>4.45%</del>	<del>4.80%</del>	<del>5.25%</del>	<del>5.49%</del>
<del>4</del>	<del>51,578</del>	<del>47,058</del>	<del>43,831</del>	<del>40,280</del>	<del>38,667</del>
	<del>4.03%</del>	<del>4.44%</del>	<del>4.78%</del>	<del>5.22%</del>	<del>5.45%</del>
<del>5</del>	<del>51,870</del>	<del>47,125</del>	<del>43,962</del>	<del>40,388</del>	<del>38,806</del>
	<del>4.01%</del>	<del>4.43%</del>	<del>4.77%</del>	<del>5.21%</del>	<del>5.43%</del>
<del>6</del>	<del>53,134</del>	<del>48,074</del>	<del>44,911</del>	<del>41,273</del>	<del>39,691</del>
	<del>3.91%</del>	<del>4.34%</del>	<del>4.66%</del>	<del>5.09%</del>	<del>5.31%</del>
<del>7</del>	<del>54,400</del>	<del>49,022</del>	<del>45,859</del>	<del>42,127</del>	<del>40,546</del>

**TUESDAY, APRIL 26, 2022**

	3.82%	4.25%	4.56%	4.98%	5.19%
8	55,665	49,971	46,808	43,012	41,431
	3.73%	4.17%	4.46%	4.88%	5.07%
9	56,930	50,921	47,757	43,866	42,285
	3.64%	4.09%	4.37%	4.78%	4.96%
10	58,196	51,870	48,707	44,753	43,171
	3.56%	4.01%	4.28%	4.68%	4.86%
11	59,460	52,818	49,655	45,606	44,025
	3.48%	3.94%	4.20%	4.59%	4.76%
12	60,726	53,767	50,604	46,492	44,911
	3.41%	3.86%	4.11%	4.50%	4.66%
13	61,991	54,716	51,553	47,346	45,765
	3.33%	3.79%	4.04%	4.41%	4.57%
14	63,256	55,665	52,501	48,232	46,650
	3.26%	3.73%	3.96%	4.33%	4.48%
15	64,522	56,614	53,451	49,086	47,504
	3.20%	3.66%	3.89%	4.25%	4.40%
16	65,787	57,563	54,400	49,971	48,390
	3.14%	3.60%	3.82%	4.17%	4.31%
17	67,052	58,511	55,348	50,825	49,244
	3.07%	3.54%	3.75%	4.10%	4.23%
18	67,693	59,067	55,872	51,304	49,706
	3.04%	3.50%	3.71%	4.06%	4.19%
19	68,339	59,628	56,401	51,787	50,173
	3.01%	3.47%	3.68%	4.02%	4.15%
20	68,993	60,194	56,935	52,275	50,646
	2.99%	3.44%	3.64%	3.98%	4.11%
21	69,653	60,765	57,474	52,767	51,122
	2.96%	3.40%	3.61%	3.94%	4.07%
22	70,320	61,343	58,019	53,264	51,603
	2.93%	3.37%	3.57%	3.90%	4.03%
23	70,993	61,927	58,570	53,767	52,089
	2.90%	3.34%	3.54%	3.86%	3.99%

As further used in this act, references to the Education Finance Act or EFA funds shall be interpreted to mean the 63.60 percent of funds appropriated for State Aid to Classrooms and allocated for the Education Finance Act and, where appropriate, the 28.62 percent of State Aid to Classrooms allocated for Education Finance Act Employer Contributions.

For the purpose of maintaining consistency when calculating maintenance of effort, references to the base student cost shall be interpreted as the base student cost resulting from the 63.60 percent of funds appropriated for State Aid to Classrooms and allocated for the Education Finance Act and, where appropriate, the 28.62 percent of State Aid to Classrooms allocated for Education Finance Act Employer Contributions, and other any other items normally included in the base student cost calculation.

For the purpose of maintaining consistency when calculating the Base Student Cost, the base student cost calculation shall include funds from State Aid to Classrooms consisting of the 63.60% of funds appropriated for State Aid to Classrooms allocated based on the Education Finance Act formula and the 7.79% that are allocated to fully implement the State Minimum Teacher Salary Schedule.

*For the current fiscal year, the funds appropriated for State Aid to Classrooms represent the State's contribution to the Aid to Classrooms program for direct instruction*



## **TUESDAY, APRIL 26, 2022**

of students in kindergarten through grade twelve in our state, which is seventy-five percent of the total cost of funding one teacher salary for every 10.5 students. The salary cost used to determine the amount of funding required for the state effort is based on that of a teacher having a master's degree and twelve years of experience, which equates to \$50,604 on the statewide minimum salary schedule for the current fiscal year and including fringe benefits is \$66,524. The calculation of teachers for every student ratio includes those teachers eligible pursuant to Section 59-20-50(4)(b), to include classroom teachers, librarians, guidance counselors, psychologists, social workers, occupational and physical therapists, school nurses, orientation/mobility instructors, and audiologists in the school districts of the State. School districts are required to meet the statewide minimum salary schedule in the current fiscal year and are required to provide the annual step increase pursuant to Section 59-20-50. No school district is required to increase teacher salaries above the amount necessary to meet the statewide minimum salary schedule as prescribed in this act. For the current fiscal year, the provisions of Section 59-20-50(3) of the 1976 Code, as amended, are suspended.

To allocate the funds, the department will calculate the total number of weighted pupil units (WPU) in each school district and in the State. The funds appropriated herein for State Aid to Classrooms represent the state share of the total Aid to Classrooms program, which is seventy-five percent. The local required effort is twenty-five percent of the total program. The total Aid to Classrooms funding for each district is calculated based on the district's percentage of the total statewide weighted pupils multiplied by the total Aid to Classrooms program. The district's local share is calculated by multiplying the total local share by the district's imputed index of taxpaying ability, which is the district's relative fiscal capacity compared to that of all other districts in the State. The State Aid to Classrooms amount allocated to each district will be determined by subtracting the calculation of the district's local share from the calculation of the district's total Aid to Classrooms projected funding. The Statewide Public Charter School District and any approved institution of higher education authorizing charter schools shall receive one hundred percent of the Aid to Classrooms funding from the State. For Fiscal Year 2022-23, each district will receive as its base the same funding it received in the previous fiscal year from State Aid to Classrooms, EIA - Aid to Districts, EIA - Students at Risk of School Failure, Allocations EIA - Teacher Salaries, Allocations EIA - Employer Contributions, and EIA - South Carolina Public Charter Schools. For Fiscal Year 2022-23, no local match is required for the State Aid to Classroom EIA distributions for the base funding rolled up from the previous fiscal year. Any additional money in State Aid to Classrooms will be distributed utilizing the new funding methodology in this provision.

To provide flexibility, each district may expend the funds as determined by the local school board of trustees to meet the educational needs of students as defined in Section 59-1-50, Chapter 18, Title 59, and as delineated in a child's Individualized Education Program (IEP). Pursuant to Section 59-20-80, each school board of trustees must make available by September first of each fiscal year its annual budget that includes state, local, and federal investments in education. The budget must be available on the district's website. The department, in collaboration with local school districts, will provide a template that each district must use in reporting its budget.

To provide transparency, Revenue and Fiscal Affairs will document annually, through an online financial dashboard, the expenditure of all state, local, and federal funds by each district and other relevant data. To ensure that the public reporting meets the needs of educators, parents, citizens, and policymakers, the department, in conjunction with Revenue and Fiscal Affairs, will convene a group of educators, parents, citizens, and policymakers to provide recommendations regarding the items and the design of the

**TUESDAY, APRIL 26, 2022**

dashboard by January 1. District expenditures for the prior fiscal year must be published on the department's website for public disclosure by January 1.

If a traditional school district, charter school authorizer, or special school district fails to submit expenditure data needed for the online financial dashboard, the Revenue and Fiscal Affairs Office will notify the Department of Education. Within thirty days of such notification, the Department of Education must then withhold ten percent of all state payments to the district or authorizer until the district or authorizer complies and all payments will then be made.

To ensure accountability, each district's annual audit that is submitted to the Department of Education pursuant to Section 59-17-100 must be conducted using an auditing firm from an approved list provided by the State Auditor. The State Auditor will develop standards and criteria for determining qualifying auditors. Each district's annual audit must be available on the district's website.

For the current fiscal year the South Carolina Public Charter School District and any institution of higher education sponsoring a public charter school shall receive and distribute state Aid to Classroom funds to the charter school. Students enrolled in charter schools authorized by the South Carolina Public Charter School District or an institution of higher education will receive in addition to the base weight of 1.00 or in addition to the disability weight of 2.60 an additional weight based upon the type of charter school that they attend. These additional funds must support the provision of educational services for children served by a charter school that does not receive local revenues. These students are also eligible to receive additional weights for personalized instruction. The department will make any necessary adjustments to account for the state share for Charter and Special Districts.

Three and four year old students with a disability, who are eligible for services under IDEA and enrolled in brick and mortar charter schools sponsored by the South Carolina Public Charter School District or registered IHE, shall be included in student counts solely for the purposes of receiving the additional weighting for students attending a brick and mortar charter school.

For Fiscal Year 2022-23, special districts, career centers, and alternative schools will receive the amount received in the prior fiscal year from these funds.

The Revenue and Fiscal Affairs Office, must post in a prominent place on their website for each school district projections, including the per pupil state, federal and local revenues, excluding revenues of local bond issues, for the current fiscal year. Also, as soon as practicable, upon determining the exact numbers regarding pupil count and funding, the Revenue and Fiscal Affairs Office, shall also post on their website the one hundred thirty-five day average daily membership for each school district and per pupil state, federal and local revenues, excluding revenues of local bond issues, based on the most recent audited financial statement as reported annually pursuant to Section 59-17-100. The Department of Education and the Education Oversight Committee shall provide in a prominent place on their internet websites a link to the information posted by the Revenue and Fiscal Affairs Office, including the projected numbers and the exact numbers.

For the current fiscal year, the pupil classification weightings are as follows:

(1)K-12 pupils or base students including homebound students 1.00

Students served in licensed residential treatment facilities (RTFs) for children and adolescents as defined under Section 44-7-130 of the 1976 Code shall receive a weighting of 2.10.

(2)Weights for students with disabilities ~~as prescribed in Section 59-20-40(1)(e) Special Programs~~ as documented by their Individualized Education Plan (IEP) 2.60

(3)Precareer and Career Technology ~~1.29~~ 1.20

**TUESDAY, APRIL 26, 2022**

*(4) Charter school students*

<i>(a) Enrolled in brick and mortar school</i>	<i>1.25</i>
<i>(b) Enrolled in virtual charter school</i>	<i>0.65</i>

~~(4)(5)~~ Additional weights for personalized instruction:

(a) Gifted and Talented	0.15
(b) Academic Assistance	0.15
(c) Limited English Proficiency	0.20
(d) Pupils in Poverty	<del>0.20</del> <i>0.50</i>
(e) Dual Credit Enrollment	<del>0.15</del>

~~No local match is required for the additional weightings for personalized instruction in the current school year. Charter school per pupil calculations for locally sponsored charters will continue to be calculated according to Section 59-40-140 of the 1976 Code. Students may receive multiple weights for personalized instruction; however, within each weight, students should only be counted once. These weights are defined below:~~

Students in poverty are students who qualify for Medicaid, SNAP, TANF, or are homeless, transient, or in foster care.

Gifted and talented students are students who are classified as academically or artistically gifted and talented or who are enrolled in Advanced Placement (AP), International Baccalaureate (IB), and Cambridge International courses in high school. Districts shall set-aside twelve percent of the funds for serving artistically gifted and talented students in grades three through twelve.

Students in need of academic assistance are students who do not meet state standards in mathematics, English language arts, or both on state approved assessments in grades three through eight and high school assessments for grades nine through twelve. The additional weight generates funds needed to provide additional instructional services to these students.

Students with limited English proficiency are students who require intensive English language instruction programs and whose families require specialized parental involvement intervention.

~~Funds received by a school district pursuant to the dual credit weighting must be used to defray all possible costs of dual credit courses for students. Students identified for dual credit enrollment must be identified in PowerSchool as taking a course that will lead to both high school credit and post-secondary credit. Districts must utilize these funds to offset the cost of tuition, fees, instructors, and instructional materials for qualifying courses with the local technical college or other institution of higher education. Each school district shall report to the department the number of students participating in dual credit courses and specify the cost borne by each entity. School districts must assist students in accessing Lottery Tuition Assistance when applicable.~~

Further, the Department of Education may use school district student counts for personalized instruction as collected in the same manner as the prior fiscal year, PowerSchool or other available existing data sources as determined by the department to calculate the school district add on weightings for the personalized instruction classifications and the determination of the school districts monetary entitlement. End of year adjustments shall be based on the one hundred thirty-five day student average daily membership for all classifications. During the current fiscal year, the department will update PowerSchool calculations, reports, screen development, documentation, and training to incorporate the new pupil classification weightings and to make final district allocation adjustments by June 30. The department must provide districts with technical assistance with regard to student count changes in PowerSchool.

**TUESDAY, APRIL 26, 2022**

Up to ten percent of any funds appropriated for State Aid to Classrooms at the end of the fiscal year may be carried forward into the subsequent fiscal year and allocated to school districts, the South Carolina Public Charter School District, and an institution of higher education that authorizes charter schools pursuant to this provision. The additional funds must first support increases in student enrollment and any balance may be allocated proportionately utilizing weighted pupil units to districts. Any additional unexpended funds shall revert to the general fund or to the EIA Fund.

Senator BENNETT spoke on the Point of Order.

The PRESIDENT took the Point of Order under advisement.

**Point of Order**

Senator FANNING raised a Point of Order under Rule 24A that Proviso 1.79 of Part 1B was out of order inasmuch as it was not germane to the Bill.

**1.79.** (SDE: Teacher Salaries/SE Average) The projected Southeastern average teacher salary shall be the average of the average teachers' salaries of the southeastern states as projected by the Revenue and Fiscal Affairs Office. For the current school year, the Southeastern average teacher salary is projected to be ~~53,426~~ **55,898**. The General Assembly remains desirous of raising the average teacher salary in South Carolina through incremental increases over the next few years so as to make such equivalent to the national average teacher salary.

Additionally, for the current fiscal year, a local school district board of trustees must increase the salary compensation for all eligible certified teachers employed by the district by no less than one year of experience credit using at a minimum the district salary schedule utilized the prior fiscal year as the basis for providing the step. Application of this provision must be applied uniformly for all eligible certified teachers. For Fiscal Year ~~2021-22~~ 2022-23, the requirement that school districts maintain local salary supplements per teacher no less than their prior fiscal year level is suspended if additional State funds fill the gap.

~~Funds allocated by Proviso 1.3 for implementing a revised state minimum salary schedule for Teacher Salaries must be used to increase salaries of those teachers eligible pursuant to Section 59-20-50(4)(b), to include classroom teachers, librarians, guidance counselors, psychologists, social workers, occupational and physical therapists, school nurses, orientation/mobility instructors, and audiologists in the school districts of the state by not less than one thousand dollars. Districts must use the district salary schedule utilized the prior fiscal year as the basis for providing the increase.~~

For purposes of this provision, teachers shall be defined by the Department of Education using the Professional Certified Staff (PCS) System.

Senator BENNETT spoke on the Point of Order.

The PRESIDENT took the Point of Order under advisement.

**TUESDAY, APRIL 26, 2022**

**Point of Order**

Senator FANNING raised a Point of Order under Rule 24A that Proviso 1A.36 of Part 1B was out of order inasmuch as it was not germane to the Bill.

**1A.36.** (SDE-EIA: Teacher Salaries/SE Average) The projected Southeastern average teacher salary shall be the average of the average teachers' salaries of the southeastern states as projected by the Revenue and Fiscal Affairs Office. For the current school year, the Southeastern average teacher salary is projected to be ~~\$53,426~~ \$55,898. The General Assembly remains desirous of raising the average teacher salary in South Carolina through incremental increases over the next few years so as to make such equivalent to the national average teacher salary.

Additionally, for the current fiscal year, a local school district board of trustees must increase the salary compensation for all eligible certified teachers employed by the district by no less than one year of experience credit using at a minimum the district salary schedule utilized the prior fiscal year as the basis for providing the step. Application of this provision must be applied uniformly for all eligible certified teachers. For Fiscal Year ~~2021-22~~ 2022-23, the requirement that school districts maintain local salary supplements per teacher no less than their prior fiscal year level is suspended if additional State funds fill the gap.

~~Funds allocated by Proviso 1.3 for implementing a revised state minimum salary schedule for Teacher Salaries must be used to increase salaries of those teachers eligible pursuant to Section 59-20-50(4)(b), to include classroom teachers, librarians, guidance counselors, psychologists, social workers, occupational and physical therapists, school nurses, orientation/mobility instructors, and audiologists in the school districts of the state by not less than one thousand dollars. Districts must use the district salary schedule utilized the prior fiscal year as the basis for providing the increase.~~

For purposes of this provision, teachers shall be defined by the Department of Education using the Professional Certified Staff (PCS) System.

Senator BENNETT spoke on the Point of Order.

The PRESIDENT took the Point of Order under advisement.

**Point of Order**

Senator FANNING raised a Point of Order under Rule 24A that Proviso 1A.24 of Part 1B was out of order inasmuch as it was not germane to the Bill.

**1A.24.** (SDE-EIA: Students at Risk of School Failure) ~~For the current fiscal year, EIA funds appropriated for students at academic risk of school failure, must be allocated to school districts based upon two factors: (1) poverty as determined for the poverty add on weight in Proviso 1.3; and (2) the number of weighted pupil units identified in the prior fiscal year as in need of academic assistance. At least eighty five percent of the funds must be spent on instruction and instructional support for students at academic risk. Instructional support may include family literacy and parenting programs to students at risk for school failure and their families. Students at academic risk are defined as students who are not meeting grade level standards in English language arts/reading and mathematics as evidenced by summative state assessments in grades three through eight or students who are not on track to meeting or exceeding English language arts/reading or mathematics standards by the end of third grade. Public charter schools, the Palmetto~~

**TUESDAY, APRIL 26, 2022**

~~Unified School District, and the Department of Juvenile Justice must also receive a proportionate per pupil allocation based on the number of students at academic risk of school failure served.~~

Senator BENNETT spoke on the Point of Order.

The PRESIDENT took the Point of Order under advisement.

**Point of Order**

Senator FANNING raised a Point of Order under Rule 24A that Proviso 1A.30 of Part 1B was out of order inasmuch as it was not germane to the Bill.

~~1A.30. (SDE-EIA: Aid to Districts) Funds appropriated in Part 1A, Section 1, VIII.A.1. Aid to Districts shall be disbursed monthly to school districts. For the current fiscal year, the remaining funds shall be allocated to districts based on the number of weighted pupil units.~~

Senator BENNETT spoke on the Point of Order.

The PRESIDENT took the Point of Order under advisement.

**Point of Order**

Senator FANNING raised a Point of Order under Rule 24A that Proviso 1A.32 of Part 1B was out of order inasmuch as it was not germane to the Bill.

~~1A.32. (SDE-EIA: IDEA Maintenance of Effort) Prior to the dispersal of funds appropriated in Section VIII.A.1. Aid to Districts according to Proviso 1A.30 for the current fiscal year, in the event that there is a reduction in state funds or there are changes in the Education Finance Act/Base Student Cost formula that would reduce support for children with disabilities, the Department of Education is authorized to utilize funds appropriated in Section VIII.A.1. Aid to Districts to ensure maintenance of state financial support for the IDEA. The department shall distribute these funds using the current fiscal year one hundred thirty five day Average Daily Membership or as directed by the United States Department of Education. Funds provided for these purposes may not be transferred to any other purpose and therefore are not subject to flexibility. For continued compliance with the federal maintenance of state financial support requirements of the IDEA, funding for children with disabilities must, to the extent practicable, be held harmless to budget cuts or reductions to the extent those funds are required to meet federal maintenance of state financial support requirements under the IDEA. In the event cuts to funds that are needed to maintain fiscal effort are necessary, when administering such cuts, the department must not reduce funding to support children with disabilities who qualify for services under the IDEA in a manner that is disproportionate to the level of overall reduction to state programs in general. By December first, the department must submit an estimate of the IDEA maintenance of state financial support requirement to the General Assembly and the Governor. For the current fiscal year, the department may carry forward IDEA Maintenance of Effort funds from the prior fiscal year and expend them in the same manner.~~

**TUESDAY, APRIL 26, 2022**

Senator BENNETT spoke on the Point of Order.

The PRESIDENT took the Point of Order under advisement.

**Point of Order**

Senator FANNING raised a Point of Order under Rule 24A that Proviso 1A.49 of Part 1B was out of order inasmuch as it was not germane to the Bill.

~~1A.49. (SDE-EIA: South Carolina Public Charter School Funding) The funds appropriated in Part 1A, Section VIII.H. South Carolina Public Charter School Statewide Sponsor must be allocated in the following manner to students at charter schools within the South Carolina Public Charter School District or within a registered Institution of Higher Education: Pupils enrolled in virtual charter schools sponsored by the South Carolina Public Charter School District or a registered Institution of Higher Education shall receive \$1,900 per weighted pupil and pupils enrolled in brick and mortar charter schools sponsored by the South Carolina Public Charter School District or a registered Institution of Higher Education shall receive \$3,600 per weighted pupil. Three and four year old students with a disability, who are eligible for services under IDEA and enrolled in brick and mortar charter schools sponsored by the South Carolina Public Charter School District or registered IHE, shall receive \$3,600 per student for brick and mortar charter schools. Three and four year old students with a disability, who are eligible for serves under IDEA and enrolled in charter schools sponsored by the South Carolina Public Charter School District or a registered IHE, shall be included in student counts for the South Carolina Public Charter School District and registered IHE's solely for purposes of funding under this proviso. Any unexpended funds, not to exceed ten percent of the prior year appropriation, must be carried forward from the prior fiscal year and expended for the same purpose. Any unexpended funds exceeding ten percent of the prior year appropriation must be transferred to the Charter School Facility Revolving Loan Program established in Section 59-40-175. For Fiscal Year 2021-22, the timelines set forth for ruling on charter school applications are extended for sixty calendar days for all applications submitted to the South Carolina Public Charter School District if the district determines that an applicant should be permitted to amend its application to meet the requirements of Section 59-40-60 and Section 59-40-70, of the 1976 Code, based on an applicant's proposal to address an existing achievement gap utilizing an evidence-based educational program in an underserved geographical area of the state including, but not limited to, charter schools proposed to be located in any school district that is a plaintiff in the Abbeville law suit. The South Carolina Public Charter School District shall report to the Senate Finance Committee and the House Ways and Means Committee on the outcomes of this extended time for a hearing at the end of the application cycle.~~

Senator BENNETT spoke on the Point of Order.

The PRESIDENT took the Point of Order under advisement.

**TUESDAY, APRIL 26, 2022**

**Point of Order**

Senator FANNING raised a Point of Order under Rule 24A that Proviso 1A.72 of Part 1B was out of order inasmuch as it was not germane to the Bill.

1A.72. (SDE-EIA: ARP Maintenance of Equity): The Department of Education is authorized to utilize funds appropriated in State Aid to Classrooms - Maintenance of Effort and Equity to ensure Maintenance of Equity is met under the American Rescue Plan and maintenance of state financial support for IDEA.

Senator BENNETT spoke on the Point of Order.

The PRESIDENT took the Point of Order under advisement.

**Point of Order**

Senator MARTIN raised a Point of Order under Rule 24A that Proviso 1.96 of Part 1B was out of order inasmuch as it was not germane to the Bill.

1.96. (SDE: Capital Improvement Payments) In the current fiscal year, any school district that is allocated state funds pursuant to this act may utilize any fees derived from developmental impact fees to pay debt service on projects included in the capital improvements plan for which the fees were imposed.

The PRESIDENT took the Point of Order under advisement.

**Point of Order**

Senator MARTIN raised a Point of Order under Rule 24A that Proviso 1.101 of Part 1B was out of order inasmuch as it was not germane to the Bill.

1.101. (SDE: Graduation Requirements) Of the funds appropriated or authorized herein, and pursuant to Section 59-39-100 of the 1976 Code, the Department of Education, through the State Board of Education, is directed to promulgate regulations to update the current graduation requirements to include within the existing credits a required half credit in personal finance. The regulation shall be submitted to the State Board of Education for first reading by September 30th.

The PRESIDENT took the Point of Order under advisement.

**Point of Order**

Senator MARTIN raised a Point of Order under Rule 24A that Proviso 1.104 of Part 1B was out of order inasmuch as it was not germane to the Bill.

1.104. (SDE: Charter School Accountability) In order to ensure funds allocated to charter schools promote quality school choices for parents and students and are expended to avoid the legal disputes, instability, fiscal challenges, and potential negative outcomes associated with charter hopping and charter shopping, only those public or independent institutions of higher learning registered with the State Department of



## TUESDAY, APRIL 26, 2022

Education, as of July 1, 2021, or approved by an application process developed by the State Board of Education pursuant to the Charter Schools Act after July 1, 2021, may register or operate as charter school sponsors during Fiscal Year 2022-23. During Fiscal Year 2022-23, the State Department of Education shall use funds allocated to it to develop a sponsor application process, which shall apply only to those public or independent institutions of higher learning who were not registered as charter school sponsors with the State Department of Education as of July 1, 2021, and which shall prioritize evidence that the institution of higher education has capacity to meet minimum requirements of a local education agency (LEA) as its primary criteria. No sponsor may receive funds in Fiscal Year 2022-23 for any charter school that attempts to transfer to that sponsor unless the transfer is approved by school's current sponsor in Fiscal Year 2021-22 as expressed in a vote at a public meeting by the current sponsor board of trustees or board of directors. Each current charter school sponsor shall adopt and implement policies, procedures, and practices that ensure good governance and are consistent with the charter school sponsor's powers and duties as an LEA as provided in the Charter Schools Act. Each charter school sponsor also shall submit a report on the performance of each of its sponsored charter schools and the sponsor's performance of its duties by June 30, 2023. Board members of charter schools or charter school sponsors are subject to removal pursuant to Section 59-19-60 of the 1976 Code to the same extent as other school district trustees in South Carolina or may be removed pursuant to any provision of the Charter Schools Act. Further, in the absence of any state law or regulation providing a process to transfer charters from one sponsor to another, no charter school may terminate its contract or charter for the purpose of transferring its charter or otherwise seek to transfer its charter from one sponsor to another unless the charter school follows the following procedure. The charter school board of directors shall place the transfer request on a public meeting agenda and take action on the request in open session not later than August 30, 2022. The charter school board shall permit public testimony, pursuant to its rules. Upon an affirmative vote of the charter school board, the charter school shall submit a written request to the current sponsor to transfer its charter to a different sponsor before September 1, 2022. The transfer must be effective on June 30, 2023. The proposed new sponsor shall issue a written final decision approving or denying the request to transfer before October 31, 2022. The proposed new sponsor may deny the request for any reason that is not arbitrary, capricious, discriminatory, or otherwise violative of law. A copy of the final decision must be served on the charter school applying to transfer, the current sponsor, and the State Department of Education before November 5, 2022. If the proposed new sponsor approves the request to transfer, the current sponsor shall issue a final decision approving or denying the request to transfer before December 31, 2022. The sponsor may, but is not required to, permit the charter school to submit materials or information to support its transfer request, all of which must be submitted at least five business days before the board hearing. No hearing is required. If a sponsor fails to comply with this provision, the State Department of Education may compel the sponsor to comply with this provision by withholding the sponsor's fees related to the charter school seeking to transfer until a final decision is issued. Each step of the transfer process must be conducted with proper notice, public discussion, and a vote by the board during a public meeting in accordance with the Freedom of Information Act. The current sponsor shall deny a request to transfer to the proposed new sponsor if the current sponsor determines the charter school's request to transfer is to avoid accountability, prohibited by law, untimely, or other good cause to deny the transfer exists. Good cause to deny the charter school's transfer request includes, but is not limited to: (a) violations of the charter, contract, or applicable law that have not been resolved by the charter school; (b) receipt of the lowest performance

**TUESDAY, APRIL 26, 2022**

level rating under the state or federal accountability system at any grade level during the past two academic years by the charter school seeking to transfer; (c) more than one transfer request by the charter school within a five-year period; or (d) the charter school has operated less than three years with the current sponsor. The final decision of the current sponsor regarding the request to transfer is appealable to the Administrative Law Court.

The PRESIDENT took the Point of Order under advisement.

**Amendment No. 1**

Senator RANKIN proposed the following amendment (AM CIRCUIT COURT JUDGES), which was carried over:

Amend the bill, as and if amended, Part IB, Section 57, JUDICIAL DEPARTMENT, page 416, after line 7, by adding an appropriately numbered new proviso to read:

/ (JUD: Leave for Circuit Court Judges) For the current fiscal year, Section 14-5-130 of the 1976 Code is suspended. /

Re-number sections to conform.

Amend sections, totals and title to conform.

Senator RANKIN explained the amendment.

On motion of Senator MALLOY, the amendment was carried over.

**Amendment No. 5**

Senator CASH proposed the following amendment (5150R011.KMM.RJC.DOCX), which was tabled:

Amend the bill, as and if amended, Part IB, Section 108, PUBLIC EMPLOYEE BENEFIT AUTHORITY, page 482, proviso 108.4 is amended to read:

/ 108.4. (PEBA: Funding Abortions Prohibited) No funds appropriated for employer contributions to the State Health Insurance Plan may be expended to reimburse the expenses of an abortion, except in cases of rape, incest or where the mother's medical condition is one which, on the basis of the physician's good faith judgment, so complicates the pregnancy as to necessitate an immediate abortion to avert the risk of her death or for which a delay will create serious risk of substantial and irreversible impairment of major bodily function *in which the life of the mother is at risk and the termination of the pregnancy is incidental to the lifesaving intervention*, and the State Health Plan may not offer coverage for abortion services, including ancillary services provided contemporaneously with abortion services *or services incidental to abortion except as permitted by this provision. Physicians*

**TUESDAY, APRIL 26, 2022**

shall act in accordance with the standard of care to preserve both the life of the mother and the life of the pre-born child. The Public Employee Benefit Authority must determine the amount of the total premium paid for health coverage necessary to cover the risks associated with reimbursing participants in the plan for obtaining an abortion in the circumstances covered by this provision. The determination must be based on actuarial data and empirical study in the same manner and by the same method that other risks are adjusted for in similar circumstances. The plan must report this determination annually to the respective Chairmen of the Senate Finance Committee and the House Ways and Means Committee. /

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator CASH explained the amendment.

Senator KIMPSON spoke on the amendment.

**Point of Order**

Senator HUTTO raised a Point of Order under Rule 24A that the amendment was out of order inasmuch as it was not germane to the Bill.

Senator CASH spoke on the Point of Order.

The PRESIDENT overruled the Point of Order.

Senator HUTTO spoke on the amendment.

Senator HUTTO moved to lay the amendment on the table.

The "ayes" and "nays" were demanded and taken, resulting as follows:

**Ayes 25; Nays 15**

**AYES**

Allen	Bennett	Davis
Fanning	Gambrell	Gustafson
Hembree	Hutto	Jackson
<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>	Kimpson
Loftis	Malloy	Massey
Matthews	McElveen	McLeod
Sabb	Scott	Senn
Setzler	Shealy	Stephens
Williams		

TUESDAY, APRIL 26, 2022

Total--25

NAYS

Alexander	Cash	Climer
Corbin	Garrett	Goldfinch
Kimbrell	Martin	Peeler
Reichenbach	Rice	Talley
Turner	Verdin	Young

Total--15

The amendment was laid on the table.

**Amendment No. 15**

Senators HEMBREE and FANNING proposed the following amendment (SM RETURN TO WORK), which was adopted (#27):

Amend the bill, as and if amended, Part IB, Section 108, PUBLIC EMPLOYEE BENEFIT AUTHORITY, page 484, after line 9, by adding an appropriately numbered new proviso to read:

/ (PEBA: PORS and SCRS Return to Work) For compensation earnings during the current fiscal year, the earnings limitation does not apply if a member of the Police Officer Retirement System has not been engaged to perform services for a participating employer in the system or any other system provided in this title for compensation in any capacity, whether as an employee, independent contractor, leased employee, joint employee, or other classification of worker, for a period of at least twelve consecutive months subsequent to retirement. The exemption provided under this provision does not apply unless the member first certifies to the system that he satisfies the requirements for the exemption. If a member inaccurately certifies that he satisfies the requirements for the exemption provided in this provision, the member is responsible for reimbursing the system for any benefits wrongly paid to the member.

For compensation earnings during the current fiscal year, the earnings limitation does not apply if a member of the South Carolina Retirement System has not been engaged to perform services for a participating employer in the system or any other system provided in this title for compensation in any capacity, whether as an employee, independent contractor, leased employee, joint employee, or other classification of worker, for a period of at least twelve consecutive months subsequent to retirement. The exemption provided under this provision does not apply unless the member first certifies to the system

**TUESDAY, APRIL 26, 2022**

that he satisfies the requirements for the exemption. If a member inaccurately certifies that he satisfies the requirements for the exemption provided in this provision, the member is responsible for reimbursing the system for any benefits wrongly paid to the member. /

Re-number sections to conform.

Amend sections, totals and title to conform.

Senator HEMBREE explained the amendment.

The amendment was adopted.

#### **Point of Order**

Senator MARTIN raised a Point of Order under Rule 24A that Proviso 117.175 of Part 1B was out of order inasmuch as it was not germane to the Bill.

117.175.(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.

The PRESIDENT took the Point of Order under advisement.

#### **Amendment No. 14**

Senators CASH, HARPOOTLIAN and JACKSON proposed the following amendment (5150R009.KMM.RJC.DOCX), which was ruled out of order:

Amend the bill, as and if amended, Part IB, Section 109, DEPARTMENT OF REVENUE, page 486, after line 21, by adding an appropriately numbered new proviso to read:

/109. (DOR: Alcohol Consumables) (A) For the purposes of this proviso, 'alcohol consumable' means all products intended for consumption in frozen, gum, gelatin, or other nonliquid form containing alcoholic liquors, alcoholic beverages, wine, beer, ale, porter, or other similar malt or fermented beverages greater than one-half of one percent alcohol by volume.

(B) Beginning on August 1, 2022, the sale of alcohol consumables in this State is prohibited. A person who sells alcohol consumables in violation of this provision is guilty of a misdemeanor and shall be fined one thousand dollars or imprisoned for up to thirty days; or both. Each sale of an alcohol consumable constitutes a separate offense.

**TUESDAY, APRIL 26, 2022**

(C) From the appropriations contained in this act, the Department of Revenue shall partner with local law enforcement officials to provide adequate notice to the public and vendors of alcoholic consumables that the sale of alcohol consumables is prohibited beginning on August 1, 2022. /

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator CASH explained the amendment.

**Point of Order**

Senator MARTIN raised a Point of Order under Rule 24A that the amendment was out of order inasmuch as it was not germane to the Bill.

Senator CASH spoke on the Point of Order.

Senator RANKIN spoke on the Point of Order.

Senator CASH spoke resumed speaking on the amendment.

The PRESIDENT sustained the Point of Order.

The amendment was ruled out of order.

**Amendment No. 9**

Senators DAVIS and CAMPSER proposed the following amendment (SM BOATING PILOT PROGRAM), which was adopted (#2):

Amend the bill, as and if amended, Part IB, Section 117, GENERAL PROVISIONS, page 551, after line 36, by adding an appropriately numbered new proviso to read:

/ (A) Of the funds appropriated to the Department of Natural Resources, there is established a pilot program within the department named the Public/Private Partnerships - Boating Safety. The pilot program shall administer a boating education course and increase overall boater safety and boater safety education. A list of approved courses must be provided on the department's website. The following persons must be provided a South Carolina boating safety certificate in both physical and electronic forms by the department:

(1) a person who successfully completes a boating education course administered or approved by the department;

(2) a person who provides satisfactory proof to the department that the person was issued a boater education certificate, or an equivalency, by another state; and

**TUESDAY, APRIL 26, 2022**

(3) a person who provides satisfactory proof to the department that the person was issued a license to operate a vessel by the United States Coast Guard or was issued a merchant mariner credential by the United States Coast Guard.

(B) A person may not operate, upon the waters of this State, a vessel powered by an engine of ten horsepower or greater, a personal watercraft, or a specialty propcraft without having possession of a South Carolina boating safety certificate issued by the department in the person's name, unless the person:

(1) was born on or before July 1, 2006;

(2) is in possession of a license to operate a vessel issued by the United States Coast Guard in the person's name, regardless of the expiration date on the license;

(3) is in possession of a merchant mariner credential issued by the United States Coast Guard in the person's name, regardless of the expiration date on the credential;

(4) is a nonresident in possession of a boater education certificate, or an equivalency, issued by another state in the nonresident's name; or

(5) is accompanied by a person at least 18 years old who:

(a) is in possession of a South Carolina boating safety certificate issued by the department in the person's name; or

(b) meets one of the criteria in items (1) through (5) of this paragraph.

(C) The department shall partner with motorboat rental businesses to ensure that:

(1) a motorboat, including a personal watercraft, is not rented or leased to any person for operation on the waters of the state unless the renter or lessee has a valid watercraft operator's permit or is an exempt operator and is 18 years of age or older;

(2) the motorboat rental business lists on each motorboat rental or lease agreement the name and age of each operator who is authorized to operate the motorboat or personal watercraft. The renter or lessee of the motorboat must ensure that only listed authorized operators operate the motorboat or personal watercraft;

(3) the motorboat rental business provides each authorized operator (a) a summary of this provision together with any other relevant laws, regulations, and rules governing operation of motorboats and personal watercraft in the state and (b) instructions for safe operation. Each authorized operator must review the summary provided under this paragraph and must either successfully complete a boating education course administered or approved by the department; provide satisfactory proof to the motorboat rental business that the person was

**TUESDAY, APRIL 26, 2022**

issued a boater education certificate, or an equivalency, by another state; or provide satisfactory proof to the motorboat rental business that the person was issued a license to operate a vessel by the United States Coast Guard or was issued a merchant mariner credential by the United States Coast Guard before the motorboat or personal watercraft leaves the motorboat rental business premises; and

(4) that the motorboat rental business provides a United States Coast Guard (USCG) approved wearable personal flotation device with a USCG label indicating it either is approved for or does not prohibit use with personal watercraft or water-skiing and any other required safety equipment to all persons who rent a personal watercraft at no additional cost.

(D) A person who violates this provision shall be fined by the department not less than fifty dollars and not more than three hundred dollars, no part of which may be suspended. Revenues from fines under this provision must be retained by the department for support of the pilot program and boater safety. No court costs, assessments, or surcharges may be assessed against a person who violates this provision. A custodial arrest for a violation of this provision must not be made, except upon a warrant issued for failure to appear in court when summoned or for failure to pay an imposed fine. A violation of this provision does not constitute a criminal offense and must not be included in the records maintained by the department or in the records maintained by SLED. /

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator DAVIS explained the amendment.

The amendment was adopted.

#### **Amendment No. 10**

Senator JACKSON proposed the following amendment (SM JUSTICE FORTY), which was carried over and subsequently withdrawn:

Amend the bill, as and if amended, Part IB, Section 117, GENERAL PROVISIONS, page 552, after line 36, by adding an appropriately numbered new proviso to read:

/ (GP: Justice Forty Oversight Committee) (A) There is created a thirteen member Justice Forty Oversight Committee within state government to study opportunities to address the issue of environmental justice in South Carolina. The study committee shall be chaired by the



**TUESDAY, APRIL 26, 2022**

Director of Environmental Affairs at the Department of Health and Environmental Control and shall:

(1) identify disadvantaged and marginalized communities throughout South Carolina with environmental justice impact;

(2) identify the infrastructure deficiencies in these communities;

(3) assist members of the community in developing a plan to apply for assistance to secure funding for infrastructure projects; and

(4) undertake other actions necessary to carry out the purpose of the committee.

(B) The study committee shall be comprised of:

(1) two members of the House of Representatives who serve on the Joint Bond Review Committee appointed by the Chairman of the House Ways and Means Committee;

(2) two members of the Senate who serve on the Joint Bond Review Committee appointed by the Chairman of the Senate Finance Committee;

(3) the Director of Environmental Affairs for the Department of Health and Environmental Control or his designee;

(4) the Director of the Office of Regulatory Staff or his designee;

(5) the Director of the Housing Finance and Development Authority or his designee;

(6) the Director of the South Carolina Primary Health Care Association or his designee;

(7) the Commissioner of Agriculture or his designee;

(8) a member of the White House Environmental Justice Advisory Council;

(9) the Secretary of Transportation or his designee; and

(10) two members appointed by the Governor with experience in the designation and implementation of Opportunity Zones.

(C) The study committee shall work with any other appropriate entities while undertaking its assigned duties.

(D) The House of Representatives and the Senate shall provide appropriate staffing for the committee.

(E) The study committee shall provide a report to the House Ways and Means Committee, the Senate Finance Committee, the White House Council on Environmental Quality, and the White House Environmental Justice Advisory Council by June 30, 2023, at which time the study committee shall be dissolved. /

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator JACKSON explained the amendment.

**TUESDAY, APRIL 26, 2022**

On motion of Senator JACKSON, with unanimous consent, the amendment was carried over and subsequently withdrawn.

**Amendment No. 12**

Senator MATTHEWS proposed the following amendment (AM CAROLINA GOLD RICE), which was adopted(#3):

Amend the bill, as and if amended, Part IB, Section 117, GENERAL PROVISIONS, page 552, after line 36, by adding an appropriately numbered new proviso to read:

/ (GP: Carolina Gold Rice) For the current fiscal year, the provisions of Section 39-31-70 of the 1976 Code do not apply to the sale of the heirloom grain commonly referred to as "Carolina Gold". /

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator MATTHEWS explained the amendment.

The amendment was adopted.

**Amendment No. 22**

Senators CAMPSER, GROOMS, CLIMER and KIMBRELL proposed the following amendment (SA\5150C024.JN.SA22.DOCX), which was adopted (#4):

Amend the bill, as and if amended, Part IB, Section 117, GENERAL PROVISIONS, page 552, after line 36, by adding an appropriately numbered new proviso to read:

/(GP: Chicago Statement) (A) From the funds appropriated to a public institution of higher learning, the governing body of the public institution of higher learning must adopt, and act in accordance with, the following statement on the commitment to academic freedom and freedom of expression no later than August 1, 2022. The statement is commonly known as the "Chicago Statement" and has been adopted by over 80 institutions of higher education in the United States:

"[Public institution of higher learning] is committed to free and open inquiry in all matters—it guarantees all members of the [Public institution of higher learning] community the broadest possible latitude to speak, write, listen, challenge, and learn. Except insofar as limitations on that freedom are necessary to the functioning of [Public institution of higher learning], [Public institution of higher learning] fully respects and supports the freedom of all members of the [Public institution of higher learning] community "to discuss any problem that presents itself.

**TUESDAY, APRIL 26, 2022**

Of course, the ideas of different members of the [Public institution of higher learning] community will often and quite naturally conflict. But it is not the proper role of [Public institution of higher learning] to attempt to shield individuals from ideas and opinions they find unwelcome, disagreeable, or even deeply offensive. Although [Public institution of higher learning] greatly values civility, and although all members of the [Public institution of higher learning] community share in the responsibility for maintaining a climate of mutual respect, concerns about civility and mutual respect can never be used as a justification for closing off discussion of ideas, however offensive or disagreeable those ideas may be to some members of our community.

The freedom to debate and discuss the merits of competing ideas does not, of course, mean that individuals may say whatever they wish, wherever they wish. [Public institution of higher learning] may restrict expression that violates the law, that falsely defames a specific individual, that constitutes a genuine threat or harassment, that unjustifiably invades substantial privacy or confidentiality interests, or that is otherwise directly incompatible with the functioning of [Public institution of higher learning]. In addition, [Public institution of higher learning] may reasonably regulate the time, place, and manner of expression to ensure that it does not disrupt the ordinary activities of [Public institution of higher learning]. But these are narrow exceptions to the general principle of freedom of expression, and it is vitally important that these exceptions never be used in a manner that is inconsistent with [Public institution of higher learning]'s commitment to a completely free and open discussion of ideas.

In a word, [Public institution of higher learning]'s fundamental commitment is to the principle that debate or deliberation may not be suppressed because the ideas put forth are thought by some or even by most members of the [Public institution of higher learning] community to be offensive, unwise, immoral, or wrong-headed. It is for the individual members of the [Public institution of higher learning] community, not for [Public institution of higher learning] as an institution, to make those judgments for themselves, and to act on those judgments not by seeking to suppress speech, but by openly and vigorously contesting the ideas that they oppose. Indeed, fostering the ability of members of the [Public institution of higher learning] community to engage in such debate and deliberation in an effective and responsible manner is an essential part of [Public institution of higher learning]'s educational mission.

As a corollary to [Public institution of higher learning]'s commitment to protect and promote free expression, members of the [Public

**TUESDAY, APRIL 26, 2022**

institution of higher learning] community must also act in conformity with the principle of free expression. Although members of the [Public institution of higher learning] community are free to criticize and contest the views expressed on campus, and to criticize and contest speakers who are invited to express their views on campus, they may not obstruct or otherwise interfere with the freedom of others to express views they reject or even loathe. To this end, [Public institution of higher learning] has a solemn responsibility not only to promote a lively and fearless freedom of debate and deliberation, but also to protect that freedom when others attempt to restrict it.”

(B) If the governing body of a public institution of higher learning does not adopt this statement on or before August 1, 2022, then the State Treasurer must withhold all state payments to the public institution of higher learning until the statement is adopted.

(C) If the governing body of a public institution of higher learning has adopted a substantially similar statement based on the Chicago statement, then it must act in accordance with the adopted statement, but does not need to adopt another statement.

(D) At the public institution of higher learning’s first scheduled budget subcommittee meeting in the House of Representatives and in the Senate, it shall provide a statement that it is acting in accordance with this proviso to the members of the appropriate budget subcommittees in the House of Representatives and the Senate. /

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator CAMPSSEN explained the amendment.

#### **Point of Order**

Senator HUTTO raised a Point of Order under Rule 24A that the amendment was out of order inasmuch as it was not germane to the Bill.

Senator CAMPSSEN spoke on the Point of Order.

The PRESIDENT overruled the Point of Order.

The question then was the adoption of the amendment.

The amendment was adopted.

#### **Amendment No. 6**

Senators WILLIAMS and MALLOY proposed the following amendment (JS NE FEDERAL MATCH), which was adopted (#5):

**TUESDAY, APRIL 26, 2022**

Amend the bill, as and if amended, Part IB, Section 118, STATEWIDE REVENUE, page 578, proviso 118.19, after line 32, by inserting:

/ (41.1) The funds appropriated in Item (41)(h) may be used to match federal funds for new construction. /

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator WILLIAMS explained the amendment.

The amendment was adopted.

**Amendment No. 4**

Senators KIMBRELL, MALLOY, CROMER and JACKSON proposed the following amendment (BQ AERONAUTICS DIRECTIVE), which was adopted (#6):

Amend the bill, as and if amended, Part IB, Section 118, STATEWIDE REVENUE, page 583, proviso 118.19, after line 18, by inserting:

/ (76.1) From the funds appropriated for Statewide Airport Growth Response, twenty percent shall be made available to fund airport(s) in counties that do not currently have a public airport. /Renumber sections to conform.

Amend sections, totals and title to conform.

Senator KIMBRELL explained the amendment.

The amendment was adopted.

**Amendment No. 8**

Senator ALLEN proposed the following amendment (AM REEDY FORK CENTER), which was adopted (#7):

Amend the bill, as and if amended, Part IB, Section 118, STATEWIDE REVENUE, page 584, proviso 118.19, line 21, by striking: / Lisa School House Rocks \$25,000; /

Amend the bill further, as and if amended, Part IB, Section 118, STATEWIDE REVENUE, page 584, proviso 118.19, line 21, by striking /Reedy Fork Center \$75,000/ and inserting /Reedy Fork Center \$100,000/

Renumber sections to conform.

Amend sections, totals and title to conform.

**TUESDAY, APRIL 26, 2022**

Senator ALLEN explained the amendment.

The amendment was adopted.

**Amendment No. 17**

Senators GUSTAFSON, SHEALY, HUTTO and MCELVEEN proposed the following amendment (SM LOCAL CHILD FATALITY REVIEW TEAMS), which was adopted (#8):

Amend the bill, as and if amended, Part IB, Section 118, STATEWIDE REVENUE, page 584, proviso 118.19, line 35, after /\$500,000/ by inserting

/,and \$1 for Local Child Fatality Investigations /

Re-number sections to conform.

Amend sections, totals and title to conform.

Senator GUSTAFSON explained the amendment.

The amendment was adopted.

**Amendment No. 20**

Senator SHEALY proposed the following amendment (AM HHS NR), which was adopted (#9):

Amend the bill, as and if amended, Part IB, Section 118, STATEWIDE REVENUE, page 584, proviso 118.19, line 22, after /\$250,000/ by inserting:

/ Alzheimer's Disease Research Center \$1; Special Olympics \$1; PACE Center for Girls \$1; M.A.D. USA \$1; Child Advocacy Centers \$1; and Girl Scouts Mountains to Midlands \$1; /

Re-number sections to conform.

Amend sections, totals and title to conform.

Senator SHEALY explained the amendment.

The amendment was adopted.

**Amendment No. 21**

Senator LOFTIS proposed the following amendment (SM ARTIFICIAL INTELLIGENCE PILOT - AUTOENGINEERING PATHWAY), which was adopted (#10):

Amend the bill, as and if amended, Part IB, Section 118, STATEWIDE REVENUE, page 584, proviso 118.19, line 14-15, by

**TUESDAY, APRIL 26, 2022**

striking: / and Artificial Intelligence Pilot - Autoengineering Pathway \$500,000; /

Amend the bill further, as and if amended, Part IB, Section 118, STATEWIDE REVENUE, page 583, proviso 118.19, line 22, after / \$500,000 / by inserting / and Artificial Intelligence Pilot - Autoengineering Pathway \$500,000; /

Re-number sections to conform.  
Amend sections, totals and title to conform.

Senator LOFTIS explained the amendment.

The amendment was adopted.

**Amendment No. 26**

Senator MARTIN proposed the following amendment (AM CLASSIFIED POSITIONS), which was adopted (#11):

Amend the bill, as and if amended, Part IA, Section 66, DEPARTMENT OF PROBATION, PAROLE & PARDON SERVICES, page 184, line 16, by:

	COLUMN 7	COLUMN 8
/ STRIKING:	28,410,825	22,416,269
and		
INSERTING:	28,316,769	22,322,213/

Amend the bill further, as and if amended, Part IA, Section 65, DEPARTMENT OF CORRECTIONS, page 180, line 29, by:

	COLUMN 7	COLUMN 8
/ STRIKING:	236,055,300	233,682,498
and		
INSERTING:	236,149,356	233,776,554/

Re-number sections to conform.  
Amend sections, totals and title to conform.

Senator MARTIN explained the amendment.

The amendment was adopted.

**Amendment No. 24**

Senator CASH proposed the following amendment (5150R012.KMM.RJC.DOCX), which was adopted (#18):

Amend the bill, as and if amended, Part IB, Section 1, DEPARTMENT OF EDUCATION, page 294, proviso 1.48, after line 7, by inserting:

**TUESDAY, APRIL 26, 2022**

/ (3) Notwithstanding subsection (1) and (2) of this proviso, no funds appropriated pursuant to this act may be used for classroom instruction concerning sexual orientation or gender identity by school personnel or third parties in kindergarten, including any pre-K programs, through grade 3. After grade 3, all classroom instruction concerning sexual orientation or gender identity by school personnel or third parties utilizing funds appropriated by this act must be age-appropriate and developmentally appropriate for students. If, upon investigation, the department determines that the district has violated the provisions of this subsection, then the Department of Education shall withhold one percent of the district's funds allocated in Part IA, Section 1, X - Student Health and Fitness Act until the department determines the district is in compliance./

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator CASH explained the amendment.

**Point of Order**

Senator HUTTO raised a Point of Order under Rule 24A that the amendment was out of order inasmuch as it was not germane to the Bill.

Senator CASH spoke on the Point of Order.

Senator HUTTO spoke on the Point of Order.

Senator CASH spoke on the Point of Order.

The PRESIDENT overruled the Point of Order.

The question then was the adoption of the amendment.

The "ayes" and "nays" were demanded and taken, resulting as follows:

**Ayes 30; Nays 11**

**AYES**

Adams	Alexander	Bennett
Campsen	Cash	Climer
Corbin	Cromer	Davis
Gambrell	Garrett	Goldfinch
Grooms	Gustafson	Hembree
Johnson, Michael	Kimbrell	Loftis
Martin	Massey	Peeler
Rankin	Reichenbach	Rice
Shealy	Talley	Turner



TUESDAY, APRIL 26, 2022

Verdin

Williams

Young

**Total--30**

**NAYS**

Allen

Fanning

Hutto

Jackson

Johnson, Kevin

Kimpson

Matthews

McLeod

Sabb

Scott

Stephens

**Total--11**

The amendment was adopted.

**Amendment No. 11**

Senator JACKSON proposed the following amendment (SM CHILDREN WITH DISABILITIES REPORT), which was adopted (#12):

Amend the bill, as and if amended, Part IB, Section 1, DEPARTMENT OF EDUCATION, page 312, after line 8, by adding an appropriately numbered new proviso to read:

*/ (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 (Indicator 1-Graduation; Indicator 2-Drop-out; Indicator 3-Achievement; Indicator 4-Significant Discrepancy (Suspension); Indicator 5-School-aged Least Restrictive Environment; Indicator 6-Preschool Least Restrictive Environment; Indicator 7-Preschool Outcomes; Indicator 8-Parent Involvement; Indicator 9-Disproportionate Representation (All Special Education); Indicator 10-Disproportionate Representation (Selected Categories); Indicator 11-60-Day Evaluation Timeline; Indicator 12-Part C to B Transition; Indicator 13-Transition Components; Indicator 14-Post-Secondary Outcomes; Indicator 15-Mediations; and Indicator 16-Due Process Complaints) and Tables 1-5 (Table 1-Child Count; Table 2-

**TUESDAY, APRIL 26, 2022**

Personnel: Table 3-Placement; Table 4-Exiting; and Table 5-Discipline) required under these sections that have not been met by a school district.

The department shall submit the required reports to the Joint Citizens and Legislative Committee on Children committee on or before August 1, 2022. 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 November 1, 2022. /

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator JACKSON explained the amendment.

The amendment was adopted.

**Amendment No. 19**

Senators HEMBREE and FANNING proposed the following amendment (AM BASIC SKILLS ASSESSMENT ), which was carried over and subsequently adopted (#19):

Amend the bill, as and if amended, Part IB, Section 1, DEPARTMENT OF EDUCATION, page 312, after line 8, by adding an appropriately numbered new proviso to read:

/ (SDE: Basic Skills Assessment) For the current fiscal year, a college or university educator preparation provider may choose to suspend the basic skills assessment for admission to a teacher preparation program/Praxis Core as established in Section 59-26-10, et. seq., of the 1976 Code. The college or university must submit their decision on whether or not to suspend the basic skills assessment for admissions to the State Board of Education no later than September 1. /

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator HEMBREE explained the amendment.

On motion of Senator HEMBREE, with unanimous consent, the amendment was carried over.

Senator HEMBREE explained the amendment.

The amendment was adopted.

**TUESDAY, APRIL 26, 2022**

**Amendment No. 23**

Senator SCOTT proposed the following amendment (SM INSTITUTES OF INNOVATION), which was adopted (#13):

Amend the bill, as and if amended, Part IB, Section 11, COMMISSION ON HIGHER EDUCATION, page 359, proviso 11.21, lines 7-26, by striking the proviso in its entirety, and inserting

/ (CHE: Institutes of Innovation and Information) Of the funds appropriated to the Commission on Higher Education for the Institutes of Innovation and Information (Institutes), the commission may 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 and/or nonprofit foundation 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. /

Re-number sections to conform.

Amend sections, totals and title to conform.

Senator SCOTT explained the amendment.

The amendment was adopted.

**Amendment No. 2**

Senator KIMBRELL proposed the following amendment (5150R013.SP.JK.DOCX), which was carried over:

Amend the bill, as and if amended, Part IB, Section 23, MEDICAL UNIVERSITY OF SOUTH CAROLINA., page 361, after line 19, by adding an appropriately numbered new proviso to read:

/23. (MUSC: Pediatric Transgender Clinic) No funds appropriated to MUSC pursuant to this act shall be used to fund or support MUSC's pediatric transgender clinic /

**TUESDAY, APRIL 26, 2022**

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator KIMBRELL explained the amendment.

**Point of Order**

Senator HUTTO raised a Point of Order under Rule 24A that the amendment was out of order inasmuch as it was not germane to the Bill.

Senator KIMBRELL spoke on the Point of Order.

The PRESIDENT overruled the Point of Order.

On motion of Senator MALLOY, with unanimous consent, the amendment was carried over.

**Amendment No. 3**

Senator KIMBRELL proposed the following amendment (AM AID TO COUNTY LIBRARIES), which was withdrawn:

Amend the bill, as and if amended, Part IB, Section 27, STATE LIBRARY, page 362, proviso 27.1, line 33, by inserting at the end to read:

/ Prior to receiving any of these funds, county libraries must certify to the State Library that their county libraries do not contain any books or materials that could be harmful to children or that appeals to the prurient interest. /

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator KIMBRELL explained the amendment.

On motion of Senator KIMBRELL, the amendment was withdrawn.

**Amendment No. 27**

Senator KIMBRELL proposed the following amendment (AM AID TO COUNTY LIBRARIES V.2), which was carried over and subsequently withdrawn:

Amend the bill, as and if amended, Part IB, Section 27, STATE LIBRARY, page 362, proviso 27.1, line 33, by inserting at the end to read:

/ Prior to receiving any of these funds, county libraries must certify to the State Library that their county libraries do not offer any books or materials that could be harmful or that appeal to the prurient interest to

**TUESDAY, APRIL 26, 2022**

children under the age of thirteen and that they do not provide access to these books or materials without a parent or guardian present. /

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator KIMBRELL explained the amendment.

**Point of Order**

Senator HUTTO raised a Point of Order under Rule 24A that the amendment was out of order inasmuch as it was not germane to the Bill.

Senator KIMBRELL spoke on the Point of Order.

The PRESIDENT overruled the Point of Order.

Senator HUTTO spoke on the amendment.

On motion of Senator KIMBRELL, with unanimous consent, the amendment was carried over.

**Amendment No. 16**

Senator MARTIN proposed the following amendment (5150R004.KMM.SRM.DOCX), which was adopted (#14):

Amend the bill, as and if amended, Part IB, Section 38, DEPARTMENT OF SOCIAL SERVICES, page 394, proviso 38.9, by striking lines 28 -30 and inserting:

/38.9. (DSS: TANF - Immunizations Certificates) The department shall require all TANF applicants and/or recipients to provide proof of age appropriate immunizations for children. If such immunizations have not been administered, the department shall assist in referring applicants to appropriate county health departments to obtain the immunizations.

For the purposes of this proviso, COVID-19 vaccinations are not "age appropriate immunizations."/

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator MARTIN explained the amendment.

The amendment was adopted.

**Amendment No. 18**

Senator CAMPSSEN proposed the following amendment (SA\5150C002.JN.SA22.DOCX), which was adopted (#15):

**TUESDAY, APRIL 26, 2022**

Amend the bill, as and if amended, Part IB, Section 47, DEPARTMENT OF NATURAL RESOURCES, page 406, after line 28, by adding an appropriately numbered new proviso to read:

/ (DNR: Blue Crab Fishery) From the funds appropriated to the Department of Natural Resources, the department shall produce a report, no later than January 10, 2023, on sustainability of the blue crab fishery and prepare recommendations for seasons, closed zones, and catch limits. /

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator CAMPSSEN explained the amendment.

The amendment was adopted.

**Amendment No. 25**

Senators HUTTO, STEPHENS, JACKSON, SABB, McLEOD, FANNING, KIMPSON and SENN proposed the following amendment (AM HATE CRIMES UNIT), which was tabled:

Amend the bill, as and if amended, Part IB, Section 59, OFFICE OF THE ATTORNEY GENERAL, page 419, after line 5, by adding an appropriately numbered new proviso to read:

/ (AG: Hate Crimes Unit) (A) From the funds appropriated, the Office of the Attorney General shall establish a Hate Crimes Unit. For the purposes of this provision, a "hate crime" means an offense committed against a victim who was intentionally selected because of the person's belief or perception regarding the victim's race, color, religion, sex, gender, national origin, sexual orientation, physical or mental disability, age, political opinion, or the exercise of a victim's political rights and privileges, whether or not the perception is correct.

(B) This unit shall create and disseminate outreach materials on the topic of hate crimes so law enforcement agencies can better engage with communities; create and make available training materials for law enforcement agencies on how best to identify and respond to crimes that would meet the definition of a hate crime in this provision; be tasked with investigating offenses that meet the definition of a "hate crime"; analyze reported hate crimes in various regions in South Carolina; and assist law enforcement agencies in the investigation of hate crimes.

(C) The department, in conjunction with the South Carolina Law Enforcement Division, sheriffs, and solicitors, shall maintain a database of reported hate crimes. /

Renumber sections to conform.

Amend sections, totals and title to conform.

**TUESDAY, APRIL 26, 2022**

Senator HUTTO explained the amendment.

**Point of Order**

Senator MASSEY raised a Point of Order under Rule 24A that the amendment was out of order inasmuch as it was not germane to the Bill.

Senator HUTTO spoke on the Point of Order.

The PRESIDENT overruled the Point of Order.

Senator HUTTO spoke on the amendment.

Senator MASSEY moved to lay the amendment on the table.

The "ayes" and "nays" were demanded and taken, resulting as follows:

**Ayes 24; Nays 18**

**AYES**

Alexander	Bennett	Campsen
Cash	Climer	Corbin
Cromer	Gambrell	Garrett
Goldfinch	Gustafson	Hembree
<i>Johnson, Michael</i>	Kimbrell	Loftis
Martin	Massey	Peeler
Reichenbach	Rice	Talley
Turner	Verdin	Young

**Total--24**

**NAYS**

Allen	Davis	Fanning
Hutto	Jackson	<i>Johnson, Kevin</i>
Kimpson	Malloy	Matthews
McElveen	McLeod	Sabb
Scott	Senn	Setzler
Shealy	Stephens	Williams

**Total--18**

The amendment was laid on the table.

**TUESDAY, APRIL 26, 2022**

**Amendment No. 28**

Senators SENN and BENNETT proposed the following amendment (SM PREGNANCY CRISIS CENTERS), which was adopted (#16):

Amend the bill, as and if amended, Part IB, Section 118, STATEWIDE REVENUE, page 584, proviso 118.19, line 17, after “*Center*” by inserting:

*/including, Florence Crittenton, /*

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator SENN explained the amendment.

The amendment was adopted.

**Amendment No. 29**

Senator SENN proposed the following amendment (SM FLORENCE CRITTENTON ), which was adopted (#17):

Amend the bill, as and if amended, Part IB, Section 118, STATEWIDE REVENUE, page 584, proviso 118.19, line 22, after “\$250,000” by inserting:

*/Florence Crittenton \$1 /*

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator SENN explained the amendment.

The amendment was adopted.

**Amendment No. 30**

Senator LOFTIS proposed the following amendment (SM SCHOOL IMPACT FEES), which was carried over:

Amend the bill, as and if amended, Part IB, Section 1, DEPARTMENT OF EDUCATION, page 312, after line 8, by adding an appropriately numbered new proviso to read:

*/ (SDE: School Impact Fees) For Fiscal Year 2022-23, there is a moratorium on the collection of school impact fees. /*

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator LOFTIS explained the amendment.



**TUESDAY, APRIL 26, 2022**

On motion of Senator LOFTIS, with unanimous consent, the amendment was carried over.

**Amendment No. 13**

Senator CASH proposed the following amendment (5150R010.KMM.RJC.DOCX), which was ruled out of order:

Amend the bill, as and if amended, Part IB, Section 1A, DEPARTMENT OF EDUCATION - EIA, page 340, after line 5, by adding an appropriately numbered new proviso to read:

/1A. (SED-EIA: Same Sex School Athletic Team Participation)

(A) Interscholastic, intramural, or club athletic teams or sports that are sponsored by a public elementary or public secondary school must be expressly designated as one of the following based on the biological sex at birth of team members:

(a) males, men, or boys;

(b) females, women, or girls; or

(c) coed or mixed, including both males and females.

(2) Athletic teams or sports designated for males, men, or boys shall not be open to students of the female sex, unless no team designated for females in that sport is offered.

(3) Athletic teams or sports designated for females, women, or girls shall not be open to students of the male sex.

(4) For purposes of this subsection, a statement of a student's biological sex on the student's official birth certificate is considered to have correctly stated the student's biological sex at birth if the statement was filed at or near the time of the student's birth.

(5) A private elementary or private secondary school sponsoring an athletic team or sport in which its students or teams compete against a public elementary or public secondary school must also comply with this proviso for the applicable team or sport.

(B)(1) A student who is deprived of an athletic opportunity or suffers any direct or indirect harm as a result of a violation of this proviso has a cause of action for injunctive relief and any other relief available under law against the public elementary or public secondary school.

(2) A student who is subject to retaliation or other adverse action by a public elementary or public secondary school or athletic association or organization as a result of reporting a violation of this proviso to an employee or representative of the a public elementary or public secondary school, or athletic association or organization, or to any state or federal agency with oversight of schools or postsecondary institutions in this State, has a cause of action for injunctive relief and

**TUESDAY, APRIL 26, 2022**

any other relief available under law against the school, institution, or athletic association or organization.

(3) A public elementary or public secondary school that suffers any direct or indirect harm as a result of a violation of this proviso has a cause of action for injunctive relief and any other relief available under law against the governmental entity, licensing or accrediting organization, or athletic association or organization.

(4) A civil action brought under this proviso must be initiated no later than June 30, 2023.

(C) A public elementary or public secondary school that violates this proviso is prohibited from drawing down funds appropriated by this act while the violation continues. /

Amend the bill further, as and if amended, Part IB, Section 11, DEPARTMENT OF EDUCATION - EIA, page 359, after line 26, by adding an appropriately numbered new proviso to read:

/11. . (CHE: Same Sex School Athletic Team Participation) (A)

Intercollegiate, intramural, or club athletic teams or sports that are sponsored by a public college or university must be expressly designated as one of the following based on the biological sex at birth of team members:

(a) males, or men;

(b) females, or women; or

(c) coed or mixed, including both males and females.

(2) Athletic teams or sports designated for males or men shall not be open to students of the female sex, unless no team designated for females in that sport is offered.

(3) Athletic teams or sports designated for females or women shall not be open to students of the male sex.

(4) For purposes of this subsection, a statement of a student's biological sex on the student's official birth certificate is considered to have correctly stated the student's biological sex at birth if the statement was filed at or near the time of the student's birth.

(5) A private college or university sponsoring an athletic team or sport in which its students or teams compete against a public college or university must also comply with this proviso for the applicable team or sport.

(B)(1) A student who is deprived of an athletic opportunity or suffers any direct or indirect harm as a result of a violation of this proviso has a cause of action for injunctive relief and any other relief available under law against the public college and university.

(2) A student who is subject to retaliation or other adverse action by a public college or university or athletic association or organization

**TUESDAY, APRIL 26, 2022**

as a result of reporting a violation of this proviso to an employee or representative of the public college or university, or athletic association or organization, or to any state or federal agency with oversight of public colleges or universities in this State, has a cause of action for injunctive relief and any other relief available under law against the public college or university, or athletic association or organization.

(3) A public college or university that suffers any direct or indirect harm as a result of a violation of this proviso has a cause of action for injunctive relief and any other relief available under law against the governmental entity, licensing or accrediting organization, or athletic association or organization.

(4) A civil action brought under this proviso must be initiated no later than June 30, 2023.

(C) A public college or university that violates this proviso is prohibited from drawing down funds appropriated by this act while the violation continues. /

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator CASH explained the amendment.

#### **Point of Order**

Senator HUTTO raised a Point of Order under Rule 24A that the amendment was out of order inasmuch as it was not germane to the Bill. Senator CASH spoke on the Point of Order.

The PRESIDENT sustained the Point of Order.

The amendment was ruled out of order.

#### **Amendment No. 32**

Senators KIMBRELL and CASH proposed the following amendment (AM AID TO COUNTY LIBRARIES V. 5), which was adopted (#20):

Amend the bill, as and if amended, Part IB, Section 27, STATE LIBRARY, page 362, proviso 27.1, line 33, by inserting at the end to read:

/ Prior to receiving any of these funds, county libraries must certify to the State Library that their county libraries do not offer any books or materials that appeal to the prurient interest of children under the age of thirteen in children's book sections of libraries and are only made available with explicit parental consent. /

Renumber sections to conform.

**TUESDAY, APRIL 26, 2022**

Amend sections, totals and title to conform.

Senator KIMBRELL explained the amendment.

The amendment was adopted.

On motion of Senator KIMBRELL, with unanimous consent, Amendment Nos. 27 and 27A were withdrawn.

**Amendment No. 36**

Senator HUTTO proposed the following amendment (AM ALLENDALE COUNTY), which was adopted (#21):

Amend the bill, as and if amended, Part IB, Section 118, STATEWIDE REVENUE, page 573, proviso 118.19, line 11, by striking /\$4,500,000/ and inserting /\$2,000,000/

Amend the bill further, as and if amended, Part IB, Section 118, STATEWIDE REVENUE, page 573, proviso 118.19, after line 13, by inserting an appropriately lettered subsubitem to read:

/ ( ) Allendale County - Law Enforcement Agency Consolidation and Upgrades \$2,500,000; /

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator HUTTO explained the amendment.

The amendment was adopted.

**Amendment No. 33**

Senator SENN proposed the following amendment (SM ST. CLARE MATERNITY HOME), which was adopted (#22):

Amend the bill, as and if amended, Part IB, Section 118, STATEWIDE REVENUE, page 584, proviso 118.19, line 22, after “\$250,000” by inserting:

/ St. Clare Maternity Home \$1/

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator SENN explained the amendment.

The amendment was adopted.

**TUESDAY, APRIL 26, 2022**

**Amendment No. 35**

Senator LOFTIS proposed the following amendment (SM TRAUMATIC BRAIN INJURY), which was adopted (#23):

Amend the bill, as and if amended, Part IB, Section 118, STATEWIDE REVENUE, page 584, proviso 118.19, line 28, after /\$400,000; by inserting:

/H510 Medical University of South Carolina - Traumatic Brain Injury Research \$1;/

Re-number sections to conform.

Amend sections, totals and title to conform.

Senator LOFTIS explained the amendment.

The amendment was adopted.

**Amendment No. 37**

Senator GUSTAFSON proposed the following amendment (DG\ 5150C018.NBD.DG22.DOCX), which was tabled:

Amend the bill, as and if amended, Part IB, Section 118, STATEWIDE REVENUE, page 584, proviso 118.19, line 3, by striking / Carolina Cup Equipment and Repairs \$250,000 / and inserting

/ Carolina Cup Equipment and Repairs \$875,000 /

Amend the bill further, Part IB, Section 118, STATEWIDE REVENUE, page 581, proviso 118.19, by striking line 3 inserting:

/ (o) Regional Tourism Advertising \$ 3,375,000; /

Re-number sections to conform.

Amend sections, totals and title to conform.

Senator GUSTAFSON explained the amendment.

Senator SETZLER moved to lay the amendment on the table.

The amendment was laid on the table.

**Amendment No. 38**

Senator SENN proposed the following amendment (SM NONRECURRING ITEMS), which was adopted (#24):

Amend the bill, as and if amended, Part IB, Section 118, STATEWIDE REVENUE, page 584, proviso 118.19, line 13, by inserting:

/Morris Island Lighthouse Interior Repairs \$400,000; American Landmark Middleton Place Foundation - Infrastructure Repairs

**TUESDAY, APRIL 26, 2022**

\$75,000; Dorchester Heritage Museum - Capital Fund Drive \$75,000; and American Legion Post 170 \$43,000; /

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator SENN explained the amendment.

The amendment was adopted.

**Amendment No. 31**

Senator FANNING proposed the following amendment (SM STATE AID TO CLASSROOMS), which was tabled:

Amend the bill, as and if amended, Part IB, Section 1, DEPARTMENT OF EDUCATION, page 274, proviso 1.3, by striking the proviso in its entirety and inserting:

/ (SDE: State Aid to Classrooms) To the extent possible within available funds, it is the intent of the General Assembly to provide for one hundred percent of full implementation of the Education Finance Act via an allocation from the State Aid to Classrooms appropriation. The funds appropriated for State Aid to Classrooms shall be allocated as follows: 59.89 percent must be allocated based on the Education Finance Act formula and the differentiated student weightings in this Act; 27.30-percent must be allocated based on the manner of distribution of EFA employer contributions in the prior fiscal year; and 12.81 percent must be allocated to fully implement the State Minimum Teacher Salary Schedule with a minimum starting teacher salary of \$38,500. The department is authorized to adjust the percentage allocation related to EFA employer contributions to accommodate for the disbursement of the state retirement funds and any other related employee allocation sent to districts. For the current fiscal year, the total pupil count is projected to be 761,855. These funds represent an average per pupil of \$4,220 in State Aid to Classrooms. The average per pupil funding is projected to be \$7,629 state, \$1,274 federal, and \$7,859 local. This is an average total funding level of \$16,762 excluding revenues of local bond issues. It is the intent of the General Assembly that the consolidation of the Education Finance Act and Education Finance Act - Employer Contributions appropriations, and the subsequent allocation of the State Aid to Classrooms appropriation back to these categories, should not significantly alter the application of funding formulas or maintenance of effort requirements referencing the Education Finance Act and Education Finance Act - Employer Contributions.

**TUESDAY, APRIL 26, 2022**

The funds allocated from State Aid to Classrooms for implementing the revised State Minimum Teacher Salary Schedule shall be distributed to school districts using the EIA Teacher Salary Supplement methodology. The resulting estimated teacher salary schedule is as follows:

The State Minimum Teacher Salary Schedule for the current fiscal year is as follows:

	CLASS 8 DR DEGREE	CLASS 7 MASTERS DEGREE +30 HRS	CLASS 1 MASTERS DEGREE	CLASS 2 BACHELORS DEGREE +18 HRS	CLASS 3 BACHELORS DEGREE
0	50,576	47,076	43,576	40,076	38,500
	5.20%	5.61%	6.09%	6.65%	6.94%
1	51,093	47,313	43,877	40,338	38,619
	5.14%	5.58%	6.04%	6.61%	6.92%
2	51,424	47,388	44,025	40,494	38,813
	5.11%	5.57%	6.02%	6.58%	6.88%
3	51,736	47,457	44,164	40,607	38,962
	5.08%	5.56%	6.00%	6.56%	6.86%
4	52,078	47,558	44,331	40,780	39,167
	5.04%	5.55%	5.98%	6.53%	6.82%
5	52,370	47,625	44,462	40,888	39,306
	5.01%	5.54%	5.96%	6.51%	6.79%
6	53,634	48,574	45,411	41,773	40,191
	4.89%	5.43%	5.83%	6.37%	6.63%
7	54,900	49,522	46,359	42,627	41,046
	4.77%	5.32%	5.70%	6.23%	6.49%
8	56,165	50,471	47,308	43,512	41,931
	4.66%	5.21%	5.58%	6.10%	6.34%
9	57,430	51,421	48,257	44,366	42,785
	4.55%	5.11%	5.46%	5.97%	6.21%
10	58,696	52,370	49,207	45,253	43,671
	4.45%	5.01%	5.35%	5.85%	6.07%
11	59,960	53,318	50,155	46,106	44,524
	4.35%	4.92%	5.25%	5.73%	5.95%
12	61,226	54,267	51,104	46,992	45,411
	4.26%	4.83%	5.14%	5.62%	5.83%
13	62,491	55,216	52,053	47,846	46,265
	4.17%	4.74%	5.05%	5.51%	5.71%

**TUESDAY, APRIL 26, 2022**

14	63,756	56,165	53,001	48,732	47,150
	4.08%	4.66%	4.95%	5.41%	5.60%
15	65,022	57,114	53,951	49,586	48,004
	4.00%	4.58%	4.86%	5.31%	5.49%
16	66,287	58,063	54,900	50,471	48,890
	3.92%	4.50%	4.77%	5.21%	5.39%
17	67,552	59,011	55,848	51,325	49,744
	3.84%	4.42%	4.69%	5.12%	5.29%
18	68,193	59,567	56,372	51,804	50,206
	3.81%	4.38%	4.64%	5.07%	5.24%
19	68,839	60,128	56,901	52,287	50,673
	3.77%	4.34%	4.60%	5.02%	5.19%
20	69,493	60,694	57,435	52,775	51,146
	3.73%	4.30%	4.55%	4.97%	5.14%
21	70,153	61,265	57,974	53,267	51,621
	3.70%	4.25%	4.51%	4.92%	5.09%
22	70,820	61,843	58,519	53,764	52,103
	3.66%	4.21%	4.46%	4.88%	5.04%
23	71,493	62,427	59,070	54,267	52,589
	3.62%	4.17%	4.42%	4.83%	4.99%

As further used in this act, references to the Education Finance Act or EFA funds shall be interpreted to mean the 59.89-percent of funds appropriated for State Aid to Classrooms and allocated for the Education Finance Act and, where appropriate, the 27.30 percent of State Aid to Classrooms allocated for Education Finance Act Employer Contributions.

For the purpose of maintaining consistency when calculating maintenance of effort, references to the base student cost shall be interpreted as the base student cost resulting from the 59.89-percent of funds appropriated for State Aid to Classrooms and allocated for the Education Finance Act and, where appropriate, the 27.30 percent of State Aid to Classrooms allocated for Education Finance Act Employer Contributions, and other any other items normally included in the base student cost calculation.

For the purpose of maintaining consistency when calculating the Base Student Cost, the base student cost calculation shall include funds from State Aid to Classrooms consisting of the 59.89 % of funds appropriated for State Aid to Classrooms allocated based on the Education Finance Act formula and the 12.81% that are allocated to fully implement the State Minimum Teacher Salary Schedule.

For the current fiscal year the South Carolina Public Charter School District and any institution of higher education sponsoring a public



**TUESDAY, APRIL 26, 2022**

charter school shall receive and distribute state EFA funds to the charter school as determined by one hundred percent of the current years base student cost, as funded by the General Assembly multiplied by the weighted pupils enrolled in the charter school, which must be subject to adjustment for student attendance.

The Revenue and Fiscal Affairs Office, must post in a prominent place on their website for each school district projections, including the per pupil state, federal and local revenues, excluding revenues of local bond issues, for the current fiscal year. Also, as soon as practicable, upon determining the exact numbers regarding pupil count and funding, the Revenue and Fiscal Affairs Office, shall also post on their website the one hundred thirty-five day average daily membership for each school district and per pupil state, federal and local revenues, excluding revenues of local bond issues, based on the most recent audited financial statement as reported annually pursuant to Section 59-17-100. The Department of Education and the Education Oversight Committee shall provide in a prominent place on their internet websites a link to the information posted by the Revenue and Fiscal Affairs Office, including the projected numbers and the exact numbers.

For the current fiscal year, the pupil classification weightings are as follows:

(1)K-12 pupils or base students including homebound students 1.00

Students served in licensed residential treatment facilities (RTFs) for children and adolescents as defined under Section 44-7-130 of the 1976 Code shall receive a weighting of 2.10.

(2)Weights for students with disabilities as prescribed in Section 59-20-40(1)(c) Special Programs

(3)Precareer and Career Technology 1.29

(4)Additional weights for personalized instruction:

(a)Gifted and Talented 0.15

(b) Academic Assistance 0.15

(c) Limited English Proficiency 0.20

(d) Pupils in Poverty 0.20

(e) Dual Credit Enrollment 0.15

No local match is required for the additional weightings for personalized instruction in the current school year. Charter school per pupil calculations for locally sponsored charters will continue to be calculated according to Section 59-40-140 of the 1976 Code. Students may receive multiple weights for personalized instruction; however, within each weight, students should only be counted once. These weights are defined below:

**TUESDAY, APRIL 26, 2022**

Students in poverty are students who qualify for Medicaid, SNAP, TANF, or are homeless, transient, or in foster care.

Gifted and talented students are students who are classified as academically or artistically gifted and talented or who are enrolled in Advanced Placement (AP), International Baccalaureate (IB), and Cambridge International courses in high school. Districts shall set-aside twelve percent of the funds for serving artistically gifted and talented students in grades three through twelve.

Students in need of academic assistance are students who do not meet state standards in mathematics, English language arts, or both on state approved assessments in grades three through eight and high school assessments for grades nine through twelve. The additional weight generates funds needed to provide additional instructional services to these students.

Students with limited English proficiency are students who require intensive English language instruction programs and whose families require specialized parental involvement intervention.

Funds received by a school district pursuant to the dual credit weighting must be used to defray all possible costs of dual credit courses for students. Students identified for dual credit enrollment must be identified in PowerSchool as taking a course that will lead to both high school credit and post-secondary credit. Districts must utilize these funds to offset the cost of tuition, fees, instructors, and instructional materials for qualifying courses with the local technical college or other institution of higher education. Each school district shall report to the department the number of students participating in dual credit courses and specify the cost borne by each entity. School districts must assist students in accessing Lottery Tuition Assistance when applicable.

Further, the Department of Education may use school district student counts for personalized instruction as collected in the same manner as the prior fiscal year, PowerSchool or other available existing data sources as determined by the department to calculate the school district add on weightings for the personalized instruction classifications and the determination of the school districts monetary entitlement. End of year adjustments shall be based on the one hundred thirty-five day student average daily membership for all classifications. During the current fiscal year, the department will update PowerSchool calculations, reports, screen development, documentation, and training to incorporate the new pupil classification weightings and to make final district allocation adjustments by June 30. The department must provide districts with technical assistance with regard to student count changes in PowerSchool.

**TUESDAY, APRIL 26, 2022**

For Fiscal Year 2022-23, prior to making recommendations for changes to any state education funding formula to the General Assembly, Revenue and Fiscal Affairs shall meet with school business officials from a representative sample of school districts in the state including at a minimum one from each of the following categories: 1) districts with an Average Daily Membership of no more than 2,499; 2) districts with an Average Daily Membership of 2,500 - 4,999; 3) districts with an Average Daily Membership of 5,000-9,999; and 4) districts with an Average Daily Membership of 10,000 and higher. RFA shall include any recommendations made regarding reforms to school funding formulae by those business officials in any report made to the General Assembly./

Amend the bill further, as and if amended, Part IB, Section 1, DEPARTMENT OF EDUCATION, page 303, proviso 1.79, by striking the proviso in its entirety, and inserting

/ (SDE-EIA: Teacher Salaries/SE Average) The projected Southeastern average teacher salary shall be the average of the average teachers salaries of the southeastern states as projected by the Revenue and Fiscal Affairs Office. For the current school year the Southeastern average teacher salary is projected to be \$55,898. The General Assembly remains desirous of raising the average teacher salary in South Carolina through incremental increases over the next few years so as to make such equivalent to the national average teacher salary.

Additionally, for the current fiscal year, a local school district board of trustees must increase the salary compensation for all eligible certified teachers employed by the district by no less than one year of experience credit using the district salary schedule utilized the prior fiscal year as the basis for providing the step. Application of this provision must be applied uniformly for all eligible certified teachers. For Fiscal Year 2022-23, the requirement that school districts maintain local salary supplements per teacher no less than their prior fiscal year level is suspended if additional State funds fill the gap.

Funds allocated by Proviso 1.3 for implementing a revised state minimum salary schedule for Teacher Salaries must be used to increase salaries of those teachers eligible pursuant to Section 59-20-50(4)(b), to include classroom teachers, librarians, guidance counselors, psychologists, social workers, occupational and physical therapists, school nurses, orientation/mobility instructors, and audiologists in the school districts of the state by not less than two thousand, five hundred dollars. Districts must use the district salary schedule utilized the prior fiscal year as the basis for providing the increase. /

**TUESDAY, APRIL 26, 2022**

Amend the bill further, as and if amended, Part IB, Section 1A, DEPARTMENT OF EDUCATION-EIA, page 326, proviso 1A.36, by striking the proviso in its entirety, and inserting

/ (SDE-EIA: Teacher Salaries/SE Average) The projected Southeastern average teacher salary shall be the average of the average teachers salaries of the southeastern states as projected by the Revenue and Fiscal Affairs Office. For the current school year the Southeastern average teacher salary is projected to be \$55,898. The General Assembly remains desirous of raising the average teacher salary in South Carolina through incremental increases over the next few years so as to make such equivalent to the national average teacher salary.

Additionally, for the current fiscal year, a local school district board of trustees must increase the salary compensation for all eligible certified teachers employed by the district by no less than one year of experience credit using the district salary schedule utilized the prior fiscal year as the basis for providing the step. Application of this provision must be applied uniformly for all eligible certified teachers. For Fiscal Year 2022-23, the requirement that school districts maintain local salary supplements per teacher no less than their prior fiscal year level is suspended if additional State funds fill the gap.

Funds allocated by Proviso 1.3 for implementing a revised state minimum salary schedule for Teacher Salaries must be used to increase salaries of those teachers eligible pursuant to Section 59-20-50(4)(b), to include classroom teachers, librarians, guidance counselors, psychologists, social workers, occupational and physical therapists, school nurses, orientation/mobility instructors, and audiologists in the school districts of the state by not less than two thousand, five hundred dollars. Districts must use the district salary schedule utilized the prior fiscal year as the basis for providing the increase. /

Re-number sections to conform.

Amend sections, totals and title to conform.

Senator FANNING explained the amendment.

Senator BENNETT moved to lay the amendment on the table.

The "ayes" and "nays" were demanded and taken, resulting as follows:

**Ayes 26; Nays 13**

**AYES**

Alexander  
Cash

Bennett  
Climer

Campsen  
Cromer

**TUESDAY, APRIL 26, 2022**

Davis	Gambrell	Garrett
Goldfinch	Grooms	Gustafson
Hembree	<i>Johnson, Michael</i>	Kimbrell
Peeler	Reichenbach	Rice
Senn	Setzler	Shealy
Talley	Turner	Verdin
Williams	Young	

**Total--26**

**NAYS**

Allen	Corbin	Fanning
Hutto	Jackson	Kimpson
Loftis	Malloy	Matthews
McLeod	Sabb	Scott
Stephens		

**Total--13**

The amendment was laid on the table.

**Amendment No. 40**

Senator BENNETT proposed the following amendment (AM TEACHER SALARIES), which was adopted (#25):

Amend the bill, as and if amended, Part IB, Section 1, DEPARTMENT OF EDUCATION, page 304, proviso 1.79, line 3, by striking: / if additional State funds fill the gap /

Amend the bill further, as and if amended, Part IB, Section 1A, DEPARTMENT OF EDUCATION - EIA, page 326, proviso 1A.36, line 10, by striking:/ if additional State funds fill the gap /

Re-number sections to conform.

Amend sections, totals and title to conform.

Senator BENNETT explained the amendment.

The amendment was adopted.

On motion of Senator LOFTIS, with unanimous consent, Amendment No. 30 was withdrawn.

**TUESDAY, APRIL 26, 2022**

**Amendment No. 39**

Senator LOFTIS proposed the following amendment (SM SCHOOL IMPACT FEES V.2), which was ruled out of order:

Amend the bill, as and if amended, Part IB, Section 1, DEPARTMENT OF EDUCATION, page 312, after line 8, by adding an appropriately numbered new proviso to read:

/ (SDE: School Impact Fees) For any school impact fee implemented on or after July 1, 2022, there is a moratorium for the year 2022-2023 on the collection of school impact fees. /

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator LOFTIS explained the amendment.

**Point of Order**

Senator M. JOHNSON raised a Point of Order under Rule 24A that the amendment was out of order inasmuch as it was not germane to the Bill.

Senator MARTIN spoke on the Point of Order.

The PRESIDENT sustained the Point of Order.

The amendment was ruled out of order.

**Point of Order**

Senator M. JOHNSON raised a Point of Order under Rule 24A that Proviso 117.95 of Part 1B was out of order inasmuch as it was not germane to the Bill.

**117.95.** (GP: School Construction Development Impact Fee Assessment Prohibition) Governmental entities are prohibited from assessing South Carolina Development Impact Fees on the construction of new elementary, middle, or secondary schools. If a governmental entity violates this prohibition it shall have its Aid to Subdivisions Allocation reduced by the amount of the impact fee.

Senator MALLOY spoke on the Point of Order.

The PRESIDENT sustained the Point of Order.

Proviso 117.95 was ruled out of order.

**Amendment No. 34**

Senator HARPOOTLIAN proposed the following amendment (SM COLUMBIA CONVENTION CENTER), which was adopted (#26):

**TUESDAY, APRIL 26, 2022**

Amend the bill, as and if amended, Part IB, Section 49, DEPARTMENT OF PARKS, RECREATION AND TOURISM, page 409, proviso 49.20, line 26, by striking /redirected/ and inserting /transferred to the Department of Agriculture/

Re-number sections to conform.

Amend sections, totals and title to conform.

Senator McELVEEN explained the amendment.

The amendment was adopted.

**Amendment No. 41**

Senators GOLDFINCH, HEMBREE and RANKIN proposed the following amendment (SA\5150C022.JN.SA22.DOCX):

Amend the bill, as and if amended, Part IB, Section 118, STATEWIDE REVENUE, page 583, line 12, by striking proviso 118.19(B)(74) and inserting:

<u>/ (74)U120 Department of Transportation</u>	
<u>(a) Rural Interstate Funding</u>	<u>\$48,281,000;</u>
<u>(b) Southern Segment Construction I-73</u>	<u>\$350,000,000;</u>
<u>(c) Permanent Improvement Enhancements</u>	<u>\$5,000,000;</u>
<u>(d) Permanent Improvement Operational and Safety Improvement</u>	<u>\$5,000,000;</u>
<u>(e) Permanent Improvement Rehabilitation</u>	<u>\$5,000,000;</u>
<u>(f) Permanent Improvement Bridges</u>	<u>\$5,000,000;</u>
<u>(g) Permanent Improvement Widening and New Locations</u>	<u>\$50,000,000;</u>
<u>(h) Other Operating Expenses</u>	<u>\$5,000,000; /</u>

Amend the bill further, Part IB, Section 118, STATEWIDE REVENUE, page 583, by striking line 16 and inserting:

<u>/ CTC Acceleration Fund</u>	<u>\$550,000,000;</u>
--------------------------------	-----------------------

Amend the bill further, Part IB, Section 118, STATEWIDE REVENUE, page 571, line 28, by deleting proviso 118.19(B)(1).

Re-number sections to conform.

Amend sections, totals and title to conform.

**Motion Adopted**

On motion of Senator PEELER, with Senator GOLDFINCH retaining the floor on Amendment No. 41, the Senate agreed to stand adjourned to meet tomorrow, Wednesday, April 27, 2022, at 10:00 A.M.

**TUESDAY, APRIL 26, 2022**

**MOTION ADOPTED**

On motion of Senator WILLIAMS, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mrs. Sylvia Carolyn Scott Griffin of Dillon, S.C. Sylvia was a graduate of Dillon High School and Francis Marion University. She worked for 20 years with the Dillon County Welfare Department and 20 years as an American history, government and economics teacher. Sylvia was a lifelong member of First Baptist Church of Dillon where she served in many capacities over the years. She was a member of the Junior Charity League, Business and Professional Women's Club, Dillon Historical Society and vice president of the Dillon County Democratic Party to mention a few. Sylvia was a loving mother and devoted friend who will be dearly missed.

and

**MOTION ADOPTED**

On motion of Senator JACKSON, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mr. Henry Minis of Columbia, S.C. Henry was a beloved member of the Senate family who worked for nine years with the custodial team. Henry was a kind, gentle and hardworking man. He enjoyed riding his bicycle, searching for treasures at yard sales, fishing and spending time with his family. Henry was a loving husband, devoted father and doting grandfather who will be dearly missed.

**ADJOURNMENT**

At 7:23 P.M., on motion of Senator MASSEY, the Senate adjourned to meet tomorrow at 10:00 A.M.

\* \* \*



**TUESDAY, APRIL 26, 2022**  
**SENATE JOURNAL INDEX**

Amendment No. 1.....	25	Amendment No. 30.....	48
Amendment No. 2.....	43	Amendment No. 31.....	54
Amendment No. 3.....	44	Amendment No. 32.....	51
Amendment No. 4.....	37	Amendment No. 33.....	52
Amendment No. 5.....	26	Amendment No. 34.....	62
Amendment No. 6.....	36	Amendment No. 35.....	52
Amendment No. 7.....	12	Amendment No. 36.....	52
Amendment No. 8.....	37	Amendment No. 37.....	53
Amendment No. 9.....	30	Amendment No. 38.....	53
Amendment No. 10.....	32	Amendment No. 39.....	61
Amendment No. 11.....	41	Amendment No. 40.....	61
Amendment No. 12.....	33	Amendment No. 41.....	63
Amendment No. 13.....	48	S. 1283 .....	4
Amendment No. 14.....	29	S. 1284 .....	4
Amendment No. 15.....	28	S. 1285 .....	4
Amendment No. 16.....	45	S. 1286 .....	5
Amendment No. 17.....	37	S. 1287 .....	5
Amendment No. 18.....	45	S. 1288 .....	5
Amendment No. 19.....	42	S. 1289 .....	5
Amendment No. 20.....	38	S. 1290 .....	6
Amendment No. 21.....	38		
Amendment No. 22.....	34	H. 4220 .....	7
Amendment No. 23.....	42	H. 4597 .....	8
Amendment No. 24.....	39	H. 4983 .....	8
Amendment No. 25.....	46	H. 4986 .....	9
Amendment No. 26.....	39	H. 5150 .....	10, 11
Amendment No. 27.....	44	H. 5182 .....	6
Amendment No. 28.....	47	H. 5270 .....	6
Amendment No. 29.....	48		