

SOUTH CAROLINA STATE REGISTER DISCLAIMER

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SOUTH CAROLINA STATE REGISTER

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of the
GENERAL ASSEMBLY

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This issue contains notices, proposed regulations, emergency regulations, final form regulations, and other documents filed in the Office of the Legislative Council, pursuant to Article 1, Chapter 23, Title 1, Code of Laws of South Carolina, 1976.

SOUTH CAROLINA STATE REGISTER

An official state publication, the *South Carolina State Register* is a temporary update to South Carolina's official compilation of agency regulations--the *South Carolina Code of Regulations*. Changes in regulations, whether by adoption, amendment, repeal or emergency action must be published in the *State Register* pursuant to the provisions of the Administrative Procedures Act. The *State Register* also publishes the Governor's Executive Orders, notices or public hearings and meetings, and other documents issued by state agencies considered to be in the public interest. All documents published in the *State Register* are drafted by state agencies and are published as submitted. Publication of any material in the *State Register* is the official notice of such information.

STYLE AND FORMAT

Documents are arranged within each issue of the *State Register* according to the type of document filed:

Notices are documents considered by the agency to have general public interest.

Notices of Drafting Regulations give interested persons the opportunity to comment during the initial drafting period before regulations are submitted as proposed.

Proposed Regulations are those regulations pending permanent adoption by an agency.

Pending Regulations Submitted to the General Assembly are regulations adopted by the agency pending approval by the General Assembly.

Final Regulations have been permanently adopted by the agency and approved by the General Assembly.

Emergency Regulations have been adopted on an emergency basis by the agency.

Executive Orders are actions issued and taken by the Governor.

2019 PUBLICATION SCHEDULE

Documents will be accepted for filing on any normal business day from 8:30 A.M. until 5:00 P.M. All documents must be submitted in the format prescribed in the *Standards Manual for Drafting and Filing Regulations*.

To be included for publication in the next issue of the *State Register*, documents will be accepted no later than 5:00 P.M. on any closing date. The modification or withdrawal of documents filed for publication must be made **by 5:00 P.M.** on the closing date for that issue.

	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.
Submission Deadline	1/11	2/8	3/8	4/12	5/10	6/14	7/12	8/9	9/13	10/11	11/8	12/13
Publishing Date	1/25	2/22	3/22	4/26	5/24	6/28	7/26	8/23	9/27	10/25	11/22	12/27

REPRODUCING OFFICIAL DOCUMENTS

Documents appearing in the *State Register* are prepared and printed at public expense. Media services are encouraged to give wide publicity to documents printed in the *State Register*.

PUBLIC INSPECTION OF DOCUMENTS

Documents filed with the Office of the State Register are available for public inspection during normal office hours, 8:30 A.M. to 5:00 P.M., Monday through Friday. The Office of the State Register is in the Legislative Council, Fourth Floor, Rembert C. Dennis Building, 1000 Assembly Street, in Columbia. Telephone inquiries concerning material in the *State Register* or the *South Carolina Code of Regulations* may be made by calling (803) 212-4500.

ADOPTION, AMENDMENT AND REPEAL OF REGULATIONS

To adopt, amend or repeal a regulation, an agency must publish in the *State Register* a Notice of Drafting; a Notice of the Proposed Regulation that contains an estimate of the proposed action's economic impact; and, a notice that gives the public an opportunity to comment on the proposal. If requested by twenty-five persons, a public hearing must be held at least thirty days after the date of publication of the notice in the *State Register*.

After the date of hearing, the regulation must be submitted to the General Assembly for approval. The General Assembly has one hundred twenty days to consider the regulation. If no legislation is introduced to disapprove or enacted to approve before the expiration of the one-hundred-twenty-day review period, the regulation is approved on the one hundred twentieth day and is effective upon publication in the *State Register*.

EMERGENCY REGULATIONS

An emergency regulation may be promulgated by an agency if the agency finds imminent peril to public health, safety or welfare. Emergency regulations are effective upon filing for a ninety-day period. If the original filing began and expired during the legislative interim, the regulation can be renewed once.

REGULATIONS PROMULGATED TO COMPLY WITH FEDERAL LAW

Regulations promulgated to comply with federal law are exempt from General Assembly review. Following the notice of proposed regulation and hearing, regulations are submitted to the *State Register* and are effective upon publication.

EFFECTIVE DATE OF REGULATIONS

Final Regulations take effect on the date of publication in the *State Register* unless otherwise noted within the text of the regulation.

Emergency Regulations take effect upon filing with the Legislative Council and remain effective for ninety days. If the original ninety-day period begins and expires during legislative interim, the regulation may be refiled for one additional ninety-day period.

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REGULATIONS SUBMITTED TO GENERAL ASSEMBLY 1

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4809			Standards for Licensing Crisis Stabilization Unit Facilities	5/08/19	Department of Health and Envir Control
4834			Seasons, Limits, Methods of Take and Special Use		
			Restrictions on Wildlife Management Areas	5/08/19	Department of Natural Resources
4839			Transportation Project Prioritization	5/08/19	Department of Transportation
4812			Withdrawal of Certification of Law Enforcement Officers	5/08/19	South Carolina Criminal Justice Academy
4813			Denial of Certification for Misconduct	5/08/19	South Carolina Criminal Justice Academy
4835			Annual Audited Financial Reporting Regulation	5/08/19	Department of Insurance
4836			Corporate Governance Annual Disclosure Regulation	5/08/19	Department of Insurance
4828			Notices to be Posted	5/08/19	South Carolina Human Affairs Commission
4829			Guidelines Established	5/08/19	South Carolina Human Affairs Commission
4830			Hearing Procedures (Review and Enforcement)	5/08/19	South Carolina Human Affairs Commission
4838			Requirements for State Water Pollution Control Revolving Fund Loan Assistance	5/08/19	Department of Health and Envir Control
4837			South Carolina Immunization Registry	5/08/19	Department of Health and Envir Control
4832			Accounting and Reporting	5/08/19	State Board of Education
4831			School Resource Officers	5/08/19	State Board of Education
4841			Hazardous Waste Management Regulations	5/08/19	Department of Health and Envir Control
4833			Operation of Public Pupil Transportation Services	5/08/19	State Board of Education
4842			Retail Food Establishments; and Retail Food Establishment Inspection Fees	5/08/19	Department of Health and Envir Control
4848			Contractor's Licensing Board	5/08/19	LLR-Contractor's Licensing Board
4847			International Building Code	5/08/19	LLR-Building Codes Council
4851			Licensure by Registration; and Licensure by Endorsement	5/08/19	LLR- Panel for Dietetics
4850			Board of Examiners for Licensure of Professional Counselors, Marriage and Family Therapists, Addiction Counselors, and Psycho-Educational Specialists	5/08/19	LLR-Board of Examiners for Licensure of Professional Counselors, Marriage and Family Therapists, Addiction Counselors, and Psycho-Educational Specialists
4844			Long Term Health Care Administrators Board	5/08/19	LLR
4852			Board of Long Term Health Care Administrators	5/08/19	LLR-Board of Long Term Health Care Administrators
4853			Requirements to Take Step 3 of the United States Medical Licensing Examination	5/08/19	LLR- Board of Medical Examiners
4854			Reactivation of Inactive or Lapsed Licenses; and Code of Ethics	5/08/19	LLR-Board of Occupational Therapy
4824			Manufactured Home Installation Requirements	5/08/19	LLR-Manufactured Housing Board
4855			Licensure Requirements; Continuing Education; and Licensure By Endorsement	5/08/19	LLR-Board of Examiners in Optometry
4822			Administrative Citations and Penalties	5/08/19	LLR-Board of Pharmacy
4856			Amend Regulations to Conform to Requirements Established by 2018 Act 226, Physical Therapy Licensure Compact	5/08/19	LLR-Board of Physical Therapy Examiners
4821			Real Estate Commission	5/08/19	LLR
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4811			Employee's Revocable Authorization of a Deduction of Earnings	5/08/19	Department of Consumer Affairs
4862			Board of Examiners for Licensure of Professional Counselors and Marital and Family Therapists	5/08/19	LLR
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4868			International Residential Code	5/08/19	LLR-Building Codes Council
4867			National Electrical Code	5/08/19	LLR-Building Codes Council
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4861			Consolidated Procurement Code	5/08/19	State Fiscal Accountability Authority
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4857			Education and Experience Requirements for Licensure; and Minor Corrections	5/08/19	LLR-Real Estate Appraisers Board
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4819			Medical Homebound Instruction	5/08/19	State Board of Education
4846			Auctioneers' Commission (Repeal Specific Regulations)	5/08/19	LLR-Auctioneers' Commission

2 REGULATIONS SUBMITTED TO GENERAL ASSEMBLY

4859	Veterinary Medicine and Animal Shelters	5/08/19	LLR-Board of Veterinary Medical Examiners
Committee Request Withdrawal			
4843	Board of Physical Therapy Examiners	Tolled	LLR
Permanently Withdrawn			
4820	Auctioneers' Commission		LLR

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In order by General Assembly review expiration date
The history, status, and full text of these regulations are available on the
South Carolina General Assembly Home Page: <http://www.scstatehouse.gov/regnsrch.php>

DOC. No.	SUBJECT	HOUSE COMMITTEE	SENATE COMMITTEE
4809	Standards for Licensing Crisis Stabilization Unit Facilities	Regulations and Admin. Procedures	Medical Affairs
4834	Seasons, Limits, Methods of Take and Special Use Restrictions on Wildlife Management Areas	Regulations and Admin. Procedures	Fish, Game and Forestry
4839	Transportation Project Prioritization	Regulations and Admin. Procedures	Transportation
4812	Withdrawal of Certification of Law Enforcement	Regulations and Admin. Procedures	Judiciary
4813	Denial of Certification for Misconduct	Regulations and Admin. Procedures	Judiciary
4835	Annual Audited Financial Reporting Regulation	Regulations and Admin. Procedures	Banking and Insurance
4836	Corporate Governance Annual Disclosure Regulation	Regulations and Admin. Procedures	Banking and Insurance
4828	Notices to be Posted	Regulations and Admin. Procedures	Judiciary
4829	Guidelines Established	Regulations and Admin. Procedures	Judiciary
4830	Hearing Procedures (Review and Enforcement)	Regulations and Admin. Procedures	Judiciary
4838	Requirements for State Water Pollution Control Revolving Fund Loan Assistance	Regulations and Admin. Procedures	Agriculture and Natural Resources
4837	South Carolina Immunization Registry	Regulations and Admin. Procedures	Medical Affairs
4832	Accounting and Reporting	Regulations and Admin. Procedures	Education
4831	School Resource Officers	Regulations and Admin. Procedures	Education
4841	Hazardous Waste Management Regulations	Regulations and Admin. Procedures	Medical Affairs
4833	Operation of Public Pupil Transportation Services	Regulations and Admin. Procedures	Education
4842	Retail Food Establishments; and Retail Food Establishment Inspection Fees	Regulations and Admin. Procedures	Medical Affairs
4848	Contractor's Licensing Board	Regulations and Admin. Procedures	Labor, Commerce and Industry
4847	International Building Code	Regulations and Admin. Procedures	Labor, Commerce and Industry
4851	Licensure by Registration; and Licensure by Endorsement	Regulations and Admin. Procedures	Labor, Commerce and Industry
4850	Board of Examiners for Licensure of Professional Counselors, Marriage and Family Therapists, Addiction Counselors, and Psycho-Educational Specialists	Regulations and Admin. Procedures	Labor, Commerce and Industry
4844	Long Term Health Care Administrators Board	Regulations and Admin. Procedures	Medical Affairs
4852	Board of Long Term Health Care Administrators	Regulations and Admin. Procedures	Medical Affairs
4853	Requirements to Take Step 3 of the United States Medical Licensing Examination	Regulations and Admin. Procedures	Medical Affairs
4854	Reactivation of Inactive or Lapsed Licenses; and Code of Ethics	Regulations and Admin. Procedures	Medical Affairs
4824	Manufactured Home Installation Requirements	Regulations and Admin. Procedures	Labor, Commerce and Industry
4855	Licensure Requirements; Continuing Education; and Licensure By Endorsement	Regulations and Admin. Procedures	Medical Affairs
4822	Administrative Citations and Penalties	Regulations and Admin. Procedures	Medical Affairs
4856	Amend Regulations to Conform to Requirements Established by 2018 Act 226, Physical Therapy Licensure Compact	Regulations and Admin. Procedures	Medical Affairs
4821	Real Estate Commission	Regulations and Admin. Procedures	Labor, Commerce and Industry
4858	General Licensing Provisions; Speech-Language Pathology Assistants; and Continuing Education	Regulations and Admin. Procedures	Medical Affairs
4811	Employee's Revocable Authorization of a Deduction of Earnings	Regulations and Admin. Procedures	Banking and Insurance
4862	Board of Examiners for Licensure of Professional Counselors and Marital and Family Therapists	Regulations and Admin. Procedures	Labor, Commerce and Industry
4863	Code of Ethics	Regulations and Admin. Procedures	Labor, Commerce and Industry
4864	Continuing Education Advisory Committee	Regulations and Admin. Procedures	Labor, Commerce and Industry
4869	International Mechanical Code	Regulations and Admin. Procedures	Labor, Commerce and Industry
4868	International Residential Code	Regulations and Admin. Procedures	Labor, Commerce and Industry
4867	National Electrical Code	Regulations and Admin. Procedures	Labor, Commerce and Industry
4865	International Fire Code	Regulations and Admin. Procedures	Labor, Commerce and Industry
4866	International Fuel Gas Code	Regulations and Admin. Procedures	Labor, Commerce and Industry
4860	Additional Regulations Applicable to Specific Properties	Regulations and Admin. Procedures	Fish, Game and Forestry
4861	Consolidated Procurement Code	Regulations and Admin. Procedures	Finance
4849	Surety Bond Claims	Regulations and Admin. Procedures	Labor, Commerce and Industry
4857	Education and Experience Requirements for Licensure; and Minor Corrections	Regulations and Admin. Procedures	Labor, Commerce and Industry
4816	Palmetto Fellows Scholarship Program	Regulations and Admin. Procedures	Education
4819	Medical Homebound Instruction	Regulations and Admin. Procedures	Education
4846	Auctioneers' Commission (Repeal Specific Regulations)	Regulations and Admin. Procedures	Labor, Commerce and Industry
4859	Veterinary Medicine and Animal Shelters	Regulations and Admin. Procedures	Agriculture and Natural Resources
Committee Request Withdrawal			
4843	Board of Physical Therapy Examiners	Regulations and Admin. Procedures	Medical Affairs
Permanently Withdrawn			
4820	Auctioneers' Commission	Regulations and Admin. Procedures	Labor, Commerce and Industry

4 EXECUTIVE ORDERS

Executive Order No. 2019-02

WHEREAS, I have been notified of the passing of T. Moffatt Burriss, Sr.; and

WHEREAS, T. Moffatt Burriss, Sr. dutifully served the State of South Carolina as an educator, a member of the South Carolina House of Representatives, and a member of various boards and commissions, including the South Carolina Lottery Commission; and

WHEREAS, prior to his distinguished and patriotic public service, T. Moffatt Burriss, Sr. served honorably and heroically in the United States Army, including extensive combat duty in World War II; and

WHEREAS, having volunteered for paratrooper training school after his graduation from Clemson College and the attack on Pearl Harbor, T. Moffatt Burriss, Sr. served as a company commander in the United States Army's 82nd Airborne Division and was involved in most major battles in the European Theater during World War II, including Operation Market Garden in the Netherlands, where his company was the lead company in the famous Waal River Crossing and the capture of the Nijmegen Bridge; and

WHEREAS, in recognition of his extraordinary bravery and courageous military service during World War II, T. Moffatt Burriss, Sr. received numerous decorations and awards, including the Silver Star, three Bronze Stars, the Combat "V" for valor, the Purple Heart, three Presidential Unit Citations, the French Fourragere, the Belgium Fourragere, and the Dutch Lanyard; and

WHEREAS, T. Moffatt Burriss, Sr. was a remarkable individual, devoted father and family man, decorated World War II veteran, dedicated public servant, accomplished businessman, and principled leader who will forever serve as an inspiration to all South Carolinians, and his passing warrants the people of this State further recognizing and appropriately honoring his extraordinary legacy and lifetime of distinguished and patriotic service to the State of South Carolina and the United States of America; and

WHEREAS, section 10-1-161(E) of the South Carolina Code of Laws, as amended, authorizes the Governor to order that the flags atop the State Capitol Building be lowered to half-staff at a designated time or for a designated period of time upon the death of a person of extraordinary stature.

NOW, THEREFORE, by virtue of the authority vested in me as Governor of the State of South Carolina and pursuant to the Constitution and Laws of this State and of these United States and the powers conferred upon me therein, I hereby Order that the flags atop the State Capitol Building be lowered to half-staff from sunrise until sunset on Sunday, January 13, 2019, in honor of T. Moffatt Burriss, Sr. and in recognition of his extraordinary legacy and lifetime of distinguished and patriotic service to the State of South Carolina and the United States of America. This Order is effective immediately.

**GIVEN UNDER MY HAND AND THE GREAT
SEAL OF THE STATE OF SOUTH CAROLINA,
THIS 11th DAY OF JANUARY, 2019.**

HENRY MCMASTER
Governor

Executive Order No. 2019-03

WHEREAS, the Governor of North Carolina has declared that an emergency exists in the State of North Carolina due to the impact of a severe winter storm, which threatens the health, safety, and welfare of the people of North Carolina and has disrupted essential utility services; and

WHEREAS, the uninterrupted supply of electricity, fuel oil, diesel oil, gasoline, kerosene, propane, liquid petroleum gas, food, water, medicine and medical supplies, livestock and poultry, feed for livestock and poultry, and other agricultural products to residential and commercial establishments is essential before, during, and after the storm, and any interruption in the availability, transportation, or delivery of such commodities and materials does and would threaten the public welfare; and

WHEREAS, the prompt restoration of utility services is essential to the safety and well-being of the people of North Carolina and neighboring states; and

WHEREAS, the Governor of North Carolina has declared that the anticipated winter weather poses an imminent threat of severe economic loss and other dangers to livestock, poultry, or crops ready to be harvested in North Carolina, which may necessitate transportation of the same; and

WHEREAS, federal law limits the hours operators of commercial motor vehicles may drive vehicles transporting materials as stated above pursuant to 49 C.F.R. §§ 390 *et seq.* and establishes certain weight limitations for vehicles on interstate highways pursuant to 23 U.S.C. § 127; and

WHEREAS, the Governor of a State may suspend certain requirements relating to registration, permitting, length, width, weight, load, and hours of service for commercial vehicles responding to an emergency if the Governor declares a state of emergency pursuant to 23 U.S.C. § 127, 49 C.F.R. § 390.23; and

WHEREAS, by Executive Order dated January 13, 2019, the Governor of North Carolina has done so, declaring that a state of emergency exists and suspending requirements related to registration, permitting, length, width, weight, load, and hours of service for certain commercial vehicles; and

WHEREAS, whenever a state of emergency is declared in North Carolina that triggers relief under 49 C.F.R. § 390.23, an emergency must be declared in this State pursuant to section 56-5-70(B) of the South Carolina Code of Laws.

NOW, THEREFORE, by virtue of the authority vested in me as Governor of the State of South Carolina and pursuant to the Constitution and Laws of this State and the powers conferred upon me therein, due to the existing emergency in the State of North Carolina, I hereby suspend the federal rules and regulations that restrict certain registration, permitting, length, width, weight, load, and hours of service requirements as fully set forth below in order to ensure the uninterrupted supply of (1) transportation of essential fuels (to include fuel oil, diesel oil, gasoline, kerosene, propane, liquid petroleum, and gas), food, water, medical supplies, and feed for livestock and poultry; (2) vehicles transporting livestock and poultry and crops (to include timber and wood chips) ready to be harvested; and (3) vehicles used in the restoration of utility services and debris removal. This suspension is valid for vehicles responding to the North Carolina emergency. Also, because we share borders and have fuel supply stations, distribution centers, etc., in both states, this suspension is also valid for vehicles coming to South Carolina to provide fuel, essential materials (food, water, etc.), and utility services that are traversing from a distributor or fuel supply station in North Carolina requiring the transportation over North Carolina roads to South Carolina. This reciprocity is needed to ensure essential services continue throughout both states despite emergency road conditions.

6 EXECUTIVE ORDERS

Accordingly, I direct the South Carolina Department of Transportation, the South Carolina Department of Public Safety, and the State Transport Police, as needed, to suspend application and enforcement of federal rules and regulations that restrict certain registration, permitting, length, width, weight, load, and hours of service requirements, in conjunction with S.C. Code Ann. §§ 56-5-4010 *et seq.*, which establish size, weight, and load requirements for South Carolina highways, as set forth below to comply with this Order.

IT IS FURTHER ORDERED that although the federal rules and regulations that restrict registration, permitting length, width, and load requirements are waived, drivers in South Carolina are subject to the following state requirements to ensure safety on the roads:

(a) Weight, height, length, and width for any such vehicle on roadways maintained by the State of South Carolina shall not exceed for continuous travel on all non-interstates, United States, and South Carolina designated routes maximum dimensions of 12' wide, 13'6" high and weights of 90,000 pounds.

(b) Posted bridges may not be crossed.

(c) All vehicles shall be operated in a safe manner, shall not damage the highways nor unduly interfere with highway traffic, shall maintain the required limits of insurance, and shall provide appropriate documentation indicating it is responding to this emergency.

(d) Any dimensions and/or weight of vehicles that exceed the above must obtain a permit with defined routes from the South Carolina Department of Transportation Oversized/Overweight Permit Office. To order a permit, please call (803) 737-6769 during normal business hours, 8:30 a.m. – 5:00 p.m., or (803) 206-9566 after regular business hours.

(e) Transporters are responsible for ensuring they have oversize signs, markings, flags, and escorts as required by the South Carolina Code of Laws relating to oversize/overweight loads operating on South Carolina roadways.

FURTHER, this emergency justifies an extension of the suspension of 49 C.F.R. Part 395 (drivers' hour of service). However, nothing herein shall be construed as an exemption from the Commercial Driver's License requirements in 49 C.F.R. § 383 or the financial requirements in 49 C.F.R. § 387.

FURTHER, the Executive Order issued by the Governor of North Carolina on January 13, 2019, provides that it shall be in effect for thirty (30) days, or until the state of emergency ceases, whichever is less. Accordingly, this Order shall take effect immediately and shall expire when the state of emergency in the State of North Carolina is terminated or on February 12, 2019, at 11:59 p.m., whichever is less, in accordance with section 56-5-70 of the South Carolina Code of Laws.

GIVEN UNDER MY HAND AND THE GREAT SEAL OF THE STATE OF SOUTH CAROLINA, THIS 14th DAY OF JANUARY, 2019.

HENRY MCMASTER
Governor

Executive Order No. 2019-04

WHEREAS, in accordance with Act 104 of 2017, the Board of Voter Registration and Elections of Pickens County (“County Board of Elections”) held an election on November 6, 2018, for the office and seat representing District 7 on the Board of Trustees of the School District of Pickens County (“Seat 7”); and

WHEREAS, on November 19, 2018, the County Board of Elections, in its capacity as the Pickens County Board of Canvassers (“County Board of Canvassers”), conducted a hearing to consider and decide a protest filed by the unsuccessful candidate in the November 6, 2018 election for Seat 7 challenging the results of the same due to voting irregularities and requesting a new election for Seat 7; and

WHEREAS, on November 20, 2018, the County Board of Canvassers issued a unanimous decision upholding and granting the aforementioned protest and referring the matter “to the State officials for further action as is appropriate, to include the scheduling of a new election for Seat 7”; and

WHEREAS, on December 10, 2018, the State Election Commission, in its capacity as the State Board of Canvassers, issued a unanimous decision denying an appeal filed by the successful candidate in the November 6, 2018 election and affirming the decision of the County Board of Canvassers to overturn the November 6, 2018 election for Seat 7; and

WHEREAS, the time period prescribed by section 7-17-250 of the South Carolina Code of Laws, as amended, for appealing the decision of the State Board of Canvassers has expired, and the County Board of Elections, upon consultation with the State Election Commission, has requested that a new election for Seat 7 be held on March 26, 2019; and

WHEREAS, section 7-13-1170 of the South Carolina Code of Laws, as amended, provides as follows: “When any election official of any political subdivision of this State charged with ordering, providing for, or holding an election has neglected, failed, or refused to order, provide for, or hold the election at the time appointed, or if for any reason the election is declared void by competent authority, and these facts are made to appear to the satisfaction of the Governor, he shall, should the law not otherwise provide for this contingency, order an election or a new election to be held at the time and place, and upon the notice being given which to him appears adequate to insure the will of the electorate being fairly expressed. To that end, he may designate the existing election official or other person as he may appoint to perform the necessary official duties pertaining to the election and to declare the result.”

NOW, THEREFORE, by virtue of the authority vested in me as Governor of the State of South Carolina and pursuant to the Constitution and Laws of this State and the powers conferred upon me therein, I hereby Order that a new election for Seat 7 be held on March 26, 2019. Pursuant to section 7-13-1170 of the South Carolina Code of Laws, as amended, I designate and appoint the County Board of Elections to perform the necessary official duties pertaining to the new election for Seat 7, in accordance with the applicable constitutional and statutory provisions, and to declare the results thereof. This Order is effective immediately.

GIVEN UNDER MY HAND AND THE GREAT SEAL OF THE STATE OF SOUTH CAROLINA, THIS 15th DAY OF JANUARY, 2019.

HENRY MCMASTER
Governor

8 EXECUTIVE ORDERS

Executive Order No. 2019-05

WHEREAS, a winter storm moved across South Carolina Sunday, December 9, 2018, and presented various hazardous weather conditions; and

WHEREAS, the National Weather Service issued winter storm warnings and winter weather advisories for large portions of South Carolina in connection with the winter storm that began December 9, 2018, and produced a combination of snow, sleet, and freezing rain and resulted in significant accumulations of snow and ice and other hazardous weather conditions, leaving close to 100,000 persons out of power in the wake of the storm; and

WHEREAS, as a result of the foregoing hazardous weather conditions, on December 10th and 11th, state government offices in the following counties opened on a delayed schedule or closed to ensure the safety of state employees and the general public:

1. Monday, December 10, 2018:

Delayed: Anderson; Fairfield; Lancaster; Laurens; Oconee; Pickens; Union; York.

Closed: Cherokee; Greenville; Spartanburg

2. Tuesday, December 11, 2018:

Delayed: Cherokee; Greenville; Lancaster; Laurens; Oconee; Pickens; Saluda; Spartanburg

WHEREAS, pursuant to section 8-11-57 of the South Carolina Code of Laws, the undersigned may authorize leave with pay for affected state employees who are absent from work due to the delayed opening or closure of state offices for hazardous weather conditions.

NOW, THEREFORE, by virtue of the authority vested in me as Governor of the State of South Carolina and pursuant to the Constitution and Laws of this State and the powers conferred upon me therein, I hereby authorize leave with pay for affected state employees who were absent from work as directed on December 10 and 11, 2018, as a result of the foregoing hazardous weather conditions. Further, if there was a county delayed opening or closure within the State on these dates for the same hazardous weather event that is omitted from this list, the Department of Administration may notify the Governor's Office and administratively add the county to the above list of covered closures for purposes of forgiving employee leave. This Order is effective immediately.

**GIVEN UNDER MY HAND AND THE GREAT
SEAL OF THE STATE OF SOUTH CAROLINA,
THIS 22nd DAY OF JANUARY, 2019.**

HENRY MCMASTER
Governor

Executive Order No. 2019-06

WHEREAS, there presently exists a vacancy in the office of Clerk of Court of Spartanburg County due to the resignation of M. Hope Blackley; and

WHEREAS, in the event of a vacancy in a county office, the undersigned is authorized pursuant to sections 1-3-220(2), 4-11-20(1), and 14-17-30 of the South Carolina Code of Laws, as amended, to appoint a suitable person, who shall be an elector of the county, to serve in such office until a successor shall qualify; and

WHEREAS, Amy West Cox, of Spartanburg, South Carolina, is a fit and proper person to serve as Clerk of Court of Spartanburg County.

NOW, THEREFORE, by virtue of the authority vested in me as Governor of the State of South Carolina and pursuant to the Constitution and Laws of this State and the powers conferred upon me therein, I hereby appoint Amy West Cox to serve as Clerk of Court of Spartanburg County until the next general election in accordance with section 4-11-20(1) of the South Carolina Code of Laws, as amended, and until her successor shall qualify as provided by law. This Order is effective immediately.

GIVEN UNDER MY HAND AND THE GREAT SEAL OF THE STATE OF SOUTH CAROLINA, THIS 22nd DAY OF JANUARY, 2019.

HENRY MCMASTER
Governor

Executive Order No. 2019-07

WHEREAS, I have been notified of the passing of Rudolph Mitchell; and

WHEREAS, Rudolph Mitchell dutifully served the State of South Carolina as a member of the South Carolina House of Representatives and as a member and chairman of the South Carolina Public Service Commission; and

WHEREAS, prior to his distinguished public service, Rudolph Mitchell served honorably in the United States Army from 1945 to 1947; and

WHEREAS, Rudolph Mitchell was a dedicated public servant, tireless community advocate, accomplished farmer, revered son of Saluda County, proud World War II veteran, and devoted father and family man, and his passing warrants the people of this State further recognizing and appropriately honoring his extraordinary legacy and lifetime of service to the State of South Carolina; and

WHEREAS, section 10-1-161(E) of the South Carolina Code of Laws, as amended, authorizes the Governor to order that the flags atop the State Capitol Building be lowered to half-staff at a designated time or for a designated period of time upon the death of a person of extraordinary stature.

NOW, THEREFORE, by virtue of the authority vested in me as Governor of the State of South Carolina and pursuant to the Constitution and Laws of this State and of these United States and the powers conferred upon me therein, I hereby Order that the flags atop the State Capitol Building be lowered to half-staff from sunrise until sunset on Friday, February 1, 2019, in honor of Rudolph Mitchell and in recognition of his extraordinary legacy and lifetime of service to the State of South Carolina. This Order is effective immediately.

GIVEN UNDER MY HAND AND THE GREAT SEAL OF THE STATE OF SOUTH CAROLINA, THIS 31st DAY OF JANUARY, 2019.

HENRY MCMASTER
Governor

10 EXECUTIVE ORDERS

Executive Order No. 2019-08

WHEREAS, I have been notified of the passing of Irene Krugman Rudnick; and

WHEREAS, Irene Krugman Rudnick dutifully served the State of South Carolina as Superintendent of Education for Aiken County and as a member of the South Carolina House of Representatives, having been the first Jewish woman elected to the General Assembly; and

WHEREAS, Irene Krugman Rudnick was a dedicated public servant, accomplished attorney, passionate educator, tireless community advocate, and beloved wife, mother, grandmother, and friend, and her passing warrants the people of this State further recognizing and appropriately honoring her extraordinary legacy and lifetime of service to the State of South Carolina; and

WHEREAS, section 10-1-161(E) of the South Carolina Code of Laws, as amended, authorizes the Governor to order that the flags atop the State Capitol Building be lowered to half-staff at a designated time or for a designated period of time upon the death of a person of extraordinary stature.

NOW, THEREFORE, by virtue of the authority vested in me as Governor of the State of South Carolina and pursuant to the Constitution and Laws of this State and of these United States and the powers conferred upon me therein, I hereby Order that the flags atop the State Capitol Building be lowered to half-staff from sunrise until sunset on Tuesday, February 5, 2019, in honor of Irene Krugman Rudnick and in recognition of her extraordinary legacy and lifetime of service to the State of South Carolina. This Order is effective immediately.

**GIVEN UNDER MY HAND AND THE GREAT
SEAL OF THE STATE OF SOUTH CAROLINA,
THIS 4th DAY OF FEBRUARY, 2019.**

**HENRY MCMASTER
Governor**

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

NOTICE OF GENERAL PUBLIC INTEREST

In accordance with Section 44-7-200(D), Code of Laws of South Carolina, the public is hereby notified that a Certificate of Need application has been accepted for filing and publication on **February 22, 2019** for the following project(s). After the application is deemed complete, affected persons will be notified that the review cycle has begun. For further information, please contact Vonja Szatkowski, Certificate of Need Program, 2600 Bull Street, Columbia, South Carolina 29201 at (803) 545-3028.

Affecting Berkeley County**MPS Healthcare d/b/a Continuum Pediatric Nursing Services**

Establishment of a Home Health Agency in Berkeley County at a total project cost of \$1,500.

Affecting Charleston County**MPS Healthcare d/b/a Continuum Pediatric Nursing Services**

Establishment of a Home Health Agency in Charleston County at a total project cost of \$1,500.

Affecting Dorchester County**MPS Healthcare d/b/a Continuum Pediatric Nursing Services**

Establishment of a Home Health Agency in Dorchester County at a total project cost of \$1,500.

Affecting Greenville County**Upstate Affiliate Organization d/b/a Greenville Memorial Hospital d/b/a Marshall I. Pickens Hospital**

Construction for the replacement of the Marshall I. Pickens Hospital with no increase in licensed beds at a total project cost of \$34,700,000.

Affecting Lexington County**Lexington County Health Services District, Inc. d/b/a Saluda Pointe Urgent Care Center**

Purchase of equipment to include MRI, CT, Ultrasound and X-ray for an 8,850 sq ft Imaging Center within a new 19,477 sq ft medical office building at a total project cost of \$5,801,961.

In accordance with Section 44-7-210(A), Code of Laws of South Carolina, and S.C. DHEC Regulation 61-15, the public and affected persons are hereby notified that for the following projects, applications have been deemed complete, and the review cycle has begun. A proposed decision will be made as early as 30 days, but no later than 120 days, from **February 22, 2019**. "Affected persons" have 30 days from the above date to submit requests for a public hearing to Vonja Szatkowski, Certificate of Need Program, 2600 Bull Street, Columbia, South Carolina 29201. If a public hearing is timely requested, the Department's decision will be made after the public hearing, but no later than 150 days from the above date. For further information call (803) 545-3028.

Affecting Charleston County**Palmetto Endoscopy Center -- Mount Pleasant, LLC d/b/a Palmetto Endoscopy Center, LLC**

Construction of a new Ambulatory Surgical Facility restricted to endoscopic procedures, with two endoscopy rooms at a total project cost of \$2,395,500.

Affecting Greenville County**Upstate Affiliate Organization d/b/a Greenville Memorial Hospital d/b/a Marshall I. Pickens Hospital**

Construction for the replacement of the Marshall I. Pickens Hospital with no increase in licensed beds at a total project cost of \$34,700,000.

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Affecting Horry County

Conway Hospital, Inc. d/b/a Conway Medical Center

Development of an Emergent and Elective Percutaneous Coronary Intervention (PCI) Program at a total project cost of \$5,008,937.94

McLeod Loris Seacoast Hospital d/b/a McLeod Seacoast

Development of an Emergent and Elective Percutaneous Coronary Intervention (PCI) Program at a total project cost of \$1,301,230.

Affecting Lexington County

Lexington County Health Services District, Inc. d/b/a Saluda Pointe Urgent Care Center

Purchase of equipment to include MRI, CT, Ultrasound and X-ray for an 8,850 sq ft Imaging Center within a new 19,477 sq ft medical office building at a total project cost of \$5,801,961.

REVENUE AND FISCAL AFFAIRS OFFICE BOARD OF ECONOMIC ADVISORS

NOTICE OF GENERAL PUBLIC INTEREST

We have calculated the increase in the limit on compensation for noneconomic damages on a medical malpractice claim. Pursuant to Section 15-32-220(F), the limit on civil liability for noneconomic damages on a medical malpractice claim is adjusted each fiscal year based on the increase or decrease in the ratio of the Consumer Price Index for All Urban Consumers as of December 31 of the previous calendar year. The adjustment is a cumulative index using a base year 2004. The 2004 base year was adopted to be consistent with the timing of the enacting legislation. As of December 31, 2018, the Index published by the Bureau of Labor Statistics, *Monthly Labor Review*, Table 38, "Consumer Price Index for All Urban Consumers", increased by 32.0% from a value of 190.3 in December 2004 to 251.233 in December 2018. Therefore, the limit not to exceed \$350,000 would increase to \$462,070 against a single health care provider and a health care institution for each claimant for civil liability for noneconomic damages on medical malpractice claims when final judgment is rendered. Also, the limit not to exceed \$1,050,000 would increase to \$1,386,205 for all health care providers and all health care institutions for each claimant for civil liability for noneconomic damages on medical malpractice claims. The adjusted limitations on compensation for noneconomic damages become effective upon publication in the *State Register* pursuant to Section 1-23-40(2).

REVENUE AND FISCAL AFFAIRS OFFICE BOARD OF ECONOMIC ADVISORS

NOTICE OF GENERAL PUBLIC INTEREST

We have calculated the increase in the limit on punitive damages awarded to each claimant that is entitled to an award. Pursuant to Section 15-32-530(D), the limit on punitive damage awards is adjusted each calendar year based on the increase or decrease in the ratio of the Consumer Price Index for All Urban Consumers as of December 31 of the previous calendar year. The adjustment is a cumulative index using a base year 2010. The 2010 base year was adopted to be consistent with the timing of the enacting legislation. As of December 31, 2018, the Index published by the Bureau of Labor Statistics, *Monthly Labor Review*, Table 38, "Consumer Price Index for All Urban Consumers", increased by 14.6% from a value of 219.179 in December 2010 to 251.233 in December 2018. Therefore, the limit not to exceed \$500,000 would increase to \$573,125 to each claimant entitled to a punitive damage award. The adjusted limitations on an award for punitive damages become effective upon publication in the *State Register* pursuant to Section 1-23-40(2).

**DEPARTMENT OF DISABILITIES AND SPECIAL NEEDS
CHAPTER 88**

Statutory Authority: 1976 Code Section 44-20-220

Notice of Drafting:

The Department of Disabilities and Special Needs proposes to amend Chapter 88 to add Article 7, regarding Appeal Procedures. Interested person may submit their comments in writing to Tana Vanderbilt, General Counsel, 3440 Harden Street Extension, Columbia, SC 29203. To be considered, all comments must be received no later than 5:00 pm on March 25, 2019, the close of the drafting comment period.

Synopsis:

The Department of Disabilities and Special Needs proposes to add Article 7 to provide the procedure for the appeals of adverse decisions within the scope of state funded services provided by the Department of Disabilities and Special Needs.

Legislative review of this amendment is required.

**DEPARTMENT OF DISABILITIES AND SPECIAL NEEDS
CHAPTER 88**

Statutory Authority: 1976 Code Section 44-20-220

Notice of Drafting:

The Department of Disabilities and Special Needs proposes to revise Article 4, Day Programs for Persons with Intellectual Disability, in Chapter 88 of the South Carolina Code of State Regulations. Interested persons may submit their comments in writing to Tana Vanderbilt, General Counsel, 3440 Harden Street Extension, Columbia, SC 29203. To be considered, all comments must be received no later than 5:00 pm on March 25, 2019, the close of the drafting comment period.

Synopsis:

The Department of Disabilities and Special Needs conducted a review of Article 4, of Chapter 88, and proposes to amend and revise the regulatory language to update outdated references, and repeal certain sections to ensure proper and efficient administration of its duties.

Legislative review of these amendments is required.

**DEPARTMENT OF DISABILITIES AND SPECIAL NEEDS
CHAPTER 88**

Statutory Authority: 1976 Code Section 44-20-220

Notice of Drafting:

The Department of Disabilities and Special Needs proposes to revise Article 2, Definitions, in Chapter 88 of the South Carolina Code of State Regulations. Interested persons may submit their comments in writing to Tana Vanderbilt, General Counsel, 3440 Harden Street Extension, Columbia, SC 29203. To be considered, all comments must be received no later than 5:00 pm on March 25, 2019, the close of the drafting comment period.

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Synopsis:

The Department of Disabilities and Special Needs conducted a review of Article 2, of Chapter 88, and proposes to amend and revise the regulatory language to update outdated references, and amend certain sections to ensure proper and efficient administration of its duties.

Legislative review of these amendments is required.

DEPARTMENT OF DISABILITIES AND SPECIAL NEEDS

CHAPTER 88

Statutory Authority: 1976 Code Section 44-20-220

Notice of Drafting:

The Department of Disabilities and Special Needs proposes to amend Chapter 88 to add Article 5, regarding Eligibility Determination. Interested person may submit their comments in writing to Tana Vanderbilt, General Counsel, 3440 Harden Street Extension, Columbia, SC 29203. To be considered, all comments must be received no later than 5:00 pm on March 25, 2019, the close of the drafting comment period.

Synopsis:

The Department of Disabilities and Special Needs proposes to add Article 5, regarding the eligibility determination of services from the Department of Disabilities and Special Needs.

Legislative review of this amendment is required.

DEPARTMENT OF DISABILITIES AND SPECIAL NEEDS

CHAPTER 88

Statutory Authority: 1976 Code Section 44-20-220

Notice of Drafting:

The Department of Disabilities and Special Needs proposes to revise Article 1, License Requirement for Facilities and Programs, in Chapter 88 of the South Carolina Code of State Regulations. Interested persons may submit their comments in writing to Tana Vanderbilt, General Counsel, 3440 Harden Street Extension, Columbia, SC 29203. To be considered, all comments must be received no later than 5:00 pm on March 25, 2019, the close of the drafting comment period.

Synopsis:

The Department of Disabilities and Special Needs conducted a review of Article 1, of Chapter 88, and proposes to amend and revise the regulatory language to update outdated references, and amend certain sections to ensure proper and efficient administration of its duties.

Legislative review of these amendments is required.

**DEPARTMENT OF DISABILITIES AND SPECIAL NEEDS
CHAPTER 88**

Statutory Authority: 1976 Code Section 44-20-220

Notice of Drafting:

The Department of Disabilities and Special Needs proposes to amend Chapter 88 to add Article 6, regarding License Requirements for Community-Based Housing for Adults. Interested person may submit their comments in writing to Tana Vanderbilt, General Counsel, 3440 Harden Street Extension, Columbia, SC 29203. To be considered, all comments must be received no later than 5:00 pm on March 25, 2019, the close of the drafting comment period.

Synopsis:

The Department of Disabilities and Special Needs proposes to add Article 6, regarding setting forth the requirements for licenses for community-based housing for adults receiving services from the Department of Disabilities and Special Needs.

Legislative review of this amendment is required.

**DEPARTMENT OF DISABILITIES AND SPECIAL NEEDS
CHAPTER 88**

Statutory Authority: 1976 Code Section 44-20-220

Notice of Drafting:

The Department of Disabilities and Special Needs proposes to revise Article 3, Recreational Camps for Persons with Intellectual Disability, in Chapter 88 of the South Carolina Code of State Regulations. Interested persons may submit their comments in writing to Tana Vanderbilt, General Counsel, 3440 Harden Street Extension, Columbia, SC 29203. To be considered, all comments must be received no later than 5:00 pm on March 25, 2019, the close of the drafting comment period.

Synopsis:

The Department of Disabilities and Special Needs conducted a review of Article 3, of Chapter 88, and proposes repeal this article as it is obsolete.

Legislative review of these amendments is required.

**DEPARTMENT OF DISABILITIES AND SPECIAL NEEDS
CHAPTER 88**

Statutory Authority: 1976 Code Section 44-20-220

Notice of Drafting:

The Department of Disabilities and Special Needs proposes to amend Chapter 88 to add Article 8, regarding Research Involving Persons Eligible for Services. Interested person may submit their comments in writing to Tana Vanderbilt, General Counsel, 3440 Harden Street Extension, Columbia, SC 29203. To be considered, all comments must be received no later than 5:00 pm on March 25, 2019, the close of the drafting comment period.

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Synopsis:

The Department of Disabilities and Special Needs proposes to add Article 8, regarding the review and approval of research proposals by the Department of Disabilities and Special Needs.

Legislative review of this amendment is required.

DEPARTMENT OF DISABILITIES AND SPECIAL NEEDS CHAPTER 88

Statutory Authority: 1976 Code Section 44-20-220

Notice of Drafting:

The Department of Disabilities and Special Needs proposes to revise Article 9, Unclassified Facilities and Programs, in Chapter 88 of the South Carolina Code of State Regulations. Interested persons may submit their comments in writing to Tana Vanderbilt, General Counsel, 3440 Harden Street Extension, Columbia, SC 29203. To be considered, all comments must be received no later than 5:00 pm on March 25, 2019, the close of the drafting comment period.

Synopsis:

The Department of Disabilities and Special Needs conducted a review of Article 9, of Chapter 88, and proposes to amend and revise the regulatory language to update outdated references, and amend certain sections to ensure proper and efficient administration of its duties.

Legislative review of these amendments is required.

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL CHAPTER 61

Statutory Authority: 1976 Code Sections 48-1-10 et seq.

Notice of Drafting:

The Department of Health and Environmental Control (“Department”) proposes amending Regulation 61-62, Air Pollution Control Regulations and Standards. Interested persons may submit comments on the proposed amendments to Anthony T. Lofton of the Air Regulation and SIP Management Section, Bureau of Air Quality; S.C. Department of Health and Environmental Control, 2600 Bull Street, Columbia, S.C. 29201; or via email at loftonat@dhec.sc.gov. To be considered, the Department must receive comments no later than 5:00 p.m. on March 25, 2019, the close of the drafting comment period.

Synopsis:

The United States Environmental Protection Agency (EPA) promulgates amendments to the Code of Federal Regulations (CFR) throughout each calendar year. Recent federal amendments include revisions to New Source Performance Standards and National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories at 40 CFR Parts 60 and 63.

(1) The Department proposes amending Regulation 61-62.60, South Carolina Designated Facility Plan and New Source Performance Standards, to incorporate by reference federal amendments promulgated from January 1, 2018, through December 31, 2018.

(2) The Department proposes amending Regulation 61-62.63, National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories, to incorporate by reference federal amendments promulgated from January 1, 2018, through December 31, 2018.

The Department also proposes amending Regulation 61-62.60, Subpart Cf, Emission Guidelines and Compliance Times for Municipal Solid Waste Landfills, and Subpart DDDD, Emission Guidelines and Compliance Times for Commercial and Industrial Solid Waste Incineration Units, to clarify the applicability and scope of EPA emission guidelines provisions incorporated by the Department, and to ensure compliance with federal law.

The Department may also propose other changes to Regulation 61-62, Air Pollution Control Regulations and Standards, as deemed necessary to maintain compliance with federal law. These changes may include corrections or other changes for internal consistency, clarification, reference, punctuation, codification, formatting, spelling, and overall improvement of the text of Regulation 61-62 as necessary.

In accordance with 1976 Code Section 1-23-120(H), legislative review is not required because the Department proposes promulgating the amendments to maintain compliance with federal law.

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

CHAPTER 61

Statutory Authority: 1976 Code Sections 48-1-10 et seq.

Notice of Drafting:

The Department of Health and Environmental Control (“Department”) proposes amending R.61-69, Classified Waters. Interested persons may submit comment(s) on the proposed amendment to Andrew Edwards, Water Quality Standards Coordinator of the Bureau of Water; S.C. Department of Health and Environmental Control, 2600 Bull Street, Columbia, S.C. 29201; edwardaj@dhec.sc.gov. To be considered, the Department must receive comments no later than 5:00 p.m. on March 25, 2019, the close of the draft comment period.

Synopsis:

Section 303(c)(2)(B) of the federal Clean Water Act (“CWA”) requires South Carolina’s water quality standards be reviewed and revised, where necessary, at least once every three years. The Department proposes amending R.61-69 to clarify and correct as needed waterbody names, counties, classes, and descriptions.

The Department may also include stylistic changes, such as corrections for clarity and readability, grammar, punctuation, definitions, references, codification, and overall improvement of the text of the regulation.

General Assembly review is required.

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

CHAPTER 61

Statutory Authority: 1976 Code Section 44-1-140

Notice of Drafting:

The Department of Health and Environmental Control (“Department”) proposes repealing R.61-23, Control of Anthrax. Interested persons may submit comment(s) on the proposed repeal to Mike Elieff of the Bureau of Public Health Preparedness; S.C. Department of Health and Environmental Control, 2600 Bull Street, Columbia,

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S.C. 29201; elieffma@dhec.sc.gov. To be considered, the Department must receive comments no later than 5:00 p.m. on March 25, 2019, the close of the drafting comment period.

Synopsis:

R.61-23 was promulgated July 1960 to prevent and/or control the ownership, possession, or transport of anthrax into or through the state. This regulation is no longer needed, as the federal government established Select Agent Regulations, at 7 C.F.R. Part 331 and 9 C.F.R. Part 121, setting forth requirements for possession, use, and transfer of select agents and toxins. The Federal Select Agent Program oversees and regulates the possession, use, and transfer of biological agents. The Federal Select Agent Program is jointly comprised of the Centers for Disease Control and Prevention/Division of Select Agents and Toxins and the Animal and Plant Health Inspection Service/Agriculture Select Agent Services.

General Assembly review is required.

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL CHAPTER 61

Statutory Authority: 1976 Code Sections 44-1-60, 44-1-65, 46-45-80, and 48-1-10 et seq.

Notice of Drafting:

The Department of Health and Environmental Control (“Department” or “DHEC”) proposes amending R.61-43, Standards for the Permitting of Agricultural Animal Facilities. Interested persons may submit comment(s) on the proposed amendment to Charles Williams of the Bureau of Water; S.C. Department of Health and Environmental Control, 2600 Bull Street, Columbia, S.C. 29201; williacj@dhec.sc.gov. To be considered, the Department must receive comments no later than 5:00 p.m. on March 25, 2019, the close of the draft comment period.

Synopsis:

The Department proposes amending R.61-43, Standards for the Permitting of Agricultural Animal Facilities, to incorporate the following statutory changes made by the General Assembly through passage of Act No. 139, which took effect March 12, 2018:

1. The General Assembly amended Section 44-1-65 to establish specific requirements for the review and appeal of decisions by DHEC regarding the permitting, licensing, certification, or other approval of poultry and other animal facilities (except swine facilities);
2. The General Assembly amended Section 44-1-60 to revise and clarify procedures for reviewing permits for poultry and other animal facilities (except swine facilities); and
3. The General Assembly amended Section 46-45-80 regarding setback distances for poultry and other animal facilities (except swine facilities) to prohibit DHEC from requiring additional setback distances if established distances are achieved, to allow waiver of the established setback distances in certain circumstances, and other purposes.

The Department may also include stylistic changes, such as corrections for clarity and readability, grammar, punctuation, definitions, references, codification, and overall improvement of the text of the regulation.

General Assembly review is required.

**DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
CHAPTER 61**

Statutory Authority: 1976 Code Sections 48-1-10 et seq.

Notice of Drafting:

The Department of Health and Environmental Control (“Department”) proposes amending R.61-68, Water Classifications and Standards. Interested persons may submit comment(s) on the proposed amendment to Andrew Edwards, Water Quality Standards Coordinator of the Bureau of Water; S.C. Department of Health and Environmental Control, 2600 Bull Street, Columbia, S.C. 29201; edwardaj@dhec.sc.gov. To be considered, the Department must receive comments no later than 5:00 p.m. on March 25, 2019, the close of the draft comment period.

Synopsis:

Section 303(c)(2)(B) of the federal Clean Water Act (“CWA”) requires South Carolina’s water quality standards be reviewed and revised, where necessary, at least once every three years. Referred to as the triennial review, this required process consists of reviewing and adopting, where appropriate, the Environmental Protection Agency’s updated numeric and narrative criteria according to Section 304(a) and Section 307(a) of the CWA. The Department proposes amending R.61-68 to adopt these criteria as deemed necessary to comply with federal regulatory revisions and recommendations.

The Department may also include stylistic changes, such as corrections for clarity and readability, grammar, punctuation, definitions, references, codification, and overall improvement of the text of the regulation.

General Assembly review is required.

**DEPARTMENT OF INSURANCE
CHAPTER 69**

Statutory Authority: 1976 Code Sections 1-23-110, 38-3-110, and 38-73-70

Notice of Drafting:

The Department of Insurance proposes to revise Regulation 69-56, Named Storm or Wind/Hail Deductible. Interested persons may submit written comments to Melissa Manning, Associate General Counsel, South Carolina Department of Insurance, 1201 Main Street, Suite 1000 Columbia, SC 29201. For questions, call 803-737-6200 or email mmanning@doi.sc.gov. To be considered, all comments must be received no later than 5:00 p.m. March 25, 2019, the close of the drafting comment period.

Synopsis:

The Department is proposing to make changes to Regulation 69-56 to clarify the meaning of a “named storm” and the application of the named storm deductible or other named storm restriction.

Proposed revisions will require legislative review.

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DEPARTMENT OF LABOR, LICENSING AND REGULATION OFFICE OF OCCUPATIONAL SAFETY AND HEALTH CHAPTER 71

Statutory Authority: 1976 Code Section 41-15-220

Notice of Drafting:

The South Carolina Department of Labor, Licensing and Regulation, Division of Labor, Office of Occupational Safety and Health proposes revisions to Chapter 71, Subarticle 3, to amend the requirements in the Occupational Injury and Illness Recording and Reporting Regulation. The amendments will rescind the requirement for establishments with 250 or more employees to electronically submit their OSHA Form 300 (Log of Work-Related Injuries and Illnesses) and Form 301 (Injury and Illness Incident Report) to OSHA on an annual basis. This action eliminates a requirement that arose out of OSHA's 2016 electronic reporting rule and had an initial compliance deadline of July 1, 2018, but had not yet been enforced by OSHA. This requirement is being rescinded based on concerns that the electronic submission of Forms 300 and 301 would subject sensitive worker information to risk of public disclosure. South Carolina OSHA is also amending Chapter 71, Subarticle 3 to require covered employers to electronically submit their employer identification number (EIN) with Form 300A to make the data more useful for OSHA and BLS (Bureau of Labor Statistics) and could reduce duplicative reporting burdens on employers in the future. The first compliance deadline for the submission of EINs is March 2, 2020. Written comments can be submitted to Gwendolyn Thomas, OSHA State Plan Manager, Department of Labor, Licensing and Regulation, at Post Office Box 11329, Columbia, South Carolina, 29211-1329.

Synopsis:

South Carolina Department of Labor, Licensing and Regulation, Division of Labor, Office of Occupational Safety and Health operates an occupational safety and health plan approved by the United States Department of Labor. As a requirement of that approval, the Department is required to have recordkeeping regulations that produce records and statistical data that are identical to those promulgated by the United States Department of Labor. The proposed regulation will revise the Occupational Injury and Illness Recording and Reporting regulation (SCRR 71, Article 1, Subarticle 3) to comport with current federal OSHA regulations.

Legislative review of this amendment is required.

PUBLIC SERVICE COMMISSION CHAPTER 103

Statutory Authority: 1976 Code Section 58-3-140

Notice of Drafting:

The Public Service Commission of South Carolina proposes to add a regulation which provides a process for the Commission to electronically serve documents that are electronically filed with the Commission. The revisions are necessary to provide a documented procedure for parties who utilize the Commission's Docket Management System's Electronic Filing (EFile) System. Interested persons may submit comments to the Public Service Commission, Clerk's Office, 101 Executive Center Drive, Suite 100, Columbia, South Carolina 29210. Please reference Docket Number 2019-59-A. To be considered, comments must be received no later than 4:45 p.m. on April 1, 2019.

Synopsis:

The Commission's Docket Management System (DMS) is a database which contains legal filings (e.g., applications, motions, prefile testimony) which are submitted to the Commission. This System has numerous functions which serve the public, including Electronic Filing and Electronic Service of the Commission's Orders.

In order to provide enhanced functionality for its stakeholders, the Commission seeks to amend its Regulations by adding a regulation which covers the procedures for Electronic Service of legal filings submitted to the Commission by external stakeholders. Additionally, when drafting the proposed regulation, the Commission will closely mirror or follow the South Carolina Supreme Court's Electronic Filing Policies and Guidelines, specifically Guideline 4 (E-Filing and E-Service).

Legislative review of this proposal will be required.

22 PROPOSED REGULATIONS

Document No. 4876
SECRETARY OF STATE
CHAPTER 113

Statutory Authority: 1976 Code Sections 30-6-10 et seq.

113-325. Electronic Transmissions.

Preamble:

The Office of the Secretary of State proposes to amend Regulation 113-325 of the Uniform Real Property Electronic Recording Act regulations found in Chapter 113, Article 3 of the South Carolina Code of State Regulations. The General Assembly passed the Uniform Real Property Electronic Recording Act (Section 30-6-10, et seq.) which became effective May 13, 2008. Pursuant to the authority conferred by the Act, the Office of the Secretary of State promulgated regulations to adopt standards to implement the Act which went into effect on April 23, 2010. The proposed changes to Regulation 113-325 would allow for XML data to satisfy the transmittal sheet requirement set forth in the regulations. The Notice of Drafting of this change was published in the *State Register* on December 28, 2018.

Notice of Public Hearing and Opportunity for Public Comment:

The Office of the Secretary of State proposes to amend Regulation 113-325 related to the Uniform Real Property Electronic Recording Act. Interested persons may submit comments to Ms. Melissa Dunlap, Deputy Secretary of State & Chief Legal Counsel, Office of the Secretary of State, 1205 Pendleton Street, Suite 525, Columbia, SC 29201. To be considered, comments must be received no later than 5:00 p.m. on March 25, 2019, the close of the comment period.

If requested by twenty-five or more persons, by an individual representing a group of twenty-five or more persons, by a governmental subdivision or agency, or by an association having at least twenty-five members, a public hearing will be held on Monday, April 1, 2019 at 10:00 a.m. at the Administrative Law Court, Suite 224, Edgar A. Brown Building, 1205 Pendleton Street, Columbia, South Carolina.

Preliminary Fiscal Impact Statement:

The Office of the Secretary of State anticipates that there will be no costs incurred by the State and its political subdivisions in complying with the proposed amendment of regulations.

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION: Chapter 113, Regulation 113-325, Electronic Transmissions.

Purpose: To amend regulations promulgated by the Secretary of State for Uniform Real Property Electronic Recording Act to allow for acceptance of XML data to satisfy the transmittal sheet requirement.

Legal Authority: 1976 Code Sections 30-6-10 et seq.

Plan for Implementation: The implementation of the amendment of Regulation 113-325 will allow recorders to accept XML data in addition to a traditional transmittal sheet. No specific implementation procedures are required.

DETERMINATION OF NEED AND REASONABLENESS OF THE PROPOSED REGULATION BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS:

As electronic documents filed with county recorders increase, it is in the interest of both the recorders and filers to allow for required data to be transmitted as XML data as a convenient alternative to the traditional transmittal sheet.

DETERMINATION OF COSTS AND BENEFITS:

There are no costs anticipated in the amendment of the Regulation 113-325. Amendment of this regulation will allow registers to accept XML data for instruments submitted for filing.

UNCERTAINTIES OF ESTIMATES:

None.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

There are no known effects of the regulation on the environment and public health.

DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION IS NOT IMPLEMENTED:

There are no known effects on the environment and public health if the regulation is not implemented.

Statement of Rationale:

The proposed amendment will broaden the language of Regulation 113-325 regarding the transmittal sheet requirement for electronic transmissions to make clear that XML data is acceptable to fulfill this requirement. This language is needed to expand the methods allowed for transmittal of required data for the convenience and ease of both county recorders and filers.

Text:

The full text of this regulation is available on the South Carolina General Assembly Home Page: <http://www.scstatehouse.gov/regnsrch.php>. Full text may also be obtained from the promulgating agency.

24 EMERGENCY REGULATIONS

Filed: January 24, 2019 10:18am

Document No. 4875
COMMISSION ON HIGHER EDUCATION
CHAPTER 62
Statutory Authority: 1976 Code Section 59-58-40

62-6. Licensing Criteria.

Emergency Situation:

On December 5, 2018, the Education Corporation of America (ECA) announced the imminent closure of its Virginia College and Golf Academy of America institutions, which resulted in the closure of five campuses of Virginia College located in Charleston, Columbia, Florence, Greenville, and Spartanburg, and the Golf Academy of America in Myrtle Beach. This emergency regulation seeks to assist affected students who were within the final 25% of their programs to complete their programs through an approved teach-out plan or agreement at another postsecondary institution without retaking courses or incurring additional student debt.

Text:

62-6. Licensing Criteria.

The Commission may license the institution after due investigation has revealed that the institution and its programs have met the following criteria:

A. The course, program, curriculum, and instruction are of quality, content, and length as may reasonably and adequately achieve the stated objective for which the course, program, curriculum or instruction is offered and in response to documented need. For specific program length and instructor qualifications, see Regulations 62-9 through 62-13.

i. An accrediting body recognized by the U. S. Department of Education or the Council for Higher Education Accreditation must accredit out-of-state degree-granting institutions.

ii. Within a period of time that the institution may reasonably expect to meet the requirements, an in-state degree-granting institution must gain candidate or applicant status as appropriate for accreditation and subsequently accreditation from an accrediting body approved by the Commission, typically one recognized by the U.S. Department of Education or the Council for Higher Education Accreditation. The period of time to gain candidate status (up to four years) and accreditation (up to a total of eight years) will be determined by the Commission in consultation with the institution. To determine the appropriate accrediting agency and length of time within which an institution must gain candidate/applicant status and accreditation, the Commission must take into consideration the objectives and length of the programs and requirements of the accrediting body.

iii. An accrediting body approved by the Commission must accredit an in-state nondegree-granting institution before the institution seeks licensure to offer programs leading to degrees.

B. There is in the institution adequate space, equipment, instructional material, and appropriately qualified instructional personnel to provide training and education of good quality. The student-teacher ratio shall be reasonable at all times in keeping with generally accepted teaching modes for the subject matter. Skill training requires more attention, and thereby requires smaller classes. The institution must employ at least one full-time faculty for each major, curricular area, or concentration. This requirement may be met by faculty at the main campus and/or at locations within South Carolina. A full-time faculty member is one whose major employment is with the institution, whose primary assignment is in teaching and/or research, and whose employment is based on a contract for full-time employment. Institutions must ensure that each faculty member employed is proficient in oral and written communication in the language in which assigned courses will be taught. The institution must keep on file for each full-time and part-time faculty member documentation of academic preparation, such as official transcripts and, if appropriate for demonstrating competency, official documentation of professional and work experience, technical and performance competency, records of publications, certifications, and other

qualifications. Institutions are encouraged to recruit and select faculty whose highest degree is earned from a broad representation of institutions.

C. The institution owns or makes available sufficient learning resources or, through formal agreements with institutional or other (where adequate) libraries to which students have access, ensures the provision of and access to adequate learning resources and services required to support the courses, programs and degrees offered. Formal agreements are defined and understood as written agreements in which each of the parties states clearly the resources and services it is willing and able to provide. Formal agreements shall be regularly reviewed and reaffirmed by participating parties.

D. A procedure exists for maintaining written records of the previous education and training of the applicant student clearly showing that appropriate credit is given by the institution, shortening the education and training period where warranted, and notifying the student. The policy must include the requirement for official transcripts of credit earned from institutions previously attended and qualitative and quantitative criteria for acceptability of transfer work. Institutions must award credit in accord with commonly accepted good practice in higher education. Institutions that award credit for experiential learning must do so under recognized guidelines that aid in evaluation for credit such as those prescribed by the American Council on Education. At least twenty-five percent of the program must be earned through instruction by the institution awarding the degree, except in the case of an approved teach-out plan or agreement. Articulation agreements between associate and baccalaureate degree-granting institutions should be evaluated periodically to ensure an equitable and efficient transfer of students. “Inverted,” “two plus two” and similar programs must include an adequate amount of advanced coursework in the subject field. Not more than sixty-four credit hours (approximately one-half) of a baccalaureate program may be transferred from a two-year (Level I accredited) institution. Out-of-state institutions offering programs at branch sites must grant transfer credit into the same programs at its principal location.

E. The institution has developed satisfactory course and program outline(s) including syllabi for each course specifying goals and requirements, course content, methods of evaluation, and bibliography; a schedule of tuition, fees, other charges and refund policy; attendance policy; grading policy including a policy for incomplete grades; rules of operation and conduct; and a policy for handling student complaints in compliance with Regulation 62-27.

F. The institution must award the student an appropriate certificate, diploma or degree showing satisfactory completion of the course, program, or degree.

G. Adequate records as prescribed by the Commission are kept to show attendance and progress or grades, and satisfactory standards relating to attendance, progress, and conduct are enforced.

H. The institution complies with all local, county, and state regulations, such as fire, building, and sanitation codes. The Commission may require evidence of such compliance.

I. The institution is financially sound and can fulfill its commitments for education or training.

J. The institution’s owners and directors are appropriately experienced and educated and are of good reputation and character. Site directors should be credentialed at the same level as the highest degree conferred at the site. Chief Academic Officers (those who choose faculty) must be credentialed at the same level as required for faculty. Exceptions must be documented and approved by the Commission. All administrative officers must possess credentials, experience and/or demonstrated competence appropriate to their areas of responsibility. The effectiveness of all administrators must be evaluated periodically. A person is considered to be of good reputation if:

(1) The person has no felony convictions related to the operation of a school, and the person has been rehabilitated from any other felony convictions;

(2) The person has no convictions involving crimes of moral turpitude;

(3) Within the last ten years, the person has never been successfully sued for fraud or deceptive trade practice;

(4) The person is not a plaintiff or defendant in litigation that carries a significant risk to the ability of the institution to continue operation;

(5) The person does not own a school currently violating legal requirements; has never owned a school with habitual violations; or has never owned a school that closed with violations including, but not limited to, unpaid refunds; or

(6) The person has not knowingly falsified or withheld information from representatives of the Commission.

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K. The institution has, maintains, and publishes in its catalog, bulletin, or brochure and in its enrollment contract the proper refund policy that complies with Regulation 62-18.

L. The institution does not use erroneous or misleading advertising by actual statement, omission, or intimation.

M. The institution does not use a name that is misleading, the same as or similar to that of an existing institution.

N. The institution publishes and enforces admission requirements consistent with the purposes of the institution. To be admitted to degree programs, applicants must show official high school transcripts or GED scores. Official transcripts and GED scores must be a part of the admitted student's file.

O. The institution does not owe a penalty under Chapter 58 of Title 59, South Carolina Code of Laws, 1976.

P. The institution provides to each student before enrollment a catalog, bulletin or brochure meeting the requirements of Regulation 62-16.

Q. Any student living quarters owned, maintained, or approved by the institution are appropriate, safe and adequate.

R. All new programs and all major program revisions have been reviewed and approved by the Commission before the proposed date of implementation.

S. The institution shall comply with such additional criteria as may be required by the Commission.

Document No. 4877
DEPARTMENT OF LABOR, LICENSING AND REGULATION
OFFICE OF OCCUPATIONAL SAFETY AND HEALTH
CHAPTER 71

Statutory Authority: 1976 Code Section 41-15-210

Article I, Subarticles 6 and 7
Occupational Safety and Health Standards

The South Carolina Department of Labor, Licensing and Regulation, Division of Labor, Office of Occupational Safety and Health, hereby promulgates the following revisions to South Carolina regulations:

In Subarticle 6 (General Industry):

Revisions to Section: 1910.1024, as amended in Federal Register Volume 83, No. 128, dated July 3, 2018 pages 31045 through 31046, and in Federal Register Volume 83, No. 154, dated August 9, 2018 page 39360.

In Subarticle 7 (Construction):

Revisions to Sections: 1926.1427, and 1926.1430, as amended in Federal Register Volume 83, No. 218 dated November 9, 2018 pages 56244 through 56247.

Copies of these final regulation changes can be obtained or reviewed at the South Carolina Department of Labor, Licensing and Regulation during normal business hours by contacting the OSHA Standards Office at (803) 896-5811 or on the OSHA website at www.OSHA.gov.