

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.

2021 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	1/8	2/12	3/12	4/9	5/14	6/11	7/9	8/13	9/10	10/8	11/12	12/10
Publishing Date	1/22	2/26	3/26	4/23	5/28	6/25	7/23	8/27	9/24	10/22	11/26	12/24

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.

SUBSCRIPTIONS

The *South Carolina State Register* is available electronically through the South Carolina Legislature Online website at www.scstatehouse.gov, or in a printed format. Subscriptions run concurrent with the State of South Carolina's fiscal year (July through June). The annual subscription fee for the printed format is \$90.00 plus applicable sales tax. Payment must be made by check payable to the Legislative Council. To subscribe, complete the form below and mail with payment.

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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/regsrch.php>

DOC. NO.	RAT. NO.	FINAL ISSUE	SUBJECT	EXP. DATE	AGENCY	HOUSE COMMITTEE	SENATE COMMITTEE
4952			Procedure to Employ, through Contract or Otherwise, Qualified, Independent Third-Party Consultants or Experts	01/21/2022	Public Service Commission	Regs and Admin Procedures	Judiciary
5028			Term and Universal Life Insurance Reserve Financing	01/31/2022	Department of Insurance	Regs and Admin Procedures	Banking and Insurance
5029			Credit for Reinsurance	01/31/2022	Department of Insurance	Regs and Admin Procedures	Banking and Insurance
5033			Raw Milk for Human Consumption; and Pasteurized Milk and Milk Products	03/14/2022	Department of Health and Envir Control	Regs and Admin Procedures	Ag and Nat Resources
5032			Seed Certification	03/16/2022	Clemson University	Regs and Admin Procedures	Ag and Nat Resources
5034			Emergency Temporary Work Permits	03/28/2022	LLR-Board of Cosmetology	Regs and Admin Procedures	Labor, Commerce and Industry
5037			Licensing Provisions; and Continuing Education	05/08/2022	LLR-Board of Funeral Service	Regs and Admin Procedures	Labor, Commerce and Industry
5043			Price Changes for Forest Tree Seedlings	05/11/2022	Commission of Forestry		
5044			General Regulations on South Carolina Forestry Commission Lands	05/11/2022	Commission of Forestry		
5045			Hunting and Fishing Regulations on State Forest Lands Established as Wildlife Management Areas	05/11/2022	Commission of Forestry		
5046			Allocation of Forest Tree Seedlings in Short Supply	05/11/2022	Commission of Forestry		
Committee Request Withdrawal							
4977			Standards for Licensing Day Care Facilities for Adults	Tolled	Department of Health and Envir Control	Regs and Admin Procedures	Medical Affairs
4993			South Carolina Jobs-Economic Development Authority	Tolled	SC Jobs-Economic Development Auth	Regs and Admin Procedures	Labor, Commerce and Industry

2 EXECUTIVE ORDERS

Executive Order No. 2021-29

WHEREAS, the undersigned has been notified that a vacancy will exist in the office of Auditor of Cherokee County due to the resignation of Marvin L. Bishop, Jr., effective August 17, 2021; and

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

WHEREAS, J. Ryan Thomas, of Gaffney, South Carolina, is a fit and proper person to serve as Auditor of Cherokee 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 J. Ryan Thomas to serve as Auditor of Cherokee County, effective August 17, 2021, and until his successor is appointed or elected and qualified as provided by law. This Order is effective immediately.

**GIVEN UNDER MY HAND AND THE GREAT
SEAL OF THE STATE OF SOUTH CAROLINA,
THIS 16th DAY OF AUGUST, 2021.**

**HENRY MCMASTER
Governor**

Executive Order No. 2021-30

WHEREAS, the undersigned has been notified that a vacancy will exist in the office of Treasurer of Cherokee County due to the resignation of J. Ryan Thomas, effective August 17, 2021; and

WHEREAS, in the event of a vacancy in the office of a county treasurer, the undersigned is authorized to appoint a suitable person, who shall be an elector of the county, to serve as county treasurer pursuant to sections 1-3-220(2), 4-11-20(1), and 12-45-20 of the South Carolina Code of Laws, as amended; and

WHEREAS, Sheila E. Carpenter, of Gaffney, South Carolina, is a fit and proper person to serve as Treasurer of Cherokee 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 Sheila E. Carpenter to serve as Treasurer of Cherokee County, effective August 17, 2021, and until her successor is appointed or elected and qualified as provided by law. This Order is effective immediately.

**GIVEN UNDER MY HAND AND THE GREAT
SEAL OF THE STATE OF SOUTH CAROLINA,
THIS 16th DAY OF AUGUST, 2021.**

**HENRY MCMASTER
Governor**

Executive Order No. 2021-31

WHEREAS, on or about May 9, 2018, the Superintendent of Education declared a state of emergency in Florence County School District Four (“District”) and the Department of Education (“Department”) assumed operational control of the District pursuant to Proviso 1A.12 of the Appropriations Act; and

WHEREAS, notwithstanding the foregoing, the undersigned has been informed that an election was not held on November 3, 2020, for three seats on the District’s Board of Trustees due to a decision by the Department not to call for or otherwise not to hold such an election at the time and in the manner provided by law; and

WHEREAS, in light of the foregoing circumstances and events, the District recently requested that the undersigned order an election for the aforementioned seats on the District’s Board of Trustees to coincide with the General Election scheduled to be held on November 2, 2021, and the Department has since advised that the Superintendent of Education now joins in this request; 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 an election shall be held on Tuesday, November 2, 2021, for the aforementioned seats on the District’s Board of Trustees. Pursuant to section 7-13-1170 of the South Carolina Code of Laws, I designate and appoint the Board of Voter Registration and Elections of Florence County to perform the necessary official duties pertaining to the election, in accordance with the applicable constitutional and statutory provisions, and to declare the results thereof. In order to qualify as a candidate for one of the three seats, all candidates must file with the Board of Voter Registration and Elections of Florence County a statement of intention of candidacy, and submit any applicable filing fees, by noon on Friday, September 3, 2021. This Order is effective immediately.

GIVEN UNDER MY HAND AND THE GREAT SEAL OF THE STATE OF SOUTH CAROLINA, THIS 20th DAY OF AUGUST, 2021.

HENRY MCMASTER
Governor

4 EXECUTIVE ORDERS

Executive Order No. 2021-32

WHEREAS, Hurricane Ida has adversely impacted the State of Louisiana and other neighboring States, causing significant and widespread devastation and creating life-threatening conditions that necessitate the State of South Carolina providing emergency assistance with rescue, recovery, and relief operations in the affected areas; and

WHEREAS, the State of Louisiana and the State of South Carolina are parties to and members of the Emergency Management Assistance Compact, as set forth in section 25-9-420 of the South Carolina Code of Laws, as amended, which provides that the State of South Carolina shall render mutual aid upon request and subsequent to the declaration of a state of emergency or disaster by the governor of a party State that is to receive assistance; and

WHEREAS, the Governor of Louisiana has declared that an emergency or disaster exists in the State of Louisiana, and the State of Louisiana has requested assistance from the State of South Carolina pursuant to the terms of the Emergency Management Assistance Compact, as provided in section 25-9-420 of the South Carolina Code of Laws; and

WHEREAS, upon consultation with the Adjutant General of South Carolina and the South Carolina Emergency Management Division (“EMD”), the undersigned has determined that South Carolina National Guard personnel, resources, and equipment shall respond to the aforementioned request for mutual aid and emergency assistance; and

WHEREAS, the South Carolina National Guard is prepared to provide the personnel, resources, and equipment necessary to assist the impacted areas and to fulfill the request from the State of Louisiana for assistance in responding to the declared emergency or disaster in accordance with the terms of the Emergency Management Assistance Compact.

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 direct the Adjutant General to place specified units or personnel of the South Carolina National Guard on State Active Duty, to issue the requisite supplemental orders as he deems necessary and appropriate, and to utilize the South Carolina National Guard personnel, resources, and equipment requested through EMD to fulfill the mission in support of the State of Louisiana. South Carolina National Guard personnel and equipment deployment and mission requirements shall be coordinated through EMD, in consultation with the Office of the Governor, in accordance with the terms of the Emergency Management Assistance Compact. This Order is effective immediately and, in accordance with Article IV of the Emergency Management Assistance Compact, shall remain in effect for so long as the exercises for mutual aid are in progress, the state of emergency or disaster remains in effect in the State of Louisiana, or the loaned resources remain in the State of Louisiana, whichever is longer.

**GIVEN UNDER MY HAND AND THE GREAT
SEAL OF THE STATE OF SOUTH CAROLINA,
THIS 30th DAY OF AUGUST, 2021.**

**HENRY MCMASTER
Governor**

Executive Order No. 2021-33

WHEREAS, the undersigned has been notified of the passing of Lucille Simmons Whipper, who dutifully served as a member of the South Carolina House of Representatives; and

WHEREAS, in addition to her service as a member of the South Carolina House of Representatives, Lucille Simmons Whipper previously served the State of South Carolina as a member of the South Carolina Human Affairs Commission, a member of the South Carolina Mental Health Commission, an administrator at the College of Charleston, and in various other capacities over the course of her extensive career in public service and public education; and

WHEREAS, Lucille Simmons Whipper was a dedicated public servant, passionate educator, tireless community advocate, and principled leader, 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, Title 4, Section 7(m) of the United States Code, as amended, provides that “[i]n the event of the death of a present or former official of the government of any State, . . . the Governor of that State . . . may proclaim that the National flag shall be flown at half-staff”; and

WHEREAS, section 10-1-161(E) of the South Carolina Code of Laws, as amended, provides that “upon the death of a person of extraordinary stature, the Governor may 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.”

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 Saturday, September 4, 2021, in honor of Lucille Simmons Whipper 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 3rd DAY OF SEPTEMBER, 2021.

HENRY MCMASTER
Governor

6 NOTICES

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 **September 24, 2021**, 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 Certificate of Need Program, 2600 Bull Street, Columbia, South Carolina 29201, at (803) 545-4200, or by email at coninfo@dhec.sc.gov.

Affecting Aiken County

PAM Rehabilitation Hospital of Aiken, LLC d/b/a PAM Health Rehabilitation Hospital of Aiken

Construction for the establishment of a 36-bed acute inpatient rehabilitation hospital in Aiken County at a total project cost of \$26,904,973.

Affecting Charleston County

Trident Medical Center, LLC d/b/a Trident Medical Center

Addition of a third Cardiac Catheterization lab to the existing Cardiac Cath Department at a total project cost of \$4,071,305.

Trident Medical Center, LLC d/b/a Trident Medical Center

Construction for the expansion of the surgical department to add 3 operating rooms, 8 pre/post-operative rooms, a post-anesthesia care unit recovery bay and the addition of 9,785 sf at a total project cost of \$20,168,000.

Affecting Lancaster County

Medical University Hospital Authority d/b/a MUSC Health Indian Land Cancer Center

Establishment of a new outpatient radiation therapy center with one Varian TrueBeam Linear Accelerator, Siemens Somatom go.Open Pro CT Simulation System, and Varian BRAVOS HDR Brachytherapy Treatment System within an existing medical office building at a total project cost of \$10,615,556.

Affecting Oconee County

EHA Surgery Center Seneca, LLC (EHAS-LLC) d/b/a EHA Surgery Center Seneca

Construction for the establishment of a 6,388-sf ambulatory surgery facility including 2 operating rooms specializing in ophthalmic procedures at a total project cost of \$4,967,543.

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

NOTICE OF GENERAL PUBLIC INTEREST

Section IV of R.61-98, the State Underground Petroleum Environmental Response Bank (SUPERB) Site Rehabilitation and Fund Access Regulation, requires that the Department of Health and Environmental Control evaluate and certify site rehabilitation contractors to perform site rehabilitation of releases from underground storage tanks under the State Underground Petroleum Environmental Response Bank (SUPERB) Act.

Class I Contractors perform work involving the collection and interpretation of investigative data; the evaluation of risk; and/or the design and implementation of corrective action plans. Class I applicants must satisfy registration requirements for a Professional Engineer or Geologist in South Carolina. Class II Contractors perform work involving routine investigative activities (e.g., soil or ground water sampling, well installation, aquifer testing) where said activities do not require interpretation of the data and are performed in accordance with established regulatory or industry standards.

Pursuant to Section IV.B.1., the Department is required to place a list of those contractors requesting certification on public notice and accept comments from the public for a period of thirty (30) days. If you wish to provide comments regarding the companies and/or individuals listed below, please submit your comments in writing, no later than October 25, 2021 to:

Contractor Certification Program
South Carolina Department of Health and Environmental Control
Bureau of Land and Waste Management - Underground Storage Tank Program
Attn: Michelle Dennison
2600 Bull Street
Columbia, SC 29201

The following companies have applied for certification as Underground Storage Tank Site Rehabilitation Contractor:

Class I

AEI Consultants
Attn: Michael K. Meares, PG
4255 Wade Green Rd
Kennesaw, GA 30144

Class II

Eagle Synergistic Optimizing Technologies, LLC
Attn: Janet L. Castle
751 Pine Ridge Rd, #100
Golden, CO 80401

**DEPARTMENT OF LABOR, LICENSING AND REGULATION
BUILDING CODES COUNCIL**

NOTICE OF GENERAL PUBLIC INTEREST

Notice is hereby given that, in accordance with Section 6-9-40 of the 1976 Code of Laws of South Carolina, as amended, the South Carolina Building Codes Council intends to adopt the following building codes for use in the State of South Carolina:

- Mandatory codes include the:
- 2021 Edition of the International Building Code;
 - 2021 Edition of the International Residential Code;
 - 2021 Edition of the International Fire Code;
 - 2021 Edition of the International Plumbing Code;
 - 2021 Edition of the International Mechanical Code;
 - 2021 Edition of the International Fuel Gas Code;
 - 2020 Edition of the National Electrical Code.

The Council specifically requests comments concerning sections of the proposed editions, which may be unsuitable for enforcement in South Carolina. Written comments may be submitted to Molly F. Price, Council Administrator, at PO Box 11329 Columbia, SC 29211-1329, or to contact.bcc@llr.sc.gov on or before September 22, 2021. Additional information may be found on the Council's website at www.llr.sc.gov/bcc.

8 NOTICES

DEPARTMENT OF LABOR, LICENSING AND REGULATION BUILDING CODES COUNCIL

NOTICE OF GENERAL PUBLIC INTEREST

NOTICE OF PUBLIC HEARING

The South Carolina Department of Labor, Licensing and Regulation and the Building Codes Council do hereby give notice under Section 6-9-40(A)(3) and (4), of the South Carolina Code of Laws, as amended, that a public hearing will be held on September 28, 2021, at the South Carolina Fire Academy in the Denny Auditorium, 141 Monticello Trail, Columbia, SC 29203, at 10:30 A.M., at which time interested persons will be given the opportunity to appear and present views to the Council's appointed Study Committee on the following building codes for use in the State of South Carolina.

Mandatory codes include the:

2021 Edition of the International Building Code;
2021 Edition of the International Residential Code;
2021 Edition of the International Fire Code;
2021 Edition of the International Plumbing Code;
2021 Edition of the International Mechanical Code;
2021 Edition of the International Fuel Gas Code;
2020 Edition of the National Electrical Code.

Any person who wishes to appear before or provide evidence or comments to the committee, or both, must submit a written notice of his or her intention to appear before the Study Committee to Molly F. Price, Administrator of the Building Codes Council, at the physical address stated below, or to the email address also provided below, by or before September 22, 2021, at 5:00 p.m.

Molly F. Price
S.C. Building Codes Council
SC Department of Labor, Licensing and Regulation
PO Box 11329
Columbia, SC 29211-1329
Molly.Price@lir.sc.gov

If any person chooses not to attend the hearing but wishes to submit evidence or comments for the Committee's consideration, the evidence or comments should be sent to the same addresses provided above by or before September 22, 2021, at 5:00 p.m.

**DEPARTMENT OF LABOR, LICENSING AND REGULATION
CHAPTER 10**

Statutory Authority: 1976 Code Sections 40-1-50, 40-10-50, 40-10-60, 40-11-60, 40-79-50, and 40-79-60

Notice of Drafting:

The South Carolina Department of Labor, Licensing and Regulation proposes to amend renewal fees for Fire Sprinkler Protection Systems Contractors and Burglar Alarm Contractors and Fire Alarm Contractors within the Contractor's Licensing Board, whose fees appear in Chapter 10 of the South Carolina Code of Regulations. Interested persons may submit comments to Molly F. Price, South Carolina Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, S.C. 29211-1329.

Synopsis:

The South Carolina Department of Labor, Licensing and Regulation proposes to amend renewal fees in R.10-10(B)(2)(a) and R.10-10(C)(2)(a) to comport with existing fee schedules set in statute, S.C. Code Section 40-10-50 (fire sprinkler protection systems) and 40-79-50 (burglar alarm and fire alarm systems).

Legislative review of this amendment is required.

**DEPARTMENT OF LABOR, LICENSING AND REGULATION
BUILDING CODES COUNCIL
CHAPTER 8**

Statutory Authority: 1976 Code Sections 6-8-20(A) and 40-1-70

Notice of Drafting:

The South Carolina Building Codes Council proposes to repeal the following regulations on the basis they are no longer necessary: R.8-100, R.8-260, R.8-261, R.8-270, R.8-275, R.8-616, and R.8-617. The Council further proposes to repeal the following regulations as they conflict with statute: R.8-140 and R.8-185. Additionally, the Council proposes to amend the following regulations to remove duplicative or unnecessary language, comply with statutory provisions, update or combine and clarify language, and correct scrivener's errors: R.8-110, R.8-150, R.8-170, R.8-175, R.8-185, R.8-240, R.8-245, R.8-246, R.8-608, R.8-609, R.8-610, R.8-612, R.8-613, R.8-614, R.8-619, R.8-624 and R.8-625. Finally, the Council proposes to amend R.8-602 to add mechanical trade professional members to the Study Committee. Interested persons may submit comments to the administrator for the Council, Molly F. Price, South Carolina Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, S.C. 29211-1329.

Synopsis:

The South Carolina Building Codes Council plans to propose regulations that will amend certain sections of Chapter 8 and will repeal others, in accordance with Council's findings when conducting a review of regulations pursuant to Executive Order 2017-09. The specific sections to be amended and repealed are set forth hereinabove.

Legislative review of this amendment is required.

10 DRAFTING NOTICES

DEPARTMENT OF LABOR, LICENSING AND REGULATION BOARD OF EXAMINERS IN OPTOMETRY CHAPTER 95

Statutory Authority: 1976 Code Sections 40-37-40 and 40-37-320

Notice of Drafting:

The South Carolina Board of Examiners in Optometry proposes to amend Chapter 95 of the Code of Regulations to add regulations for optometrists' offices, which include mobile units, as authorized by S.C. Code Section 40-37-320. Interested persons may submit comments to Meredith Buttler, Administrator, Board of Examiners in Optometry, South Carolina Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, S.C. 29211-1329.

Synopsis:

The South Carolina Board of Examiners in Optometry proposes to amend Chapter 95 of the Code of Regulations to add regulations for optometrists' offices, which include mobile units, as authorized by S.C. Code Section 40-37-320.

Legislative review of this amendment is required.

DEPARTMENT OF LABOR, LICENSING AND REGULATION REAL ESTATE APPRAISERS BOARD CHAPTER 137

Statutory Authority: 1976 Code Sections 40-1-70, 40-60-10(I), and 40-60-38

Notice of Drafting:

The South Carolina Real Estate Appraisers Board proposes to amend Chapter 137 as follows: to add definitions for "desk review" and "field review", with necessary renumbering, in R.137-100; to remove the word "Residential" from course names in R.137-100.02(C)(1); to change the current experience requirement for the Licensed category to meet the Appraiser Qualifications Board (AQB) minimum requirements in R.137-100.02(C)(3) and (4); to remove the word "Residential" from the course names in R.137-100.02(D)(1); to change the current experience requirement for the Certified Residential category to meet the AQB minimum requirements in R.137-100.02(D)(3) and (4); to change the current experience requirement for the Certified General category to meet the AQB minimum requirements in R.137-100.02(E)(3) and (4); to remove definitions for "desk review" and "field review" from R.137-100.03; to add a column for co-appraiser hours assigned in R.137-100.04 and R.137-100.05; to restate the language in R.137-100.06; to add a column for co-appraiser hours assigned in R.137-200.02(A) and R.137-200.03(A) and to delete R.137-200.02(B) and R.137-200.03(B); to change "permit" to "license" in 137-300.01(A) and (6); to delete R.137-400.01; to clarify and restate certain language in R.137-500.01(F); to delete R.137-800.01; to restate and clarify certain language in R.137-800.04(A) regarding appraiser renewals and R.137.800.04(B) regarding AMC renewals; to delete certain language in R.137-800.05(B); to delete certain language in R.137-900.05(B) and to remove the word "Residential" from the course names in R.137-900.05(C) and (D); and to delete and clarify certain language in R.137-900.06. Interested persons may submit written comments to Laura Smith, Administrator, Board of Real Estate Appraisers Board, South Carolina Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, SC 29211.

Synopsis:

The South Carolina Board of Real Estate Appraisers Board proposes to amend Chapter 137 to comply with changes required by Federal law. Under the provisions of Title XI of the Financial Institutions Reform, Recovery and Enforcement Act of 1989 (FIRREA), the Appraiser Qualifications Board (AQB) establishes the Real

Property Appraiser Qualification Criteria, or the minimum education, experience and examination requirements for real property appraisers to obtain a state certification. The Board regulations must be amended to achieve consistency with the aforementioned Federal law. In addition to the changes above, the Board is seeking permission to delete, restate and clarify certain language in the regulations as set forth hereinabove.

Legislative review of this amendment is required.

DEPARTMENT OF NATURAL RESOURCES
CHAPTER 123

Statutory Authority: 1976 Code Sections 50-5-30 and 50-5-515

Notice of Drafting:

The South Carolina Department of Natural Resources (SCDNR) proposes to promulgate a new regulation relating to channel nets. Interested persons should submit their comments in writing to Kevin Ryan, SCDNR Executive Office, P.O. Box 167, Columbia, SC, 29201, no later than 5:00 p.m. on November 11, 2021, the end of the drafting comment period.

Synopsis:

This regulation will add coordinates to designate the areas of Winyah Bay and North Santee Bay where channel nets are lawful. These areas are currently depicted only by printed maps prepared by the Department.

This regulation will require legislative review.

DEPARTMENT OF NATURAL RESOURCES
CHAPTER 123

Statutory Authority: 1976 Code Sections 50-5-30 and 50-5-900

Notice of Drafting:

The South Carolina Department of Natural Resources (SCDNR) proposes to promulgate a new regulation relating to the duration of commercial shellfish culture and mariculture permits. Interested persons should submit their comments in writing to Kevin Ryan, SCDNR Executive Office, P.O. Box 167, Columbia, SC, 29201, no later than 5:00 p.m. on November 11, 2021, the end of the drafting comment period.

Synopsis:

This regulation will add language to clarify the duration of commercial shellfish culture and mariculture permits. S.C. Code Section 50-5-900 establishes five year permits. This regulation will specify that the first calendar year of issuance, regardless of the month in which the permit is issued, serves as the first year of the five-year permit.

This regulation will require legislative review.

12 DRAFTING NOTICES

DEPARTMENT OF NATURAL RESOURCES CHAPTER 123

Statutory Authority: 1976 Code Sections 50-5-30 and 50-5-500

Notice of Drafting:

The South Carolina Department of Natural Resources (SCDNR) proposes to promulgate a new regulation relating to gill nets. Interested persons should submit their comments in writing to Kevin Ryan, SCDNR Executive Office, P.O. Box 167, Columbia, SC, 29201, no later than 5:00 p.m. on November 11, 2021, the end of the drafting comment period.

Synopsis:

This regulation will add coordinates to designate the areas of Little River Inlet where gill nets are lawful within inshore waters. This area is currently depicted only by printed maps prepared by the Department.

This regulation will require legislative review.

DEPARTMENT OF NATURAL RESOURCES CHAPTER 123

Statutory Authority: 1976 Code Section 50-11-2200

Notice of Drafting:

The Department of Natural Resources proposes to amend Regulation 123-209, Term and Conditions for the Public's Use of State Lakes and Ponds Owned by the Department of Natural Resources and 123-210, Term and Conditions for the Public's Use of State Lakes and Ponds Leased by the Department of Natural Resources. The subject of the proposed action is to establish and revise under code section 50-11-2200 the terms and conditions for the public use of lakes owned or leased by the SC. Department of Natural Resources. Any person interested may submit written comments to Emily Cope, Deputy Director, Wildlife and Freshwater Fisheries Division, South Carolina Department of Natural Resources, Post Office Box 167, Columbia, SC 29202.

Synopsis:

This amended regulations will allow for the public use of lakes owned and leased by the Department and managed by the State Lakes Program for public fishing. The regulations establish opening and closure times and dates, possession limits, size limits, methods of take and other use allowances and restrictions for lakes in the State Lakes Program.

Legislative review is required.

Document No. 5060
SOUTH CAROLINA CRIMINAL JUSTICE ACADEMY
CHAPTER 37
Statutory Authority: 1976 Code Sections 23-23-10 et seq.

37-105. Contested Case Hearing.

Preamble:

S.C. Code Section 23-23-80 authorizes the Law Enforcement Training Council to make regulations necessary for the administration of S.C. Code Section 23-23-10 et seq. The proposed regulation will define misconduct for the denial of certification for misconduct.

Notice of Drafting for the proposed amendments was published in the *State Register* on July 23, 2021.

Section-by-Section Discussion:

37-105. This section addresses contested case hearings.

Notice of Public Hearing and Opportunity for Public Comment:

Interested members of the public and regulated community are invited to make oral or written comments on the proposed regulations at a public hearing to be conducted by the Law Enforcement Training Council and the South Carolina Criminal Justice Academy on November 15, 2021 to be held in the Clifford A. Moyer Conference Room, which is Room 150 of the main administrative building, 5400 Broad River Road, Columbia, South Carolina 29212. The meeting will commence at 10:00 a.m. at which time the Academy will consider oral comments noted in an agenda to be published ten days in advance of the meeting. Persons desiring to make oral comments at the hearing are asked to limit their statements to five minutes or less, and as a courtesy, are asked to provide written copies of their presentation for record.

Interested persons are also provided an opportunity to submit written comments on the proposed regulations by writing to Bradley J. Young, Office of the General Counsel, South Carolina Criminal Justice Academy, 5400 Broad River Road, Columbia, South Carolina 29212. Written comments must be received no later than 5:00 p.m. on November 12, 2021. Written comments received will be considered by the staff in formulating the final proposed regulations for the public hearing on November 15, 2021, as noticed above. Written comments received by the deadline will be submitted to the Law Enforcement Training Council and the South Carolina Criminal Justice Academy in summary of public comments for consideration at the public hearing.

Preliminary Fiscal Impact Statement:

There will be no fiscal impact from this change.

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION:

Purpose: The purpose of these proposed changes is to amend the procedure for contested case hearings.

Legal Authority: 1976 Code Sections 23-23-10 et seq.

Plan for Implementation: The proposed changes will take effect upon approval by the General Assembly and publication in the State Register.

14 PROPOSED REGULATIONS

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

The purpose of these proposed changes is to amend the procedure for contested case hearings.

DETERMINATION OF COSTS AND BENEFITS:

The law enforcement community will benefit from more specific and defined definitions of misconduct for denial of certification for misconduct.

UNCERTAINTIES OF ESTIMATES:

Unknown, but minimal if they exist.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

Not applicable.

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

Not applicable.

Statement of Rationale:

Revisions to these regulations are necessary to update contested case procedures.

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.

Document No. 5061
SOUTH CAROLINA CRIMINAL JUSTICE ACADEMY
CHAPTER 37
Statutory Authority: 1976 Code Sections 23-23-10 et seq.

37-025. Denial of Certification for Misconduct.

Preamble:

S.C. Code Section 23-23-80 authorizes the Law Enforcement Training Council to make regulations necessary for the administration of S.C. Code Section 23-23-10 et seq. The proposed regulation will define misconduct for the denial of certification for misconduct.

Notice of Drafting for the proposed amendments was published in the *State Register* on July 23, 2021.

Section-by-Section Discussion

37-025. This section defines misconduct for the denial of certification of law enforcement officers.

Notice of Public Hearing and Opportunity for Public Comment:

Interested members of the public and regulated community are invited to make oral or written comments on the proposed regulations at a public hearing to be conducted by the Law Enforcement Training Council and the South Carolina Criminal Justice Academy on November 15, 2021 to be held in the Clifford A. Moyer Conference Room, which is Room 150 of the main administrative building, 5400 Broad River Road, Columbia, South Carolina 29212. The meeting will commence at 10:00 a.m. at which time the Academy will consider oral comments noted in an agenda to be published ten days in advance of the meeting. Persons desiring to make oral comments at the hearing are asked to limit their statements to five minutes or less, and as a courtesy, are asked to provide written copies of their presentation for record.

Interested persons are also provided an opportunity to submit written comments on the proposed regulations by writing to Bradley J. Young, Office of the General Counsel, South Carolina Criminal Justice Academy, 5400 Broad River Road, Columbia, South Carolina 29212. Written comments must be received no later than 5:00 p.m. on November 12, 2021. Written comments received will be considered by the staff in formulating the final proposed regulations for the public hearing on November 15, 2021, as noticed above. Written comments received by the deadline will be submitted to the Law Enforcement Training Council and the South Carolina Criminal Justice Academy in summary of public comments for consideration at the public hearing.

Preliminary Fiscal Impact Statement:

There will be no fiscal impact from this change.

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION:

Purpose: The purpose of these proposed changes is to further define misconduct for denial of certification for misconduct.

Legal Authority: 1976 Code Sections 23-23-10 et seq.

Plan for Implementation: The proposed changes will take effect upon approval by the General Assembly and publication in the State Register.

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

The proposed changes is to further define misconduct for denial of certification for misconduct.

DETERMINATION OF COSTS AND BENEFITS:

The law enforcement community will benefit from more specific and defined definitions of misconduct for denial of certification for misconduct.

UNCERTAINTIES OF ESTIMATES:

Unknown, but minimal if they exist.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

Not applicable.

16 PROPOSED REGULATIONS

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

Not applicable.

Statement of Rationale:

Revisions to these regulations are necessary to make the definitions of misconduct for denial of certification for misconduct.

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.

Document No. 5062
SOUTH CAROLINA CRIMINAL JUSTICE ACADEMY
CHAPTER 37
Statutory Authority: 1976 Code Sections 23-23-10 et seq.

37-107. Final Decision by Law Enforcement Training Council.

Preamble:

S.C. Code Section 23-23-80 authorizes the Law Enforcement Training Council to make regulations necessary for the administration of S.C. Code Section 23-23-10 et seq. The proposed regulation will define misconduct for the denial of certification for misconduct.

Notice of Drafting for the proposed amendments was published in the *State Register* on July 23, 2021.

Section-by-Section Discussion:

37-107. This section addresses procedure regarding Final Agency Decisions.

Notice of Public Hearing and Opportunity for Public Comment:

Interested members of the public and regulated community are invited to make oral or written comments on the proposed regulations at a public hearing to be conducted by the Law Enforcement Training Council and the South Carolina Criminal Justice Academy on November 15, 2021 to be held in the Clifford A. Moyer Conference Room, which is Room 150 of the main administrative building, 5400 Broad River Road, Columbia, South Carolina 29212. The meeting will commence at 10:00 a.m. at which time the Academy will consider oral comments noted in an agenda to be published ten days in advance of the meeting. Persons desiring to make oral comments at the hearing are asked to limit their statements to five minutes or less, and as a courtesy, are asked to provide written copies of their presentation for record.

Interested persons are also provided an opportunity to submit written comments on the proposed regulations by writing to Bradley J. Young, Office of the General Counsel, South Carolina Criminal Justice Academy, 5400 Broad River Road, Columbia, South Carolina 29212. Written comments must be received no later than 5:00 p.m. on November 12, 2021. Written comments received will be considered by the staff in formulating the final proposed regulations for the public hearing on November 15, 2021, as noticed above. Written comments received by the deadline will be submitted to the Law Enforcement Training Council and the South Carolina Criminal Justice Academy in summary of public comments for consideration at the public hearing.

Preliminary Fiscal Impact Statement:

There will be no fiscal impact from this change.

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION:

Purpose: The purpose of these proposed changes is to amend the procedure for Final Agency Decisions.

Legal Authority: 1976 Code Sections 23-23-10 et seq.

Plan for Implementation: The proposed changes will take effect upon approval by the General Assembly and publication in the State Register.

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

The purpose of these proposed changes is to amend the procedure for Final Agency Decisions.

DETERMINATION OF COSTS AND BENEFITS:

The law enforcement community will benefit from more specific and defined definitions of misconduct for denial of certification for misconduct.

UNCERTAINTIES OF ESTIMATES:

Unknown, but minimal if they exist.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

Not applicable.

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

Not applicable.

Statement of Rationale:

Revisions to these regulations are necessary to update procedures for Final Agency Decisions.

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.

18 PROPOSED REGULATIONS

Document No. 5063
SOUTH CAROLINA CRIMINAL JUSTICE ACADEMY
CHAPTER 37
Statutory Authority: 1976 Code Sections 23-23-10 et seq.

37-101. Request for Contested Case Hearing.

Preamble:

S.C. Code Section 23-23-80 authorizes the Law Enforcement Training Council to make regulations necessary for the administration of S.C. Code Section 23-23-10 et seq. The proposed regulation will define misconduct for the denial of certification for misconduct.

Notice of Drafting for the proposed amendments was published in the *State Register* on July 23, 2021.

Section-by-Section Discussion:

37-101. This section addresses requests for contested case hearings.

Notice of Public Hearing and Opportunity for Public Comment:

Interested members of the public and regulated community are invited to make oral or written comments on the proposed regulations at a public hearing to be conducted by the Law Enforcement Training Council and the South Carolina Criminal Justice Academy on November 15, 2021 to be held in the Clifford A. Moyer Conference Room, which is Room 150 of the main administrative building, 5400 Broad River Road, Columbia, South Carolina 29212. The meeting will commence at 10:00 a.m. at which time the Academy will consider oral comments noted in an agenda to be published ten days in advance of the meeting. Persons desiring to make oral comments at the hearing are asked to limit their statements to five minutes or less, and as a courtesy, are asked to provide written copies of their presentation for record.

Interested persons are also provided an opportunity to submit written comments on the proposed regulations by writing to Bradley J. Young, Office of the General Counsel, South Carolina Criminal Justice Academy, 5400 Broad River Road, Columbia, South Carolina 29212. Written comments must be received no later than 5:00 p.m. on November 12, 2021. Written comments received will be considered by the staff in formulating the final proposed regulations for the public hearing on November 15, 2021, as noticed above. Written comments received by the deadline will be submitted to the Law Enforcement Training Council and the South Carolina Criminal Justice Academy in summary of public comments for consideration at the public hearing.

Preliminary Fiscal Impact Statement:

There will be no fiscal impact from this change.

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION:

Purpose: The purpose of these proposed changes is to amend the procedure for requesting contested case hearings.

Legal Authority: 1976 Code Sections 23-23-10 et seq.

Plan for Implementation: The proposed changes will take effect upon approval by the General Assembly and publication in the *State Register*.

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

The purpose of these proposed changes is to amend the procedure for requesting contested case hearings.

DETERMINATION OF COSTS AND BENEFITS:

The law enforcement community will benefit from more specific and defined definitions of misconduct for denial of certification for misconduct.

UNCERTAINTIES OF ESTIMATES:

Unknown, but minimal if they exist.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

Not applicable.

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

Not applicable.

Statement of Rationale:

Revisions to these regulations are necessary to make the definitions of misconduct for denial of certification for misconduct.

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.

Document No. 5064
SOUTH CAROLINA CRIMINAL JUSTICE ACADEMY
CHAPTER 37
Statutory Authority: 1976 Code Sections 23-23-10 et seq.

37-026. Withdrawal of Certification of Law Enforcement Officers.

Preamble:

S.C. Code Section 23-23-80 authorizes the Law Enforcement Training Council to make regulations necessary for the administration of S.C. Code Section 23-23-10 et seq. The proposed regulation will define misconduct for the denial of certification for misconduct.

Notice of Drafting for the proposed amendments was published in the *State Register* on July 23, 2021.

Section-by-Section Discussion:

37-026. This section defines misconduct for the withdrawal of certification of law enforcement officers.

20 PROPOSED REGULATIONS

Notice of Public Hearing and Opportunity for Public Comment:

Interested members of the public and regulated community are invited to make oral or written comments on the proposed regulations at a public hearing to be conducted by the Law Enforcement Training Council and the South Carolina Criminal Justice Academy on November 15, 2021 to be held in the Clifford A. Moyer Conference Room, which is Room 150 of the main administrative building, 5400 Broad River Road, Columbia, South Carolina 29212. The meeting will commence at 10:00 a.m. at which time the Academy will consider oral comments noted in an agenda to be published ten days in advance of the meeting. Persons desiring to make oral comments at the hearing are asked to limit their statements to five minutes or less, and as a courtesy, are asked to provide written copies of their presentation for record.

Interested persons are also provided an opportunity to submit written comments on the proposed regulations by writing to Bradley J. Young, Office of the General Counsel, South Carolina Criminal Justice Academy, 5400 Broad River Road, Columbia, South Carolina 29212. Written comments must be received no later than 5:00 p.m. on November 12, 2021. Written comments received will be considered by the staff in formulating the final proposed regulations for the public hearing on November 15, 2021, as noticed above. Written comments received by the deadline will be submitted to the Law Enforcement Training Council and the South Carolina Criminal Justice Academy in summary of public comments for consideration at the public hearing.

Preliminary Fiscal Impact Statement:

There will be no fiscal impact from this change.

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION:

Purpose: The purpose of these proposed changes is to further define misconduct for withdrawal of certification for misconduct.

Legal Authority: 1976 Code Sections 23-23-10 et seq.

Plan for Implementation: The proposed changes will take effect upon approval by the General Assembly and publication in the State Register.

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

The proposed changes is to further define misconduct for withdrawal of certification for misconduct.

DETERMINATION OF COSTS AND BENEFITS:

The law enforcement community will benefit from more specific and defined definitions of misconduct for denial of certification for misconduct.

UNCERTAINTIES OF ESTIMATES:

Unknown, but minimal if they exist.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

Not applicable.

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

Not applicable.

Statement of Rationale:

Revisions to these regulations are necessary to make the definitions of misconduct for denial of certification for misconduct.

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.

Document No. 5065
DEPARTMENT OF INSURANCE
CHAPTER 69

Statutory Authority: 1976 Code Sections 1-23-110, 38-3-110, and 38-69-330

69–29. Suitability in Annuity Transactions.

Preamble:

The Department is proposing to amend Regulation 69-29 to enhance protections for consumers seeking lifetime income through annuities. The requirements it imposes on insurance producers ensures that they will act in the best interest of the consumers they serve. This amendment is based on the National Association of Insurance Commissioners Model Regulation.

Section-by-Section Discussion:

Section I - replaces the term “insurers” with “producers”, a defined term, and adds the requirement that they act in the best interest of the consumer when making an annuity recommendation. Also clarifies that there is no private cause of action or civil liability for violation of the “best interest” standard.

Section II – removes requirement that the transaction has to result in a purchase, exchange, or replacement.

Section III – No changes.

Section IV – Adds new defined terms: Cash Compensation, Consumer profile information, Intermediary, Material Conflict of Interest, Non-cash Compensation, Non-guaranteed elements, and SEC. Revises definitions for: Annuity, Insurance Producer, Recommendation, Replacement, and removes definition for Suitability Information.

Section V – Adds “Best Interest Obligations” to the duties of Insurers and Insurance Producers as well as a disclosure obligation, a Conflict of interest, and Documentation obligations. Requires insurers to maintain a supervision system to ensure compliance. Clarifies that compliance with comparable standards satisfies the requirements of the regulation.

Section VI – Replaces “insurer” with “producer”. Clarifies training and knowledge requirements of producers in recommending an annuity product. Clarifies training requirements.

Section VII – Adds “mitigation” and “enforcement”.

Section VIII – Adds oral disclosures to the records required to be kept.

Section IX – Clarifies that the changes to the Regulation apply to prospective contracts.

Appendix – Disclosure Form language added.

The Notice of Drafting was published in the *State Register* on August 27, 2021.

22 PROPOSED REGULATIONS

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the South Carolina Code Annotated, such a hearing will be held before the Administrative Law Judge beginning at 10:00 a.m. on November 10, 2021, at the Administrative Law Court, 2nd Floor hearing room, Edgar A. Brown Building, 1205 Pendleton Street, Columbia, South Carolina. If no qualifying request is received by 5:00 p.m. on October 25, 2021, the hearing will be cancelled. Requests for a hearing and written comments should be submitted in writing to Melissa Manning, Associate General Counsel, South Carolina Department of Insurance, 1201 Main Street, Suite 1000, Columbia, South Carolina, 29201. To be considered, all comments or hearing requests must be received no later than 5:00 p.m. on October 25, 2021.

Preliminary Fiscal Impact Statement:

No additional state funding is requested. The Department estimates that no additional costs will be incurred by the state in complying with the proposed amendments to 69-29.

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION:

Purpose: The purpose of the amendments to this regulation is to enhance protections for consumers seeking lifetime income through annuities. The requirements it imposes on insurance producers ensures that they will act in the best interest of the consumers they serve.

Legal Authority: 1976 Code Sections 1-23-110, 38-3-110, and 38-69-330.

Plan for Implementation: The proposed amendments will take effect upon approval by the S.C. General Assembly and publication in the State Register. This regulation will also be published on the S.C. Legislature website in the S.C. Code of Regulations.

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

The amendments to this regulation are necessary to enhance protections for consumers seeking lifetime income through annuities. The requirements it imposes on insurance producers ensures that they will act in the best interest of the consumers they serve.

DETERMINATION OF COSTS AND BENEFITS:

There will be no increased cost to the state or its political subdivisions, nor will the proposed amendments result in any increased cost to the business community.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates relative to the cost to the state or its political subdivisions.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

The proposed amendments have no effect on the environment or on public health.

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

There will be no detrimental effect on the environment or public health if the regulation is not amended.

Statement of Rationale:

The proposed amendments to this regulation will enhance protections for consumers seeking lifetime income through annuities. The requirements it imposes on insurance producers ensures that they will act in the best interest of the consumers they serve.

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: September 10, 2021 2:44pm

Document No. 5059
DEPARTMENT OF NATURAL RESOURCES
CHAPTER 123

Statutory Authority: 1976 Code Sections 50-1-200, 50-1-220, 50-11-10, 50-11-2200, and 50-11-2210

Emergency Situation:

These emergency regulations establish seasons, limits and special restrictions for dove hunting on Dove Management Areas. Because the dove season begins September 4, it is necessary to file these regulations as emergency.

Text:

WILDLIFE MANAGEMENT AREA PUBLIC DOVE FIELDS 2021-2022

Dove Management Area Regulations: The following fields are open only during the dates and times indicated below. A Wildlife Management Area permit and a Migratory Bird Permit are required for dove hunting on all fields. Fields denoted by an asterisk (*) require hunters to sign in and sign out on all hunts. No species other than mourning doves and Eurasian collared doves may be hunted during scheduled dove hunts.

Statewide Season Dates:

September 4 - October 2, November 13 - November 27, December 17, 2021 - January 31, 2022.

Bag Limit: Mourning Doves: 15 doves per day. No limit on Eurasian collared doves.

The following special regulations apply to all Wildlife Management Area Public Dove Fields: Hunters are limited to 50 shells per hunt. No entry onto fields before 12:00 noon. No shooting after 6:00 p.m. during the first segment of the season (September 4 – October 2).

ABBEVILLE

U.S. Forest Service – Power of Partnerships Field – Sept. 4 Adult/Youth Hunt. 1st season – Saturdays Only beginning Sept. 11. 2nd and 3rd seasons open Mon. – Sat.

AIKEN

*US Dept of Energy - Crackerneck WMA. 1st season – Sept. 8, 22, 29.

ANDERSON

Clemson University - Fant's Grove WMA. 1st season - Saturdays Only Beginning Sept. 4. Field Closed Oct. 2. Open 2nd & 3rd seasons – Saturdays Only.

BERKELEY

*U.S. Army Corps of Engineers - Canal WMA. Sept. 4, 18; Oct. 2; Nov. 20. Sept. 11 is Wounded Warrior Hunt Only -Invitation Only.

CHARLESTON

DNR Botany Bay Plantation WMA. Sept. 4, 11, Oct. 2, Nov. 13; Dec. 18. All hunts are Adult/Youth Only.

CHEROKEE

Gaffney Board of Public Works. Open Saturdays only during the statewide dove season beginning Sept. 4. Dove Hunting Only.

CHESTER

U.S. Forest Service - Worthy Bottoms. 1st season - Saturdays Only Beginning Sept. 4. 2nd & 3rd seasons - Open Mon. –Sat.

DNR Landsford Canal Forest Legacy Area. 1st season - Saturdays Only Beginning Sept. 4. 2nd & 3rd seasons - Open Mon. –Sat.

CHESTERFIELD

SC Forestry Commission – Sand Hills State Forest - Wilkes Chapel Field. 1st season –Saturdays Only Beginning Sept. 4. 2nd & 3rd seasons - Open Mon. – Sat.

SC Forestry Commission – Sand Hills State Forest - Davis Field. 1st season – Opening Day Sept. 4, then Wednesdays Only beginning Sept. 15. 2nd & 3rd seasons – Open Mon. – Sat.

CLARENDON

*Santee Cooper - Santee Dam WMA. Sept. 4, 18; Oct. 2; Nov. 20.

*SC Forestry Commission - Oak Lea WMA. Sept. 4, 11, 18, 25, Oct. 2, Dec. 29; Jan. 5.

COLLETON

DNR - Donnelley WMA. Sept. 4, 11; Oct. 2; Nov. 13.

FLORENCE

Santee Cooper – Pee Dee Station Site WMA. 1st season - Saturdays Only Beginning Sept. 4. 2nd & 3rd seasons - Saturdays Only. Dove Hunting Only.

GEORGETOWN

DNR Samworth WMA. Sept. 4, 18; Oct. 2; Nov. 13.

GREENVILLE

DNR Tall Pines WMA. 1st season – Saturdays Only Beginning Sept. 4. 2nd and 3rd seasons – Saturdays Only.

HAMPTON

*DNR – Palachucola WMA. Sept. 4, 11, 22; Oct 2; Nov. 13.

*DNR - Webb Wildlife Center. Sept. 4, 11, 22; Oct. 2; Nov. 13.

LAURENS

DNR Cliff Pitts WMA - 1st season – Saturdays Only Beginning Sept. 4. 2nd and 3rd seasons open Mon. – Sat.

DNR Gray Court Field. 1st season - Saturdays Only Beginning Sept. 4. 2nd & 3rd seasons open Mon. - Sat.

LEXINGTON

Hallman Field. 1st season - Saturdays Only Beginning Sept. 4. 2nd & 3rd seasons - Saturdays Only. Dove Hunting Only.

MARLBORO

DNR - Lake Wallace WMA. 1st season - Saturdays Only Beginning Sept. 4. 2nd & 3rd seasons - Saturdays Only. Dove Hunting Only.

MCCORMICK

*U.S. Army Corps of Engineers - Bordeaux Field. Sept. 4 & 22; Nov. 24, Dec. 29; Jan. 12 & 26; Dove Hunting Only. Hunters must sign-in & out at 1009 McIntosh Rd.

26 EMERGENCY REGULATIONS

U.S. Army Corps of Engineers – Parksville Field. 1st season – Saturdays Only Beginning Sept. 4. 2nd & 3rd seasons – Open Mon. - Sat.

US Army Corp of Engineers - Plum Branch Fields. 1st season – Saturdays Only Beginning Sept. 4. 2nd & 3rd seasons – Open Mon. - Sat.

NEWBERRY

SCDOT McCullough Field. Open Saturdays only during the statewide dove season Beginning Sept. 4. Dove Hunting Only.

DNR Belfast WMA. Sept. 4, 11, 18, 25; Oct. 2; Nov. 27. 3rd season - Open Mon. - Sat.

OCONEE

U.S. Forest Service – Long Creek Tract. In order to hunt, adults must have 1 or 2 youth age 17 or younger. 1st season – Saturdays Only Beginning Sept. 4. 2nd season – Open November 14 & 21 Only. 3rd season – Closed.

U.S. Forest Service - Ross Mtn. Field. Open 1st, 2nd and 3rd seasons. Saturdays Only Beginning Sept. 4.

ORANGEBURG

*Santee Cooper - Santee Cooper WMA. Sept. 4 is Adult/Youth Only. Sept. 11, 25; Nov. 13; Dec. 18

PICKENS

DNR Property - Rifle Range. Open 1st, 2nd and 3rd seasons. Saturdays Only Beginning Sept. 4. Dove hunting only.

Clemson University - Gravelly WMA - Causey Tract. Open 1st, 2nd and 3rd seasons. Saturdays Only Beginning Sept. 4. Dove hunting only.

DNR Property – Jocassee Gorges – Cane Creek Field. Open Wednesday Only, Beginning Sept. 15. Open 1st, 2nd and 3rd seasons.

SALUDA

SCE&G Saluda River Field. 1st season - Saturdays Only Beginning Sept 4. 2nd & 3rd seasons - Open Mon. - Sat.

SPARTANBURG

Santee Cooper. 1st season – Saturdays Only Beginning Sept. 4. 2nd & 3rd seasons – Open Mon. – Sat.

SUMTER

*S.C. Forestry Commission - Manchester State Forest

Bland Field 1. Sept. 4 is Adult/Youth Hunt Only. 1st season - Saturdays Only Beginning Sept. 11. 2nd & 3rd seasons open Mon. – Sat. (Designated fields and the general forest).

*Tuomey Fields Field A –1st season – Saturdays Only Beginning Sept. 4. 2nd & 3rd seasons open Mon. – Sat. (Designated fields and the general forest).

UNION

DNR Thurmond Tract. 1st season – Saturdays Only Beginning Sept. 4. 2nd & 3rd seasons open Mon. – Sat.

U.S. Forest Service - Sedalia. Sept. 4 is Adult/Youth Only. 1st season – Saturdays Only Beginning Sept. 11. 2nd & 3rd seasons - Open Mon. - Sat.

U.S. Forest Service - Herbert Field. 1st season - Saturdays Only Beginning Sept. 4. 2nd & 3rd seasons - Open Mon. - Sat.

YORK

DNR - Draper Tract. 1st season – Saturdays Only Beginning Sept. 4. 2nd & 3rd seasons Open Mon. - Sat.

York County – Worth Mountain WMA. 1st season – Saturdays Only Beginning Sept. 4. 2nd & 3rd seasons Open Mon. - Sat.

SPECIAL YOUTH DOVE HUNTS:

Eligibility for these hunts requires adults 21 years or older to bring 1 or 2 youths 15 years of age and younger. Youths 16 & 17 years of age may participate in the hunt with or without an accompanying adult. The following regulations also apply: (1) Adult must remain in the field and closely supervise participating youth at all times. (2) In parties of one adult and 2 youths, only one youth hunter may be handling a loaded firearm at any given time. (3) Adults are allowed to shoot. (4) Bag limit is 15 birds per youth participant. Birds harvested by individual hunters must be kept separate, and in no instance may an individual hunter harvest more than 15 birds.

ABBEVILLE COUNTY YOUTH HUNT

US Forest Service – Power of Partnerships Field. September 4.

CHARLESTON COUNTY YOUTH HUNT

Botany Bay Plantation WMA - September 4, 11; October 2; November 13, December 18.

ORANGEBURG COUNTY YOUTH HUNT

Santee Cooper - Santee Cooper WMA. September 4.

SUMTER COUNTY YOUTH HUNT

Manchester State Forest near Wedgefield Bland Tract - Field 1 near Wedgefield - September 4.

UNION COUNTY YOUTH HUNT

Sedalia Field (U.S. Forest Service) - September 4.

YORK COUNTY YOUTH HUNT

SCDNR - Draper WMA - September 4.

Statement of Need and Reasonableness:

Since existing regulations only apply to specific wildlife management areas, new regulations must be filed to establish seasons, bag limits and methods of hunting and taking of wildlife on new WMAs as well as expanding use opportunities on existing WMAs. Since the availability of specific fields changes each year and season dates change as allowed by Federal Regulation, it is necessary to file Dove Field regulations annually. Because these hunts begin on September 4, it is necessary to file these regulations as emergency so they take effect immediately.

Fiscal Impact Statement:

This amendment of Regulation 123-40 will result in increased public hunting opportunities which should generate additional State revenue through license sales. In addition, local economies should benefit from sales of hunting supplies, food and overnight accommodations. Sales taxes on these items will also directly benefit government.