

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.

2015 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	1/9	2/13	3/13	4/10	5/8	6/12	7/10	8/14	9/11	10/9	11/13	12/11
Publishing Date	1/23	2/27	3/27	4/24	5/22	6/26	7/24	8/28	9/25	10/23	11/27	12/25

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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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.	RAT. NO.	FINAL ISSUE	SUBJECT	EXP. DATE	AGENCY
4350			Law Enforcement Officer and E-911 Officer Training and Certification (Renummer and Reorganize)	5/13/15	South Carolina Criminal Justice Academy
4345			Adjudication of Misconduct Allegations (Reporting of Misconduct by Law Enforcement Officers)	5/13/15	South Carolina Criminal Justice Academy
4372			Certification	5/13/15	South Carolina Criminal Justice Academy
4466			Procedures for Contested Cases	5/13/15	Department of Health and Envir Control
4461			Minimum Standards for Licensing Hospitals and Institutional General Infirmaries	5/13/15	Department of Health and Envir Control
4464			Standards for Licensing Facilities that Treat Individuals for Psychoactive Substance Abuse or Dependence	5/13/15	Department of Health and Envir Control
4468			Hypodermic Devices; and Drugs and Devices	5/13/15	Department of Health and Envir Control
4454			Commissioners	5/13/15	Public Service Commission
4455			Proceedings	5/13/15	Public Service Commission
4459			Landplaster	5/13/15	Clemson University-State Crop Pest Comm.
4480			Insurance Holding Company Systems	5/13/15	Department of Insurance

2 COMMITTEE LIST OF REGULATIONS SUBMITTED TO GENERAL ASSEMBLY

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
4350	Law Enforcement Officer and E-911 Officer Training and Certification (Renummer and Reorganize)	Judiciary	Judiciary
4345	Adjudication of Misconduct Allegations (Reporting of Misconduct by Law Enforcement Officers)	Judiciary	Judiciary
4372	Certification	Judiciary	Judiciary
4466	Procedures for Contested Cases		
4461	Minimum Standards for Licensing Hospitals and Institutional General Infirmaries		
4464	Standards for Licensing Facilities that Treat Individuals for Psychoactive Substance Abuse or Dependence		
4468	Hypodermic Devices; and Drugs and Devices		
4454	Commissioners		
4455	Proceedings		
4459	Landplaster		
4480	Insurance Holding Company Systems		

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 December 25, 2014 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, SC 29201 at (803) 545-4200.

Affecting Aiken County

Construction of a new fifty (50) bed general hospital.
University Hospital Aiken, Inc. d/b/a University Hospital Aiken or University Hospital-Aiken
Aiken, South Carolina
Project Cost: \$32,470,000

Affecting Charleston County

Purchase of Siemens Ysio Max digital radiography.
Roper St. Francis Physicians Network d/b/a Roper St. Francis Physician Partners Multispecialty Clinic
Charleston, South Carolina
Project cost: \$798,743

Renovation of existing facility for the addition of fifty-two (52) acute hospital beds for a total of six hundred fifty-six (656) acute hospital beds, purchase of a Siemens Artis Q Biplane, and the renovation of the existing inpatient pharmacy.

Medical University Hospital Authority d/b/a Medical University of South Carolina Children's Hospital and Women's Pavilion and Medical University of South Carolina Ashley River Tower
Charleston, South Carolina
Project cost: \$9,178,112

Construction of a new Ambulatory Surgical Facility with four (4) operating rooms and one (1) endoscopy procedure room at a total project cost of \$26,389,808

Medical University Hospital Authority d/b/a MUSC Pediatric Ambulatory Surgery Center
Charleston, South Carolina
Project cost: \$26,389,808

Affecting Georgetown County

Renovation of an existing facility to add a fifteen (15) bed inpatient psychiatric unit through the conversion of fifteen (15) acute care beds and a further reduction of eleven (11) acute care beds resulting in total of one hundred twenty (120) acute care beds and 15 psychiatric beds.

Georgetown County Memorial Hospital d/b/a Georgetown Memorial Hospital
Georgetown, South Carolina
Project cost: \$4,465,886

4 NOTICES

Affecting Horry County

Renovation of an existing facility for the purchase and installation of an Innova Image Guided System IGS 630 Biplane System.

Grand Strand Regional Medical Center, LLC d/b/a Grand Strand Medical Center

Myrtle Beach, South Carolina

Project Cost: \$1,725,319.17

Affecting Spartanburg County

Establishment of a new Narcotics Treatment Program in Spartanburg County.

Palmetto Carolina Treatment Center, LLC

Spartanburg, South Carolina

Project Cost: \$214,464

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 December 25, 2014. "Affected persons" have 30 days from the above date to submit requests for a public hearing to Robert B. "Sam" Phillips, Certificate of Need Program, 2600 Bull Street, Columbia, S.C. 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) 545-4200.

Affecting Charleston County

Renovation of an existing facility to install a hybrid operating room (OR).

Roper Hospital, Inc. d/b/a Roper Hospital

Charleston, South Carolina

Project Cost: \$5,886,031

Renovation of existing facility to add one (1) endoscopy only room for a total of five (5) endoscopy only rooms at a total project cost of \$407,832.

Charleston Endoscopy Center, LLC

Charleston, South Carolina

Project cost: \$407,832

Construction of a new Ambulatory Surgery Facility (ASF) for endoscopy-only procedures with three (3) gastroenterology procedures rooms.

Charleston West ASC, LLC

Charleston, South Carolina

Project cost: \$2,916,316

Affecting Horry County

Construction of a new standalone hospice facility with thirty-six (36) hospice beds.

Embrace Hospice of South Carolina, LLC d/b/a Embrace Hospice House of the Grand Strand

Myrtle Beach, South Carolina

Project cost: \$4,349,773

Renovation of an existing facility for the purchase and installation of an Innova Image Guided System IGS 630 Biplane System.
Grand Strand Regional Medical Center, LLC d/b/a Grand Strand Medical Center
Myrtle Beach, South Carolina
Project Cost: \$1,725,319.17

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 January 26, 2015 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 company has applied for certification as Underground Storage Tank Site Rehabilitation Contractor:

Class I

Marion Environmental, Inc.
Attn: Thomas Gallant, IV
115 Parmenas Lane
Chattanooga, TN 37405

6 NOTICES

DEPARTMENT OF LABOR, LICENSING AND REGULATION

NOTICE OF GENERAL PUBLIC INTEREST

Notice is hereby given that, in accordance with Section 1-34-30 of the 1976 Code of Laws of South Carolina, as amended, the Department of Labor, Licensing and Regulation intends to adopt the latest edition of the following nationally recognized code as set forth herein below:

1. Safety Standards for Elevators and Escalators, (ASME) A17.1-2013/CSA B44-13, 2013 edition. This latest version of the code was originally published on October 21, 2013 and became effective on April 21, 2014, with the exceptions of Requirements 8.10.1.1.3 and 8.11.1.1, which became effective immediately.

Since publication in October of 2013, the following revisions and editorial changes were made. The Department intends to incorporate these changes as stated:

<u>Page</u>	<u>Location</u>	<u>Change</u>
vii-xii	ASME Foreword	Revised
xxi-xxii	ASME Preface	Revised
xxiv	CSA Preface	Revised
1	1.1.1	In subpara. (c), last sentence revised
2	1.1.4	Revised
	1.2.2	Title editorially revised
2, 5, 6-8, 10, 13-18	Section 1.3	(1) Definition of <i>accredited certifying organization</i> ; <i>accrediting body</i> ; <i>base, building</i> ; <i>control, mechanical-hydraulic</i> ; <i>conveyor, vertical reciprocating (VRC)</i> ; <i>driving machine, traction climbing</i> ; <i>elevator, outside emergency</i> ; <i>elevator discharge level</i> ; <i>elevator, wind turbine tower</i> ; <i>guide rope fixes</i> ; <i>guiding means, ladder</i> ; <i>hard, copy</i> ; <i>maintenance control program (MCP)</i> ; <i>maintenance interval</i> ; <i>maintenance procedure</i> ; <i>maintenance task</i> ; <i>Occupant Evacuation Operation</i> ; <i>operation, automatic call</i> ; <i>operation, automatic send</i> ; <i>pallet band</i> ; <i>platform, landing</i> ; <i>records, electronic</i> ; <i>seal, adjustment</i> ; <i>SIL rated</i> ; <i>step band</i> ; <i>sway control guide</i> , <i>sway control guide suspension means</i> ; <i>tail line</i> ; and <i>travel path</i> added.

2. The original promulgating authority for this code is:
The American Society of Mechanical Engineers (ASME)
22 Law Drive/Box 2300
Fairfield, New Jersey 07007-2300

3. This code is referenced by:

South Carolina Code of Laws, Sections 41-16-10 et seq., and specifically in South Carolina Code of Laws, Section 41-16-40(2).

Elevator Safety Regulations 71-5100(1.).

The Department of Labor, Licensing and Regulation specifically requests comments concerning sections of these editions which may be unsuitable for enforcement in South Carolina. Written comments may be submitted to Duane Scott by mail at 110 Centerview Drive, Columbia, SC 29210, by fax at 803-896-7650, or by email to duane.scott@llr.sc.gov.

If no comments are received by 5:00 p.m. on Monday, December 27, 2014, the Department of Labor, Licensing and Regulation will promulgate this latest edition as stated without amendment.

**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:

2015 Edition of the International Building Code;
2015 Edition of the International Residential Code;
2015 Edition of the International Fire Code;
2015 Edition of the International Plumbing Code;
2015 Edition of the International Mechanical Code;
2015 Edition of the International Fuel Gas Code;
2014 Edition of the National Electrical Code.

Permissive codes include the:

2015 Edition of the International Property Maintenance Code;
2015 Edition of the International Existing Building Code;
2015 Edition of the International Swimming Pool and Spa Code
2015 Edition of the International Performance Code for Buildings and Facilities.

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 Roger K. Lowe, Council Administrator, at PO Box 11329, Columbia, SC 29211-1329, on or before April 1, 2015.

8 DRAFTING NOTICES

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL CHAPTER 61

Statutory Authority: 1976 Code Sections 44-2-10 et seq.

Notice of Drafting:

The Department of Health and Environmental Control proposes amending R.61-92, Underground Storage Tank Control Regulations. Interested persons may submit written comments to Eric F. Cathcart, Program Manager, Underground Storage Tank Management Division, Bureau of Land and Waste Management, South Carolina Department of Health and Environmental Control, 2600 Bull Street, Columbia, South Carolina 29201 or via email at cathcaef@dhec.sc.gov. To be considered, all comments must be received no later than 5:00 p.m. January 29, 2015, the close of the comment period.

Synopsis:

The Department of Health and Environmental Control proposes amending R.61-92, Underground Storage Tank Control Regulations. The amendment will focus on provisions of Section 280.25 relating to secondary containment for all UST systems located within 100 feet of an existing water supply well, a coastal zone critical area, or state navigable waters.

The Department may also include stylistic changes, which may include corrections for clarity and readability, grammar, punctuation, definitions, references, codification and overall improvement of the text of the regulation. Revisions to other provisions of R.61-92 may also be included in the amendment in accordance with governing legal authority and the Department's overall mission.

Legislative review will be required.

DEPARTMENT OF NATURAL RESOURCES CHAPTER 123

Statutory Authority: 1976 Code Sections 50-15-20(A), 50-15-60, and 50-15-430(A)

Notice of Drafting:

The South Carolina Department of Natural Resources proposes to amend Regulation 123-151, Regulations for Species or Subspecies of Non-game Wildlife. Any person interested may present their views in writing to Jay Butfiloski, Furbearer and Alligator Program Coordinator, Wildlife and Freshwater Fisheries Division, South Carolina Department of Natural Resources, PO Box 167, Columbia, SC, 29202. For questions, call (803) 734-4024 or email butfiloskij@dnr.sc.gov. To be considered, all comments must be received in writing no later than 5 p.m. January 5, 2015, the close of the drafting period.

Synopsis:

The "South Carolina Captive Alligator Propagation Act" (Act) was passed into law April 10, 2014 and became effective April 14, 2014. The existing regulation will be amended to specify the construction, placement, operation and maintenance of an alligator propagation facility. The regulation will describe provisions for housing live alligators as well as the processing of alligators at the facility. The Department also intends to describe the application process and record-keeping requirements of all alligator propagation facilities. In addition, this regulation will correct discrepancies between existing regulations and changes made to 50-15-500 B(3) in 2013.

Proposed regulations will require legislative review.

Document No. 4549
DEPARTMENT OF CONSUMER AFFAIRS
 CHAPTER 28
 Statutory Authority: 1976 Code Sections 40-58-10 et seq.,
 particularly Section 40-58-100

28-400. Mortgage Loan Broker Certificate of Registration

Preamble:

The “Licensing of Mortgage Brokers Act” (Act) was heavily amended effective January 1, 2010, to be in compliance with the federal “Secure and Fair Enforcement for Mortgage Licensing Act of 2008” (SAFE Act). The United States Department of Housing and Urban Development (HUD) issued their final rule for the SAFE Act on June 30, 2011, subsequently transferred to the Consumer Financial Protection Bureau and is now 12 CFR Part 1008, which required changes to our regulation. The purpose of the regulation is to implement the above changes to state and federal law and delete the previous regulation. The title of the regulation is changed to conform to the statute.

The statute has terms that needed definition as a result of changes to federal law noted above. In addition, licenses are required for persons not specifically addressed in the statute. Further, reporting requirements changed as a result of changes in the federal laws and contractual arrangements.

Section 40-58-100 allows the Department to promulgate regulations necessary to effectuate the purposes of the Chapter.

The proposed regulation will require legislative review.

Notice of Drafting for the proposed regulation was published in the *State Register* on September 26, 2014. Comments were solicited for consideration in drafting the proposed regulation.

Section-by-Section Discussion

- 28-400 Deleted previous title and added new title to conform to statute.
- 28-400(A) Deleted previous section and added new section Definitions – new definitions added for “Act,” “Co-brokering,” “Day,” “Employee for purposes of compliance with federal income tax laws,” “Loan correspondent,” and “Loss mitigation”.
- 28-400(B) Deleted previous section and added new section “Licensing of Independent Contractor Processors or Underwriters” containing information on obtaining a license.
- 28-400(C) Deleted previous section and added new section with language regarding all SC mortgage loans being subject to all relevant state and federal law.
- 28-400(D) Deleted previous section and added section “Reports” to clarify reporting requirements.
- 28-400(E) Added section “Licensing for loss mitigation activities” containing licensing information.
- 28-400(F) Added section “Bona fide Nonprofit Organization” containing reporting requirements.

10 PROPOSED REGULATIONS

Notice of Public Hearing and Opportunity for Public Comment:

Interested persons should submit comments to W. Wesley Johnson, Jr., Staff Attorney, South Carolina Department of Consumer Affairs, P.O. Box 5757, Columbia, S.C. 29250-5757, by January 26, 2015, at 5:00 p.m. Should a public hearing be requested, the hearing will be held at the department on February 3, 2015, at 2:00 p.m. in the Conference Room, 2221 Devine Street, Suite 200, Columbia, S.C. 29205.

Preliminary Fiscal Impact Statement:

The Department of Consumer Affairs estimates the costs incurred by the State in complying with the proposed regulation will be approximately \$0.

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION: Mortgage Loan Broker Certificate of Registration.

Purpose: R.28-400 was promulgated with an initial effective date of May 24, 1991 and was last amended March 24, 1994. The purposes of the amendment are to revise the title of the regulation to conform to statutory changes and address other changes required by changes in state and federal law.

Legal Authority: 1976 Code Sections 40-58-10 et seq., particularly Section 40-58-100.

Plan for Implementation: Administrative.

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

The regulation is intended to address changes to State and Federal law regarding the mortgage broker industry and clarify the statutory terms and application requirements for independent contractor processors and underwriters, loss mitigation activities, bona fide nonprofit organizations, and loan correspondents. The proposed regulation directly addresses issues that have come to the attention of the Department staff during the time since the regulation was last amended.

DETERMINATION OF COSTS AND BENEFITS:

Licensing fees assessed are at levels intended to offset the costs of administering the regulation.

UNCERTAINTIES OF ESTIMATES:

Estimates are based on agency experience in regulating the industry. Should the number of filings vary greatly, estimates could change. However, since costs to the State should be covered by the licensing fees set in S.C. Code Sections 40-58-10 et seq., impact should be minimal.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

None.

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

None.

Statement of Rationale:

The South Carolina *Licensing of Mortgage Brokers Act* specifically provides for the Department to promulgate regulations necessary to effectuate the purposes of the Act. The Act also permits and/or contemplates the drafting of licensing requirements for independent contractor processors and underwriters and reporting requirements. Such modifications and additions are necessary to effectuate the consumer protection purpose of the Act and to guide businesses with compliance.

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. 4550
DEPARTMENT OF CONSUMER AFFAIRS
 CHAPTER 28
 Statutory Authority: 1976 Code Sections 32-7-10 et seq.,
 particularly Section 32-7-110(A)

28-800. Preneed Funeral Contracts

Preamble:

The Legislature transferred the authority to administer the Preneed Funeral Contracts statutes (Section 32-7-10 et seq.) to the Department of Consumer Affairs in 2005 and granted enforcement authority to the agency in 2009. The statute sets forth requirements for those persons offering preneed funeral contracts in this State. Section 32-7-110(A) allows the department to promulgate regulations necessary to effectuate the purposes of the Chapter.

The department proposes to promulgate a regulation to clarify who is able to modify or transfer a preneed funeral contract, clarify who is entitled to excess funds when a guaranteed price contract is modified, provide guidance on irrevocable contracts and prearrangement insurance policies, and promulgate financial responsibility requirements of preneed funeral contract providers.

The regulation will require legislative review.

Notice of Drafting for the proposed regulation was published in the State Register on September 26, 2014. Comments were solicited for consideration in drafting the proposed regulation.

Section-by-Section Discussion

- 28-800 Adds title to R.28-800.
- 28-800(A) Establishes definitions are the same as the preneed funeral contracts statutes.
- 28-800(B) Adds guidance for the modification of preneed funeral contracts.
- 28-800(C) Adds further guidance for the transfer of preneed funeral contracts.
- 28-800(D) Adds further guidance for irrevocable contracts.
- 28-800(E) Adds guidance for prearrangement insurance policies.

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28-800(F) Adds guidance for recordkeeping.

28-800(G) Adds guidance for financial responsibility.

Notice of Public Hearing and Opportunity for Public Comment:

Interested persons should submit comments to Kelly H. Rainsford, Director of Regulatory Enforcement, South Carolina Department of Consumer Affairs, P.O. Box 5757, Columbia, S.C. 29250-5757, by January 26, 2015, at 5:00 p.m. Should a public hearing be requested, the hearing will be held at the department on February 3, 2015, at 2:00 p.m. in the Conference Room, 2221 Devine Street, Suite 200, Columbia, S.C. 29205.

Preliminary Fiscal Impact Statement:

The department estimates the costs incurred by the State in complying with the proposed regulation will be approximately \$0.

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION: Preneed Funeral Contracts.

Purpose: R.28-800 is being promulgated to comply with the Supreme Court's preference that agency policies are set forth in regulations and to give guidance to licensed funeral directors who sell preneed funeral contracts.

Legal Authority: 1976 Code Sections 32-7-10 et seq., particularly Section 32-7-110(A).

Plan for Implementation: Administrative.

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

The regulation is intended to clarify certain issues that have come to the attention of the department since the regulation of preneed funeral contracts was transferred to the department on July 1, 2006.

DETERMINATION OF COSTS AND BENEFITS:

Preneed services charges assessed through S.C. Code Section 32-7-50(C) are at levels intended to offset the costs of administering the regulation.

UNCERTAINTIES OF ESTIMATES:

Estimates are based on agency experience in regulating the industry. Should the number of filings vary greatly, estimates could change. However, since costs to the State should be covered by the service charges set in S.C. Code Section 32-7-50(C), impact should be minimal.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

None.

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

None.

Statement of Rationale:

Section 32-7-110(A) specifically provides for the department to promulgate regulations necessary for the implementation of Chapter 7. It is necessary to promulgate a regulation to clarify certain processes and procedures. Such clarification is necessary to effectuate the consumer protection purpose of the Preneed Funeral Contracts statutes and to guide businesses with compliance.

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. 4548
STATE BOARD OF FINANCIAL INSTITUTIONS
CONSUMER FINANCE DIVISION
 CHAPTER 15
 Statutory Authority: 1976 Code Sections 37-22-110 et seq.,
 particularly Section 37-22-260

15-64. Mortgage Lending

Preamble:

The South Carolina State Board of Financial Institutions - Consumer Finance Division seeks to amend regulation 15-64 in order to comply with the Secure and Fair Enforcement for Mortgage Licensing Act of 2008 (S.A.F.E. Act) and to bring sections of the South Carolina Mortgage Lending Act into conformity with rules issues by the Consumer Financial Protection Bureau (CFPB). Further, state-specific items in the South Carolina Mortgage Lending Act will be clarified, modified or deleted to meet the statutory requirements of both the S.A.F.E. Act and CFPB rules.

The South Carolina Mortgage Lending Act has reporting requirements that need to be changed as a result of changes in the federal laws and contractual arrangements.

Section 37-22-260 allows the designee of the South Carolina State Board of Financial Institutions to promulgate regulations necessary to effectuate the purposes of this Chapter.

The proposed regulation will require legislative review.

Notice of Drafting for the proposed regulation was published in the *State Register* on October 24, 2014. Comments were solicited for consideration in drafting the proposed regulation.

Section-by-Section Discussion

15-64(B). This section addresses the circumstances under which Nationwide Mortgage Licensing System (NMLS) unique identifiers are used.

15-64(D). This section amends the requirements of the South Carolina Mortgage Lending Act regarding methods used by licensees to file the Mortgage Log and Annual Reports.

15-64(F). This section amends items from the South Carolina Mortgage Lending Act to allow for more efficient and effective use of the Nationwide Mortgage Licensing System & Registry (NMLS&R) as required by the

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South Carolina Mortgage Lending Act and the Secure and Fair Enforcement for Mortgage Licensing Act of 2008 (S.A.F.E. Act).

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such hearing will be conducted before the South Carolina State Board of Financial Institutions, 1205 Pendleton Street, Suite 300, Columbia, SC 29201 on January 27, 2015 at 10:00 a.m. Written comments may be directed to Jim Copeland, Acting Commissioner, South Carolina State Board of Financial Institutions – Consumer Finance Division, 1205 Pendleton Street, Suite 306, Columbia, SC 29201 no later than 5:00 p.m., January 26, 2015. If a qualifying request pursuant to Section 1-23-110(A)(3) is not timely received, the hearing will be cancelled.

Preliminary Fiscal Impact Statement:

The Consumer Finance Division estimates that the additional costs incurred by the State in complying with the proposed regulation will be approximately \$0.

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION: Mortgage Lending.

Purpose: In its present form, the South Carolina Mortgage Lending Act (Act) contains a number of terms that are undefined. It also requires certain actions without giving specific procedures or guidance as to how those actions should be completed. Additionally, the Act allows for or requires certain activities that may be completed in a much more efficient and effective manner utilizing the Nationwide Mortgage Licensing System and Registry (NMLS&R) as authorized by the Act. The proposed Regulation 15-64 would define those undefined terms and clarify the process by which the Consumer Finance Division requires certain actions to be completed.

Legal Authority: 1976 Code Sections 37-22-110 et seq., particularly Section 37-22-260.

Plan for Implementation: The added regulation will take effect upon approval by the General Assembly and upon publication in the State Register. The Consumer Finance Division will notify licensees of the added regulation and post the added regulation on the agency's web site.

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

The proposed regulation is necessary in order to ensure compliance with state and federal statutes concerning mortgage lending in South Carolina.

DETERMINATION OF COSTS AND BENEFITS:

Licensing fees assessed are at levels intended to offset any costs of administering the regulation.

UNCERTAINTIES OF ESTIMATES:

Estimates are based on current market conditions. However, since any costs should be covered by the licensing fees set in S.C. Code Section 37-22-110 et seq., there should be no financial impact to the State or its political subdivisions.

EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH:

This regulation will have no effect on the environment or public health of this State.

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

There will be no detrimental effects on the environment or public health if the regulation is not implemented in this State.

Statement of Rationale:

The South Carolina Mortgage lending Act (Act) specifically provides for the designee of the South Carolina State Board of Financial Institutions to promulgate regulations necessary to effectuate the purposes of the Act. Regulation 15-64 is being amended to clarify mortgage licensing requirements imposed by the Act and to ensure conformity between the Act and federal law.

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. 4551

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

Statutory Authority: 1976 Code Sections 44-7-110 et seq.

61-15. Certification of Need for Health Facilities and Services

Preamble:

The proposed amendments to R.61-15 will support the Department's goal of administering the Certificate of Need Program in a more efficient and cost-effective manner. To that end, the Department oversaw the development of a web-based application to replace the existing paper-based application. The computerization of the application will both simplify and speed the application submission and review process.

A Notice of Drafting for these proposed amendments was published in the *State Register* on November 28, 2014.

Section-by-Section Discussion of Proposed Amendments:

SECTION CITATION/EXPLANATION OF CHANGE:

The Department proposes amending R.61-15 to delete and/or rename several provisions that have been supplanted by the adoption of the web-based Certificate of Need application:

R.61-15, revise the Table of Contents to reflect proposed changes in text.

R.61-15, delete Section 102(3) regarding the Department's rendering of formal determination letters regarding the applicability of CON.

R.61-15, revise Section 104 (Exemption Determinations) to set forth the procedures and substance of exemption determinations that conform with the functionality of the web-based Certificate of Need ("CON") application.

R.61-15, delete Section 105 (Determinations of Non-Applicability) which is unnecessarily duplicative of statutory language or otherwise addressed in Section 104.

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R.61-15, revise Section 201 (Public Notification) regarding the procedure for an applicant to affirm that notice of a new CON application was published in a newspaper in accordance with statutory requirements.

R.61-15, revise Section 202 (Application) to replace the requirements of a paper-based Certificate of Need (“CON”) application with a web-based CON application.

R.61.15, revise Section 301 (Submission of Application) to set forth new procedures regarding the payment of a non-refundable filing fee to the Department in conjunction with the filing of a web-based CON application.

R.61-15, Appendix (Application). Delete exemplar of a paper-based CON application that was supplanted by the adoption of a web-based application.

Notice of Public Hearing and Opportunity for Public Comment:

Interested members of the public and regulated community are invited to make oral and/or written comments on the proposed amendments of R.61-15 at a public hearing to be conducted by the Board of Health and Environmental Control at a special Board meeting scheduled for January 27, 2015. The Board will conduct the public hearing in the Board Room, Third floor, Aycock Building of the Department of Health and Environmental Control at 2600 Bull Street, Columbia, South Carolina 29201. The Board meeting commences at 10:00 a.m. 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 the record. Due to admittance procedures at the DHEC Building, all visitors should enter through the Bull Street entrance and register at the front desk.

Interested persons are also provided an opportunity to submit written comments on the proposed regulations by writing to Robert B. (Sam) Phillips by mail at South Carolina Department of Health and Environmental Control, Division of Planning and Certification of Need, 2600 Bull Street, Columbia, SC 29201; by facsimile at (803) 545-4412; or by e-mail at phillipb@dhec.sc.gov. To be considered, comments must be received no later than 5:00 p.m. on January 26, 2015, the close of the public comment period. Comments received shall be submitted in a Summary of Public Comments and Department Responses for the Board of Health and Environmental Control’s consideration at the public hearing.

Copies of the proposed amendments for public comment as published in the *State Register* on December 26, 2014 may be obtained online in the DHEC Regulation Development Update at <http://www.scdhec.gov/Agency/RegulationsAndUpdates/RegulationDevelopmentUpdate/>. Click on the Certification of Need for Health Facilities and Services topic and scan down to the proposed amendments of R. 61-15. A copy can also be obtained by contacting Sam Phillips at the above address or by facsimile at (803)545-4412, or by email at phillipb@dhec.sc.gov.

Preliminary Fiscal Impact Statement:

The Department estimates the net cost to the Department resulting from this proposed regulation revision to be approximately \$79,000 annually, which will be associated with the cost of maintaining the web-based application. This cost will be offset by the benefit to the Department and to the regulated community of utilizing an efficient web-based Certificate of Need application that will utilize standardized requests for information that will require less time to prepare and submit, will minimize additional costs associated with the previous application format, and will allow decisions to be made approximately four (4) months faster than with the paper-based system.

Statement of Need and Reasonableness:

This Statement of Need and Reasonableness and Rationale was determined by staff analysis pursuant to S.C. Code Sections 1-23-115(C)(1)-(3) and (9)-(11).

DESCRIPTION OF REGULATION:

Purpose: The proposed amendments to R.61-15 will support the Department's goal of administering the Certificate of Need Program in a more efficient and cost-effective manner. To that end, the Department oversaw the development of a web-based application to replace the existing paper-based application. The computerization of the application will both simplify and speed the application submission and review process.

Legal Authority: The legal authority for R.61-15 is S.C. Code Section 44-7-150(3).

Plan for Implementation: The proposed amendments will take effect upon approval by the S.C. General Assembly, and publication in the *State Register*. An electronic copy of R.61-15, that includes these latest amendments, will be published on the Department's Regulation Development website at: <http://www.scdhec.gov/Agency/RegulationsAndUpdates/LawsAndRegulations/>. At this site, click on the Health Regulations category and scan down to R.61-15. Subsequently, this regulation will be published on the S.C. Legislature website in the S.C. Code of Regulations. Printed copies will be made available at cost by request through the DHEC Freedom of Information Office. The Department will also send an email to stakeholders and affected facilities and to other interested parties.

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

1. The Department proposes amending portions of R.61-15 to facilitate the transition from a paper-based to a web-based Certificate of Need application.
2. The Department proposes amending R.61-15 to delete Section 102(3) regarding the Department's rendering of formal determination letters.
3. The Department proposes amending R.61-15 to revise Section 104 (Exemption Determinations) to set forth the procedures and substance of exemption determinations that conform to the functionality of the web-based Certificate of Need ("CON") application.
4. The Department proposes amending R.61-15 to delete Section 105 (Determinations of Non-Applicability) which is unnecessarily duplicative of statutory language or otherwise addressed in Section 104.
5. The Department proposes amending R.61-15 to revise Section 201 (Public Notification) regarding the procedure for an applicant to affirm that notice of a new CON application was published in a newspaper in accordance with statutory requirements.
6. The Department proposes amending R.61-15 to revise Section 202 (Application) to replace the requirements of a paper-based Certificate of Need ("CON") application with a web-based CON application.
7. The Department proposes amending R.61-15 to revise Section 301 (Submission of Application) to set forth new procedures regarding the payment of a non-refundable filing fee to the Department in conjunction with the filing of a web-based CON application.
8. The Department proposes amending R.61-15 to delete the Appendix (Application) to remove the exemplar of a paper-based CON application that was supplanted by the adoption of a web-based application.

The intent of these amendments is to simplify the Certificate of Need process and facilitate the introduction of a web-based Certificate of Need application. These changes support the Department's goal of promoting and protecting the health of the public in a more efficient and effective manner. There would be no detrimental effect on the environment and public health if the proposed amendments to R.61-15 are adopted.

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DETERMINATION OF COSTS AND BENEFITS:

The Department estimates the net cost to the Department resulting from this proposed regulation revision to be approximately \$79,000 annually, which will be associated with the cost of maintaining the web-based application. The benefit to the regulated community of the amendments to R.61-15 will include utilization of an efficient web-based Certificate of Need application and simplification of the processes for interacting with the Department during a Certificate of Need application review. The cost of the proposed regulation will be offset by the benefit to the Department and to the regulated community of utilizing an efficient web-based Certificate of Need application that will utilize standardized requests for information that will require less time to prepare and submit, will minimize costs associated with the prior application format, and will allow decisions to be made approximately four (4) months faster than with a paper-based system. The revised regulation will allow the regulated community to spend less time preparing and submitting Certificate of Need applications and other requests to the Department, and will allow the Department to conduct more efficient and timely reviews of Certificate of Need applications and other requests.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties in the estimates to the costs to the State or its political subdivisions beyond those normally inherent in estimating future costs.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

The proposed revisions of R.61-15 seek to enable the Department to more effectively fulfill the statutory purposes of the Certificate of Need program, which will benefit both the regulated community and the citizens of this State.

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

It may be detrimental to the regulated community and the public health if these proposed revisions to R.61-15 are not implemented. Failure to implement these provisions would stand in the way of improvement of efficiency and effectiveness of the Certificate of Need process. Additionally, the Department's authority to implement programs in conformance with State law, which are beneficial to public health and the environment, may be compromised if these amendments are not adopted in South Carolina. Application streamlining as well as regulatory text simplification and clarification should have a positive effect on public health and the public's access to certain health care facilities and services.

Statement of Rationale:

R.61-15 contains the requirements for the State's Certification of Need for Health Facilities and Services program. The regulation is promulgated pursuant to the State Certification of Need and Health Facility Licensure Act, S.C. Code Section 44-7-110, *et seq.* The Certificate of Need program promotes cost containment, prevents unnecessary duplication of health care facilities and services, guides the establishment of health facilities and services which will best serve public needs, and ensures that high quality services are provided in the State's health facilities. Recent changes in the health care industry require the modernization of the Certificate of Need program. By simplifying the Department's procedures and moving the application process to the web, the revised regulation will allow the Department to realize these goals in a more expeditious and efficient manner. The revisions will allow Certificate of Need applications to be prepared and filed with the Department more quickly than possible with a paper-based application system.

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. 4552

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

Statutory Authority: 1976 Code Sections 1-23-10(4) and 44-1-140

- 61-28. Horse Meat and Kangaroo Meat
- 61-38. Fairs, Camp Meetings, and Other Gathering
- 61-39. Camps
- 61-40. Mobile/Manufactured Home Park
- 61-42. Sanitation of Schools
- 61-46. Nuisances

Preamble:

The Department has conducted its five-year review of its regulations and brings forth a listing of six obsolete regulations. Regulation 61-28 was promulgated in 1967. Regulation 61-38 was promulgated in 1944. Regulation 61-39 was promulgated in 1995. Regulation 61-40 was promulgated in 1986. Regulation 61-42 was promulgated in 1989. Regulation 61-46 was promulgated in 1946 and last amended in 1972. With the exception of the 1972 amendment of Regulation 61-46 these regulations have never been amended. These regulations have become obsolete and are no longer needed. Under current statutes and other regulations there exists sufficient authority to address and control any major requirements related to environmental or public health issues. As such, the Department is proposing repeal of these regulations.

A Notice of Drafting for these proposed repeals of regulations was published in the *State Register* on October 24, 2014. No comments were received. Identified stakeholders have been notified by mail and made aware of the proposed repeals. See the Statements of Need and Reasonableness and Rationale herein.

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 regulation repeals at a public hearing to be conducted by the Board of Health and Environmental Control on March 12, 2015. The Board will conduct the public hearing, Third Floor, Aycock Building of the S.C. Department of Health and Environmental Control, 2600 Bull Street, Columbia, S.C. 29201. The Board meeting commences at 10:00 a.m., at which time the Board will consider items on its agenda in the order presented. The order of presentation for public hearings will be noted in the Board's agenda to be published by the Department 24 hours in advance of the meeting at the following address: <http://www.scdhec.gov/Agency/docs/AGENDA.pdf>. The agenda will also provide notice of cancellation or any change in meeting times. 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 the record. Due to admittance procedures at the DHEC Building, all visitors should enter through the Bull Street entrance and register at the front desk.

Interested persons are also provided an opportunity to submit written comments on the proposed regulation repeals by writing to Sandra D. Craig, Department of Health and Environmental Control, 2600 Bull Street, Columbia, SC 29201. To be considered, comments must be received no later than 5:00 p.m. on January 26, 2015, the close of the public comment period. Written comments received by the January 26, 2015 deadline shall be

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considered by the Department in formulating the final proposed regulation repeals for public hearing on March 12, 2015, as noticed above. The Department will submit a summary of public comments and Department responses to the Board for its consideration at the public hearing.

A copy, of the final proposed regulation repeals for public comment, may be obtained by contacting Sandra D. Craig at the above address. A copy may also be obtained from the *DHEC Regulation Development Update* on the Department's Regulatory Information Internet Site at <http://www.scdhec.gov/Agency/RegulationsAndUpdates/RegulationDevelopmentUpdate/>. To access this document, click on the *Update*, the Environmental Health Services category, and scan down for these proposed repeals.

Preliminary Fiscal Impact Statement:

There are no anticipated new costs associated with the implementation of this regulation to the state or its political subdivisions.

Statements of Need and Reasonableness:

The Statement of Need and Reasonableness was determined by staff analysis pursuant to 1976 S.C. Code Section 1-23-115(C) (1)-(3) and (9)-(11):

DESCRIPTION OF REGULATION: Repeals of R.61-28, *Horse Meat and Kangaroo Meat*; R.61-38, *Fairs, Camp Meetings, and Other Gatherings*; 61-39, *Camps*; and R.61-40, *Mobile/Manufactured Home Parks*; R.61-42, *Sanitation of Schools*; and R.61-46, *Nuisances*.

Purpose: The Department has conducted its five-year review of its regulations and has brought forth this listing of six obsolete regulations. In the interest of good government and efficiency, the Department proposes repeal of regulations R.61-28; R.61-38; R.61-39; R.61-40; R.61-42; and R.61-46.

Legal Authority: 1976 S.C. Code Section 44-1-140.

Plan for Implementation: None.

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

The Department has conducted its five-year review of its regulations and brings forth a listing of six obsolete regulations. In the interest of good government and efficiency, the Department proposes repeal of the regulations listed below:

R.61-28, Horse Meat and Kangaroo Meat

R.61-28 was promulgated in 1967 and has never been amended. Today South Carolina statutes and R.61-25, *Retail Food Establishments*, address the requirements and issues of this regulation.

R.61-38, Fairs, Camp Meetings, and Other Gatherings

R.61-38 was promulgated in 1944 and has never been amended. South Carolina statutes and regulations to include R.61-9, *Water Pollution Control Permits*; R.61-25, *Retail Food Establishments*; R.61-56, *Onsite Wastewater Systems*; and R.61-58, *State Primary Drinking Water Regulation*, address the major requirements and issues of this regulation.

R.61-39, *Camps*

R.61-39 was promulgated in 1995 and has never been amended. South Carolina statutes and regulations to include R.61-9, *Water Pollution Control Permits*; R.61-25, *Retail Food Establishments*; R.61-51, *Public Swimming Pools*; R.61-56, *Onsite Wastewater Systems*; and R.61-58, *State Primary Drinking Water Regulation*, address the requirements and issues of this regulation.

R.61-40 *Mobile/Manufactured Home Parks*

R.61-40, was promulgated in 1986 and has never been amended. South Carolina statutes and regulations to include R.61-9, *Water Pollution Control Permits*; R.61-56, *Onsite Wastewater Systems*; and R.61-58, *State Primary Drinking Water Regulation*, address the major requirements and issues of this regulation.

R.61-42, *Sanitation of Schools*

R.61-42 was promulgated in 1989 and has never been amended. South Carolina statutes and regulations to include R.61-9, *Water Pollution Control Permits*; R.61-25, *Retail Food Establishments*; R.61-51, *Public Swimming Pools*; R.61-56, *Onsite Wastewater Systems*; R.61-58, *State Primary Drinking Water Regulation*; and R.61-86, *Standards of Performance for Asbestos Projects*, address the major requirements and issues of this regulation.

R.61-46, *Nuisances*

R.61-46 was promulgated in 1946, last amended in 1972 and has not been amended since. South Carolina statutes to include Code Sections 44-1-140 and Title 48, *Environmental Protection and Conservation, Chapter 1, Pollution Control Act*; and regulations to include R.61-9, *Water Pollution Control Permits*; and R.61-56, *Onsite Wastewater Systems*, address the major requirements and issues of this regulation.

DETERMINATION OF COSTS AND BENEFITS:

There will be no fiscal or economic impact on the State or its political subdivisions and the regulated community by the repeals of these regulations.

UNCERTAINTIES OF ESTIMATES:

None.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

There will be no negative environmental or public health effects resulting from these repeals.

DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATIONS ARE NOT IMPLEMENTED:

There will be no negative effect on the environment and public health by the repeals of these six regulations.

Statement of Rationale:

The determination to repeal these regulations was based on the Department's five-year review of its environmental health regulations. The results of the review established that in the interest of efficient and good government, these regulations listed above are no longer required. With attention to public health and the environment, there exists under current state statutes and other regulations, sufficient authority to address and control any major environmental or public health issues covered by the regulations proposed for repeal.

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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. 4553

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL CHAPTER 61

Statutory Authority: 1976 Code Sections 44-7-110 et seq. and 44-71-10 et seq.

61-78. Standards for Licensing Hospices.

Preamble:

Regulation 61-78 was last amended in 2002. Hospices provide a continuum of medically supervised palliative and supportive care for the terminally ill patient and the family including inpatient services and outpatient services. Hospice facilities house licensed hospices that provide room, board, and appropriate hospice services on a twenty-four (24) hour basis to individuals requiring hospice care pursuant to the orders of a physician. The proposed amendments herein include the Department's effort to incorporate updates and clarification relating to hospice licensure requirements, accident and/or incident reports, patient and medical record maintenance, emergency procedures and disaster preparedness, patient care, treatment, and services, design and construction, and fire and life safety. In addition, corrections have been made for clarity, readability, grammar, references, codification, and overall improvement to the text of the regulation.

A Notice of Drafting was published in the *State Register* on July 25, 2014.

Section-by-Section Discussion of Proposed Amendments

Statutory Authority

Statutory authority for this regulation was added under the title of the regulation and before the table of contents.

Table of Contents

The table was revised to reflect the proposed amendments.

61-78. Part I

Part I Section title was deleted for clarity and conformity.

61-78.100. Definitions (formerly 61-78.101)

The definitions of 61-78.100.C Airborne Infection Isolation, 61-78.100.Q Inpatient Services, 61-78.100.X Licensee, 61-78.100.Y Life-limiting Condition, and 61-78.100.DD Outpatient Services were added. The definitions of 61-78.100.A (formerly 61-78.101.B) Administrator, 61-78.100.B (formerly 61-78.101.C) Advanced Practice Registered Nurse, 61-78.100.D (formerly 61-78.101.D) Architect, 61-78.100.F (formerly 61-78.101.F) Authorized Healthcare Provider, 61-78.100.G (formerly 61-78.101.G) Consultation, 61-78.100.H (formerly 61-78.101.H) Controlled Substance, 61-78.100.J (formerly 61-78.101.J) Department, 61-78.100.K (formerly 61-78.101.K) Dietitian, 61-78.100.L (formerly 61-78.101.L) Direct Care Staff Member/Direct Care Volunteer, 61-78.100.M (formerly 61-78.101.N) Health Assessment, 61-78.100.N (formerly 61-78.101.O) Home Health Aide, 61-78.100.O (formerly 61-78.101.P) Hospice, 61-78.100.P (formerly 61-78.101.Q) Hospice Facility, 61-78.100.R (formerly 61-78.101.T) Inspection, 61-78.100.S (formerly 61-78.101.U) Interdisciplinary Team/Group, 61-78.100.T (formerly 61-78.101.V) Investigation, 61-78.100.U (formerly 61-78.101.W) Legend Drug, 61-78.100.V (formerly 61-78.101.X) License, 61-78.100.W (formerly 61-78.101.Z) Licensed Nurse, 61-78.100.AA (formerly 61-78.101.BB) Minor, 61-78.100.BB (formerly 61-78.101.CC) Nonlegend Medication, 61-78.100.CC (formerly 61-78.101.DD) Occupational Therapist, 61-78.100.FF (formerly 61-78.101.FF)

Patient, 61-78.100.GG (formerly 61-78.101.HH) Pharmacist, 61-78.100.II (formerly 61-78.101.JJ) Physical Therapist, 61-78.100.JJ (formerly 61-78.101.KK) Physician, 61-78.100.KK (formerly 61-78.101.LL) Physician Assistant, 61-78.100.LL (formerly 61-78.101.MM) Plan of Care, 61-78.100.MM (formerly 61-78.101.NN) Quality Improvement Program, 61-78.100.NN (formerly 61-78.101.PP) Repeat Violation, 61-78.100.QQ (formerly 61-78.101.SS) Restraint, 61-78.100.TT (formerly 61-78.101.VV) Speech Therapist, 61-78.100.UU (formerly 61-78.101.WW) Staff Member, 61-78.100.VV (formerly 61-78.101.XX) Suspend License, 61-78.100.WW (formerly 61-78.101.YY) Terminally Ill, and 61-78.100.XX (formerly 61-78.101.ZZ) Volunteer have been amended. The definitions of 61-78.101.A Administering Medication, 61-78.101.M Facility, 61-78.101.S Inpatient Healthcare Facility, 61-78.101.GG Patient Room, and 61-78.101.OO Ramp, have been deleted. The remaining definitions were renumbered to adjust the codification.

61-78.102. References

The amendment revises Section 61-78.102.B to delete references no longer applicable.

61-78.200. LICENSE REQUIREMENTS

Section 61-78.200 Enforcing Regulations was renamed License Requirements.

61-78.201. Scope of Licensure (formerly 61-78.103)

The amendment revises Section 61-78.201.A (formerly 61-78.103.A) to reference the appropriate section. The amendment adds language to Section 61-78.201.B (formerly 61-78.103.B) to indicate the effective date of licensure. In addition, the amendment deletes language in section 61-78.201.C (formerly 61-78.103.C) to ease the burden of construction requirements and the remaining subsections were renumbered to adjust the codification.

61-78.202. License Application (formerly 61-78.103.H)

The amendment revises the language in Section 61-78.202 (formerly 61-78.103.H) to clarify license application requirements.

61-78.203. Compliance

The amendment was added to require initial licensees to comply with licensing standards.

61-78.204. Issuance of License

The amendment was added to prohibit any transferability or assignability of the license. The amendment also states that current or previous violations may jeopardize the issuance of a license.

61-78.205. Licensing Fees (formerly 61-78.103.I)

Section 61-78.205.A (formerly 61-78.103.I) was amended to allow the Department to accept credit cards for payment. Section 61-78.205.C (formerly 61-78.103.N) clarified the language regarding the additional licenses for counties.

61-78.209. Hospice Name (formerly 61-78.103.M)

Section 61-78.209 (formerly 61-78.103.M) was amended to clarify a distinguishing name.

61-78.300. ENFORCEMENT OF REGULATIONS (formerly 61-78.200)

Section 61-78.300 was amended to adjust codification.

61-78.302. Inspection/Investigations (formerly 61-78.202)

The amendment adds language to Section 61-78.302.E (formerly 61-78.202.E) that the Department may charge a fee for plan for reviews, construction inspections and licensing inspections. Section 61-78.302.F was added allowing public access to reports of inspections or investigations.

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61-78.402. Violation Classifications (formerly 61-78.302)

The amendment revises the language in Section 61-78.402.F (formerly 61-78.302.F) to clarify enforcement actions.

61-78.500. POLICIES AND PROCEDURES (formerly 61-78.400)

Section 61-78.500 (formerly 61-78.400) was amended to adjust codification.

61-78.600. STAFF/TRAINING (formerly 61-78.500)

The amendment deletes language in Sections 61-78.602 (formerly 61-78.502) and 61-78.603 (formerly 61-78.503) with reference to Director and maintains references to Administrator. The amendment adds language to Section 61-78.601.B (formerly 61-78.501.B) relating to criminal background checks. The amendment deletes the chart in Section 61-78.604.C (formerly 61-78.504.C) and replaces it with plain text. Section 61-78.605 (formerly 61-78.505) amends the language to clarify inservice training. Section 61-78.606 (formerly 61-78.506) was revised to the correct reference for Tuberculosis Risk Assessment.

61-78.700. REPORTING (formerly 61-78.600)

The amendment revises Section 61-78.701 (formerly 61-78.601) to the current standards of accident/incident reporting. The amendment revises the Section references to the “Division of Health Licensing” to the “Department”. The amendment deletes Section 61-78.606 and the remaining subsections were renumbered to adjust the codification. Section 61-78.709 (formerly 61-78.610) was amended to clarify application and payment requirements even though a facility may have zero census.

61-78.800. PATIENT RECORDS (formerly 61-78.700)

The amendment adds language regarding medication management by adding Section 61-78.802.B.5 and the remaining subsections were renumbered to adjust the codification. In addition, Sections 61-78.803 (formerly 61-78.703) and 61-78.804 (formerly 61-78.704) were revised regarding the timeframes for the assessment and plan of care. In addition, Section 61-78.803 (formerly 61-78.703) was revised to clarify the patient needs assessment process. Section 61-78.805 (formerly 61-78.705) was revised to current record retention practices. Section 61-78.805.F (formerly 61-78.705.F) was revised to correct a grammatical error.

61-78.900. ADMISSION/RETENTION (formerly 61-78.800)

The Section title was amended for clarity. The amendment revises Section 61-78.901 (formerly 61-78.801) to the updated definition reference.

61-78.1000. PATIENT CARE/TREATMENT/SERVICES (formerly 61-78.900)

The Section title was amended for clarity. The amendment revises Section 61-78.1000 (formerly 61-78.901) to reference the Emergency/Disaster Evacuation Plan section and adds language for Emergency/Disaster Evacuation Plan pertaining to hospice programs only. The amendment revises Section 61-78.1000.E (formerly 61-78.901.E) to clarify services and equipment provided by the facility.

61-78.1100. RIGHTS AND ASSURANCES (formerly 61-78.1000)

The amendment revises Section 61-78.1100 (formerly 61-78.1001) to identify sections related to the Hospice Program only and revises the Section references to the “Division of Health Licensing” to the “Department”.

61-78.1200. PATIENT PHYSICAL ASSESSMENT (formerly 61-78.1100)

The amendment revises Section 61-78.1200.E (formerly 61-78.1101.E) to reference the Section regarding Inpatient/Outpatient Tuberculosis Screening.

61-78.1300. INFECTION CONTROL (formerly 61-78.1200)

The amendment updates Sections 61-78.1301 (formerly 61-78.1202) and 61-78.1305 (formerly 61-78.1203) to current codification practices by identifying a source by Underlined text to Italic text and deleting references to an outdated document. In addition, the amendment revises Section 61-78.1302 (formerly 61-78.1202), and adds

Sections 61-78.1303, and 61-78.1304 to adjust for current Tuberculosis Risk Assessment and Screening standards and the remaining subsections were renumbered to adjust the codification.

61-78.1400. AGREEMENTS FOR SERVICES (formerly 61-78.1300)

Section 61-78.1400 (formerly 61-78.1300) was renumbered to adjust codification.

61-78.1500. QUALITY IMPROVEMENT PROGRAM (formerly 61-78.1400)

The amendment corrects a reference in Section 61-78.1500.B.7 (formerly 61-78.1401.B.7) regarding accidents and incidents.

Part II

Part II Section title was deleted.

61-78.1600. MEDICATION MANAGEMENT (formerly 61-78.1500)

The amendment revises Sections 61-78.1604 (formerly 61-78.1504), 61-78.1606 (formerly 61-78.1506), 61-78.1607 (formerly 61-78.1507), and 61-78.1608 (formerly 61-78.1508) regarding medication management. In addition, the amendment corrects a grammatical error in Section 61-78.1601 (formerly 61-78.1501), a codification error in Section 61-78.1602 (formerly 61-78.1502) and a grammatical error in Section 61-78.1603 (formerly 61-78.1503).

61-78.1700. MEAL SERVICE (formerly 61-78.1600)

The amendment revises Section 61-78.1703.B (formerly 61-78.1603.B) to current standards for meal service staff. In addition, the amendment revises the Section references to the “Division of Health Licensing” to the “Department”.

61-78.1800. FIRE PREVENTION

Section 61-78.1800 was deleted and relocated to Section 61-78.2300.

61-78.1801. Disaster Preparedness (formerly 61-78.1701)

The amendment revises Section 61-78.1801 (formerly 61-78.1701) to current Emergency Procedures/Disaster Preparedness standards.

61-78.1900. MAINTENANCE

The amendment deletes Section 61-78.1901.A and revises Section 61-78.1901.B to current maintenance policy.

61-78.2000. ENVIRONMENT

Sections 61-78.2001.C and 61-78.2001.D were added to clarify housekeeping duties.

61-78.2004. Exit Egress

The amendment adds Section 61-78.2004 to address exit egress.

61-78.2100. DESIGN AND CONSTRUCTION

The amendment deletes Section 61-78.2101.B and adjusts the codification of Section 61-78.2101.A. The amendment consolidates various sections into Section 61-78.2102 to the current construction codes. The amendment revises Section 61-78.2103 to the current requirements for Submission of Plans. The amendment deletes several references in Section 61-78.2104 and consolidates the construction references to one paragraph. The amendment deletes various parts of the regulation from various sections and consolidates them under 61-78.2100 as Sections 61-78.2105 Patient Rooms, and 61-78.2106 Utility Rooms.

61-78.2200. FIRE PROTECTION EQUIPMENT AND SYSTEMS

The amendment revises the title of the section and subsequent Sections 61-78.2201 and 61-78.2202 relating to fire protection prevention and life safety. The amendment deletes the remaining sections in Section 61-78.2200.

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61-78.2400. PREVENTIVE MAINTENANCE OF LIFE SUPPORT EQUIPMENT (formerly 61-78.2300)

The amendment deletes Section 61-78.2301 and revises Section 61-78.2302 to be current with preventive maintenance of life support equipment practices.

61-78.2500. GASES, FURNISHINGS, AND EQUIPMENT (formerly 61-78.2400)

The amendment deletes Sections 61-78.2401, 61-78.2402, 61-78.2403, 61-78.2404, and 61-78.2405 and the remaining subsections were renumbered to adjust the codification. The amendment revises Sections 61-78.2501 (formerly 61-78.2406) and 61-78.2502 (formerly 61-78.2407) to comply with current codes.

61-78.2500. EXITS

The amendment deletes this entire Chapter and the remaining chapters were renumbered to adjust the codification. The requirement has been incorporated into Section 61-78.2204.

61-78.2600. WATER SUPPLY, HYGIENE, AND TEMPERATURE CONTROL

The amendment deletes Sections 61-78.2601, 61-78.2602, 61-78.2604, 61-78.2605, and 61-78.2606 and the remaining subsections were renumbered to adjust the codification.

61-78.2700. ELECTRICAL

The amendment revises Sections 61-78.2701, 61-78.2702, 61-78.2703, 61-78.2704, 61-78.2705, and 61-78.2706, and deletes Section 61-78.2707.

61-78.2800. HEATING, VENTILATION, AND AIR CONDITIONING (HVAC)

The amendment revises Section 61-78.2801.

61-78.2900. PHYSICAL PLANT

The amendment deletes Sections 61-78.2901, 61-78.2911, 61-78.2912, 61-78.2913, 61-78.2915, and 61-78.2916 and the remaining subsections were renumbered to adjust the codification. In addition, the amendment revises Sections 61-78.2902 (formerly 61-78.2903), 61-78.2903 (formerly 61-78.2904), 61-78.2904 (formerly 61-78.2905), 61-78.2905 (formerly 61-78.2906), 61-78.2906 (formerly 61-78.2907), 61-78.2907 (formerly 61-78.2908), 61-78.2908 (formerly 61-78.2909), 61-78.2909 (formerly 61-78.2910), 61-78.2910 (formerly 61-78.2914), 61-78.2911 (formerly 61-78.2917), 61-78.2912 (formerly 61-78.2918), 61-78.2913 (formerly 61-78.2919), 61-78.2914 (formerly 61-78.2920), and 61-78.2915 (formerly 61-78.2921) to have the respected sections comply with current building standards.

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 regulation at a public hearing to be conducted by the Board of Health and Environmental Control on March 12, 2015. The Board will conduct the public hearing in the Board Room, Third Floor, Aycock Building of the Department of Health and Environmental Control at 2600 Bull Street, Columbia, South Carolina 29201. The Board meeting commences at 10:00 a.m., at which time the Board will consider items on its agenda in the order presented. The order of presentation for public hearings will be noted in the Board's agenda published by the Department twenty-four (24) hours in advance of the meeting at the following address: <http://www.scdhec.gov/Agency/docs/AGENDA.pdf>. The agenda will also provide notice of cancellation or any change in meeting times. Persons desiring to make oral comments at the hearing are asked to limit their statements to five (5) minutes and, as a courtesy, persons are asked to provide written copies of their presentations for the record. Due to admittance procedures at the DHEC Building, all visitors should enter through the Bull Street entrance and register at the front desk.

Interested persons are also provided an opportunity to submit written comments on the proposed regulation by writing to Gwen C. Thompson, South Carolina DHEC, 2600 Bull Street, Columbia, South Carolina 29201 or by email to thompsgw@dhec.sc.gov. To be considered, written comments must be received no later than 5:00 p.m. on January 26, 2015, the close of the public comment period. Written comments received by the deadline,

January 26, 2015, shall be considered by the Department in formulating the final proposed regulation for public hearing on March 12, 2015, as noticed above. The Department will submit a summary of public comments and Department responses to the Board for its consideration at the public hearing.

Copies of the proposed regulation for public comment may be obtained by contacting Ms. Thompson at the above address. Also, electronic copies of the proposed regulation will be available on the Department's Regulatory Development Update website at the following address: <http://www.scdhec.gov/Agency/RegulationsAndUpdates/RegulationDevelopmentUpdate>. Click on the "Health Facilities & Services Regulations" topic and scroll down for R.61-78.

Preliminary Fiscal Impact Statement:

Implementation of this regulation will not require additional resources. There is no anticipated additional cost by the Department or State government due to any inherent requirements of this regulation. There are no external costs anticipated.

Statement of Need and Reasonableness:

This Statement of Need and Reasonableness is based on an analysis of the factors listed in 1976 Code Section 1-23-115(C)(1)-(3) and (9)-(11).

DESCRIPTION OF REGULATION: R.61-78, *Standards for Licensing Hospices*.

Purpose: The purpose of these amendments to R.61-78 is to clarify standards pertaining to hospice facilities and inpatient and outpatient services. These proposed amendments provide updates to hospice licensure requirements, accident and/or incident reports, patient and medical record maintenance, patient care, services, and treatment, emergency procedures and disaster preparedness, infection control and tuberculosis screening, medicine administration, design and construction, and fire and life safety. In addition, provisions have been amended for general clarity, readability, grammar, references, codification and overall improvement to the text of the regulation.

Legal Authority: 1976 Code Sections 44-71-10 *et seq.* and 44-7-260.

Plan for Implementation: Upon approval by the General Assembly and publication in the *State Register* as a final regulation, a copy of Regulation 61-78, which includes these latest amendments, will be available electronically on the Department's *Regulation Development Update* website at: <http://www.scdhec.gov/Agency/RegulationsAndUpdates/LawsAndRegulations>. Subsequently, this regulation will be published in the South Carolina Code of Regulations. Printed copies will be available for a fee from the Department's Freedom of Information Office. The Department will also send an email to stakeholders, affected services and facilities, and other interested parties.

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

The Department promulgated R.61-78 in 1984. The regulation was substantively amended on May 24, 2002. Pursuant to 1976 Code Section 1-23-120(J), the Department is required to perform a formal review of its regulations every five (5) years and update them if necessary.

The complexity of the regulation exists due to the differences in regulating a hospice program and a hospice facility. Clarification is needed to identify specific areas of the regulation that apply to the hospice program, hospice facilities or both. The licensing requirements for hospice facilities and inpatient and outpatient services need to be updated and streamlined in accordance with governing statutes. Improvements to accident and/or

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incident reports, patient care, services and treatment, patient and medical record maintenance, infection control and tuberculosis screening, emergency procedures and disaster preparedness, medicine administration, design and construction, and fire and life safety are needed to comply with current procedures and codes.

DETERMINATION OF COSTS AND BENEFITS:

Implementation of these amendments will not require additional resources. There is no anticipated additional cost to the Department or State government due to any inherent requirements of these amendments. Amendments to R.61-78 will benefit the regulated community by clarifying portions of the regulation pertaining to hospice programs, hospice facilities, and identifying requirements for both entities. The amendments improve patients' rights and assurances, patient care, services, and treatment, accident and/or incident reporting requirements, update emergency procedures and disaster preparedness planning, and update design, construction, fire, and life safety measures to comply with current procedures and codes.

UNCERTAINTIES OF ESTIMATES:

None.

EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH:

The amendments to R.61-78 seek to support the Department's goals relating to protection of public health through the anticipated benefits highlighted above. There is no anticipated effect on the environment.

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

There is not anticipated detrimental effect on the environment. If the revision is not implemented, the regulation will be maintained in its current form without realizing the benefits of the amendments herein. The intended benefits outweigh the economic burdens on South Carolina hospice services and facilities.

Statement of Rationale:

The Department proposes amending R.61-78 pursuant to the 1976 Code Section 1-23-120(J) requirement the Department perform a formal review of its regulations every five (5) years and update them if necessary. The amendments address the concerns regarding organization and complexity of R.61-78. The amendments address the issues regarding hospice licensure requirements complying with statutory authority, emergency procedures and disaster preparedness planning, accident and/or incident reporting ambiguities, lessen the burden regarding design and construction requirements, and update the design, construction, fire, and life safety to current code.

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. 4556
DEPARTMENT OF LABOR, LICENSING AND REGULATION
CHAPTER 10
Statutory Authority: 1976 Code Section 40-1-50, 40-1-70 and 40-77-70

10-18. Board of Registration for Geologists.

Preamble:

The South Carolina Board of Registration for Geologists proposes to correct Regulation 10-18(A)(2) changing the application fee for a Professional Geologist from \$400 to \$200 to correct a scrivener's error.

Section-by-Section Discussion

10-18. Board of Registration for Geologists.

The Board shall charge the following fees:

- A. Application Fees.
 - 1. No Changes.
 - 2. Change fee from \$400 to \$200.
- B.-F No Changes.

A Notice of Drafting was published in the *State Register* on September 26, 2014.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such a hearing will be conducted at the Administrative Law Court at 10:00 a.m. on February 5, 2015. Written comments may be directed to Molly Price, Administrator, Board of Registration for Geologists, South Carolina Department of Labor, Licensing, and Regulation, Post Office Box 11329, Columbia, South Carolina 29211-1329, no later than 5:00 p.m., January 26, 2015. If a qualifying request pursuant to Section 1-23-110(A)(3) is not timely received, the hearing will be canceled.

Preliminary Fiscal Impact Statement:

There will be no cost incurred by the State or any of its political subdivisions for this regulation.

Statement of Need and Reasonableness:

This regulation is amended to correct a scrivener's error.

DESCRIPTION OF REGULATION:

Purpose: The board is amending its fee schedule to correct a scrivener's error that occurred when fees were moved from the board's regulations to a centralized location in Chapter 10.

Legal Authority: 1976 Code Sections 40-1-50, 40-1-70 and 40-77-70.

Plan for Implementation: The amended regulation will take effect upon approval by the General Assembly and upon publication in the *State Register*. LLR will notify licensees of the amended regulations and post the regulations on the agency's website.

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

The proposed regulation will correct a scrivener's error reducing the application fee to the intended amount of \$200.

DETERMINATION OF COSTS AND BENEFITS:

There is no cost incurred by the state for the promulgation of this regulation.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning the regulation.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

This regulation will have no effect on the environment.

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

There will be no detrimental effect on the environment and public health of this State if this regulation is not implemented.

Statement of Rationale:

The updated regulation will amend a scrivener's error.

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. 4554

DEPARTMENT OF LABOR, LICENSING AND REGULATION CHAPTER 10

Statutory Authority: 1976 Code Sections 40-1-50 and 40-1-70

10-25. Board of Nursing.

Preamble:

The South Carolina Department of Labor, Licensing and Regulation proposes to move the remaining fees from Regulation 91-31 to Regulation 10-25.

Section-by-Section Discussion

10-25. Board of Nursing.

- a. Add fee for data and refund information

A Notice of Drafting was published in the *State Register* on November 28, 2014

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such a hearing will be conducted at the Administrative Law Court at 2:00 p.m. on January 28, 2015. Written comments may be directed to Interested persons may submit comments to Holly Pisarik, Director, South Carolina Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, S.C. 29211-1329, no later than 5:00 p.m., January 26, 2015. If a qualifying request pursuant to Section 1-23-110(A)(3) is not timely received, the hearing will be canceled.

Preliminary Fiscal Impact Statement:

There will be no cost incurred by the State or any of its political subdivisions for this regulation.

Statement of Need and Reasonableness:

This regulation is amended to correct a scrivener's error.

DESCRIPTION OF REGULATION:

Purpose: The board is amending its fee schedule to correct a scrivener's error that occurred when fees were moved from the board's regulations to a centralized location in Chapter 10.

Legal Authority: 1976 Code Sections 40-1-50 and 40-1-70.

Plan for Implementation: The amended regulation will take effect upon approval by the General Assembly and upon publication in the State Register. LLR will notify licensees of the amended regulation and post the regulation on the agency's website.

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

The amended regulation will take effect upon approval by the General Assembly and upon publication in the State Register. LLR will notify licensees of the amended regulation and post the regulation on the agency's website.

DETERMINATION OF COSTS AND BENEFITS:

There is no cost incurred by the state for the promulgation of this regulation.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning the regulation.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

This regulation will have no effect on the environment.

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

There will be no detrimental effect on the environment and public health of this State if this regulation is not implemented.

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Statement of Rationale:

The updated regulation will amend a scrivener's error.

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. 4555
DEPARTMENT OF LABOR, LICENSING AND REGULATION
OFFICE OF STATE FIRE MARSHAL

CHAPTER 71

Statutory Authority: 1976 Code Sections 23-9-60, 23-9-550, 23-35-45, and 23-36-80

71-8300 through 71-8306. Article 8, Office of State Fire Marshal

Preamble:

The South Carolina Department of Labor, Licensing and Regulation, Office of State Fire Marshal, proposes to eliminate redundant and unnecessary regulations; update the remaining existing regulations; use a standardized format for all regulations; and to make the current regulations compatible with current federal and state statutes.

Section-by-Section Discussion

SUBARTICLE 1 FIRE PREVENTION AND LIFE SAFETY

71-8300. FIRE PREVENTION AND LIFE SAFETY.
(Statutory Authority: 1976 Code Sections 23-9-60, 39-41-260, 40-82-70)

71-8300.1. General.

- A.-B No Changes.
- C. (1)-(3) No Changes.
- C. (4)(a) and (b) Effective date of regulations added.
- C. (4)-(5) Renumbered.
- C. (4)(a) Language edited for clarity.
- D. No Changes.
- E. (1)-(7) No Changes.
- E. (8) Deleted
- E. (9)-(10) Renumbered.
- E. (10) Definition of DOI added.
- E. (11) Definition of DSS added.
- E. (11)-(15) Renumbered.
- E. (16) Renumbered and "Fire" added to definition.
- E. (17)-(23) Renumbered.
- E. (25) Definition of IRC added.
- E. (24)-(39) Renumbered.

71-8300.2. Codes and Standards.

- A. – C. No changes.
- D. Suppression changed to fire
- E. - CC. No Changes.

71-8300.3. Alternate Materials and Alternate Methods of Construction.

- A. – B. No changes.

71-8300.4. Construction Documents and Shop Drawings.

- A. – B. No changes.

71-8300.5. Incident Reporting.

- A. – C. No Changes.

71-8300.6. Fire Investigations.

- A. – B. No Changes.

SUBARTICLE 2
FIRE PREVENTION AND LIFE SAFETY FOR SPECIAL OCCUPANCIES

71-8301. FIRE PREVENTION AND LIFE SAFETY FOR SPECIAL OCCUPANCIES.
(Statutory Authority: 1976 Code Section 23-9-60)

71-8301.1. General.

- A. No change.
- B. (1) Deleted
- B. (2) Incorporated into B.
- B. (3) – C Deleted.

71-8301.2. Codes and Standards.

- A. – B. No Change.

71-8301.3. Requirements for Special Occupancies.

- A. - D(1)(m) Deleted.
- E. Renumbered to A.
- E. (1)(g) Applicable code reference.
- E. (1)(h)-(s) No changes.
- F. Deleted.

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SUBARTICLE 3 EXPLOSIVES

71-8302. EXPLOSIVES.

(Statutory Authority: 1976 Code Sections 23-9-40(b), 23-9-60, 23-36-10 et seq.)

71-8302.1. General.

A. – C. No changes.

71-8302.2. Codes and Standards.

A. - B. No changes.

71-8302.3. Licensing and Permitting Fees.

A. – F. No changes..

71-8302.4. Licenses and Permits.

A. No change.

B. (1) – (5)(b) No change. Licenses

B. (5)(c) Department of Insurance changed to DOI.

B. (6)(a)-(d) No changes.

B. (6)(e) Department of Insurance changed to DOI.

C. – D. No changes.

71-8302.5. Records.

A. – D. No changes.

71-8302.6. Blasting Safety and Operations.

A. – H. No changes.

71-8302.7. Explosives and Investigations.

No changes.

71-8302.8. Variances.

A. No changes.

SUBARTICLE 4

PORTABLE FIRE EXTINGUISHERS AND FIXED FIRE EXTINGUISHING SYSTEMS

71-8303. PORTABLE FIRE EXTINGUISHERS AND FIXED FIRE EXTINGUISHING SYSTEMS.

(Statutory Authority: 1976 Code Sections 23-9-40, 23-9-45)

71-8303.1. General.

A. – C. No changes.

71-8303.2. Codes and Standards.

A. – B. No changes.

71-8303.3. Fees for Licensing, Testing, and Inspections.

A. – D. No changes.

71-8303.4. Licensing and Permitting Requirements.

A. (1)-(3) No changes.

A. (4) Department of Insurance changed to DOI.

A. (5) – H. No changes.

71-8303.5. Renewal of Licenses and Permits.

A. – B. No changes.

C. (1) Remove hyphen and add space

C. (2) – (4) No change.

D. (1) Remove hyphen and add space

D. (2) – (3) No change.

71-8303.6. Restrictions for Class D Fire Equipment Licenses and Permits.

A. - B. No change.

71-8303.7. Licensing Requirements: For Firms Performing Hydrostatic Testing.

A. - B. No change.

71-8303.8. Installation and Maintenance Procedures.

No change.

71-8303.9. Minimum Equipment and Facility Requirements for Fire Equipment Dealer License.

No change.

71-8303.10. Powers and Duties of the Office of State Fire Marshal.

A. (1) Remove hyphen and add space

A. (2) – E. No change.

71-8303.11. Fitness to Practice; Investigation of Complaints.

A. Delete numbering.

71-8303.12. Administrative Sanctions.

A. - B. No change.

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71-8303.13. Sanctions for Unlawful Practice.

A. - B. No change.

71-8303.14. Certain Acts Prohibited.

A. (1) No change.

A. (2) – (3) Remove hyphen and add space

A. (3) – (5) No change.

A. (6) Remove hyphen and add space

A. (7) – (9) No change.

71-8303.15. Cease and Desist Orders; Notice to Correct Hazardous Conditions.

No change.

71-8303.16. Suspensions or Revocation of License or Permit.

A. No change.

B. (1) Add fire extinguishing to identify system.

B. (2) – (5) No changes.

71-8303.17. Responsibility of Equipment Manufacturer.

No change.

71-8303.18. Penalties.

No change.

SUBARTICLE 5 LIQUEFIED PETROLEUM GAS

71-8304. LIQUEFIED PETROLEUM (LP) GAS.

(Statutory Authority: 1976 Code Section 23-9-20, 23-9-40, 23-9-60, 40-82-70)

71-8304.1. General.

No change.

71-8304.2. Codes and Standards.

No change.

71-8304.3. Licensing and Permitting Fees.

No change.

71-8304.4. Licensing Requirements.

No change.

71-8304.5. Plan Submittal Requirements.

A. Remove numbering.

**SUBARTICLE 6
FIREWORKS AND PYROTECHNICS**

71-8305. FIREWORKS AND PYROTECHNICS.

(Statutory Authority: 1976 Code Sections 23-9-10 et seq., 23-35-10 et seq., 40-56-10(D))

71-8305.1. General.

No change.

71-8305.2. Codes and Standards.

No change.

71-8305.3. Licensing and Permitting Fees.

No change.

71-8305.4. Qualifications of Operators.

No change.

71-8305.5. Display Permits.

A. – B (3) No change.

B. (4) Department of Insurance changed to DOI.

C. (1) – (2) No change.

C. (3) Department of Insurance changed to DOI.

71-8305.6. General Operational Requirements of Displays.

No change.

71-8305.7. Use of Consumer Fireworks in South Carolina.

No change.

71-8305.8. Transportation of Fireworks or Pyrotechnics in South Carolina.

No change.

**SUBARTICLE 7
HYDROGEN FACILITIES**

71-8306. HYDROGEN FACILITIES.

(Statutory Authority: 1976 Code Section 23-9-550)

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71-8306.1. General.

No change.

71-8306.2. Codes and standards.

No change.

71-8306.3. Engineered and pre-engineered systems

No change.

71-8306.4. Permit application requirements for hydrogen facilities.

No change.

71-8306.5. Licensing and permitting fees.

No change.

A Notice of Drafting was published in the *State Register* on October 24, 2014.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such a hearing will be conducted at the Administrative Law Court at 10:00 a.m. on February 5, 2015. Written comments may be directed to Robert Polk, State Fire Marshal, S.C. Department of Labor, Licensing and Regulation, Office of State Fire Marshal, 141 Monticello Trail, Columbia, South Carolina 29203, no later than 5:00 p.m., January 29, 2015. If a qualifying request pursuant to Section 1-23-110(A)(3) is not timely received, the hearing will be canceled.

Preliminary Fiscal Impact Statement:

There will be no cost incurred by the State or any of its political subdivisions for these regulations.

Statement of Need and Reasonableness:

These regulations are amended to eliminate redundant and unnecessary regulations; update the remaining existing regulations; use a standardized format for all regulations; and to make the current regulations compatible with current federal and state statutes.

DESCRIPTION OF REGULATION:

Purpose: The Fire Marshal is eliminating redundant and/or unnecessary regulations; updating the remaining existing regulations; using a standardized format for all regulations; and to amending the current regulations to comport with current federal and state statutes.

Legal Authority: 1976 Code Sections 23-9-60, 23-9-550, 23-35-45, and 23-36-80.

Plan for Implementation: The revised regulations will take effect upon approval by the General Assembly and upon publication in the *State Register*. The Office of State Fire Marshal will post the revised regulations on its website.

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

The proposed regulations will prevent conflict between existing regulations and adopted nationally recognized codes and standards.

DETERMINATION OF COSTS AND BENEFITS:

There is no cost incurred by the state for the promulgation of these regulations.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning the regulations.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

These regulations will have no effect on the environment.

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

There will be no detrimental effect on the environment and public health of this State if these regulations are not implemented.

Statement of Rationale:

These regulations are updated in conformance with nationally recognized codes and standards.

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. 4557

**DEPARTMENT OF LABOR, LICENSING AND REGULATION
BOARD OF REGISTRATION FOR GEOLOGISTS**

CHAPTER 131

Statutory Authority: 1976 Code Section 40-77-290

131-11. Seals.

Preamble:

The Board of Registration for Geologists proposes to amend Regulation 131-11 to permit the use of electronic signatures and seals.

Section-by-Section Discussion

131-11. Seals.

(A)-(D) No Changes.

(E) Add language allowing electronic seals.

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A Notice of Drafting was published in the *State Register* on September 26, 2014.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such a hearing will be conducted at the Administrative Law Court at 2:00 p.m. on February 5, 2015. Written comments may be directed to Molly Price, Administrator, Board of Registration for Geologists, South Carolina Department of Labor, Licensing, and Regulation, Post Office Box 11329, Columbia, South Carolina 29211-1329, no later than 5:00 p.m., January 26, 2015. If a qualifying request pursuant to Section 1-23-110(A)(3) is not timely received, the hearing will be canceled.

Preliminary Fiscal Impact Statement:

There will be no cost incurred by the State or any of its political subdivisions for this regulation.

Statement of Need and Reasonableness:

This regulation is amended to simplify signing and sealing in light of the technology currently available.

DESCRIPTION OF REGULATION:

Purpose: The board is amending the regulation to permit use of electronic seals and signatures.

Legal Authority: 1976 Code Sections 40-77-290.

Plan for Implementation: The revised regulation will take effect upon approval by the General Assembly and upon publication in the *State Register*. The Board will post the revised regulation on the agency's website.

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

The proposed regulation will simplify the process of signing and sealing for members of the profession.

DETERMINATION OF COSTS AND BENEFITS:

There is no cost incurred by the state for the promulgation of this regulation.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning the regulation.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

These regulations will have no effect on the environment.

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

There will be no detrimental effect on the environment and public health of this State if this regulation is not implemented.

Statement of Rationale:

The updated regulation will modernize the process of signing and sealing documents.

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. 4558
DEPARTMENT OF LABOR, LICENSING AND REGULATION
OFFICE OF OCCUPATIONAL SAFETY AND HEALTH
 CHAPTER 71
 Statutory Authority: 1976 Code Section 41-15-220

71-302. Partial exemptions for establishments in certain industries

71-339. Reporting fatalities and multiple hospitalization incidents to OSHA

Preamble:

The South Carolina Department of Labor, Licensing and Regulation, Division of Labor, Office of Occupational Safety and Health proposes to amend Regulation 71, Article I, Subarticle 3 to reflect changes since its promulgation.

Section-by-Section Discussion:

Regulation 71, Article 1, Subarticle 3, Sections 71-302 and 71-339, and Non-Mandatory Appendix A to Subpart B:

Revise the Occupational Injury and Illness Recording and Reporting regulation (SC Chapter 71, Article 1, Subarticle 3) to update the appendix to its Injury and Illness Recording and Reporting regulation. The appendix contains a list of industries that are partially exempt from requirements to keep records of work-related injuries and illnesses due to relatively low occupational injury and illness rates. It will also revise the requirements for reporting work-related fatality, injury, and illness information to SC OSHA. The current regulation requires employers to report work related fatalities and in-patient hospitalizations of three or more employees within eight hours of the event. The final rule retains the requirement for employers to report work-related fatalities to SC OSHA within eight hours of the event but amends the regulation to require employers to report **all** work-related in-patient hospitalizations, as well as amputations and losses of an eye, to SC OSHA within 24 hours of the event.

The Notice of Drafting was published in the *State Register* on November 28, 2014.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Regulation 71, Article 1, Subarticle 3 of the 1976 Code, as amended, such a hearing will be conducted at the Administrative Law Court at 10:00 a.m. on January 28, 2015. Written comments may be directed to Gwendolyn Thomas, South Carolina Occupational Safety and Health Administration Technical Support Office, Department of Labor, Licensing, and Regulation, Post Office Box 11329, Columbia, South Carolina 29211-1329, no later than 5:00 p.m, January 26, 2015.

Preliminary Fiscal Impact Statement:

There will be no cost incurred by the State or any of its political subdivisions.

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Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION:

Purpose: Amend the Occupational Injury and Illness Recording and Reporting regulation (SC Chapter 71, Article 1, Subarticle 3) by clarifying what is recognized and required by SC OSHA.

Legal Authority: 1976 Code Section 41-15-220 and 29 USC 667(C)(7).

Plan for Implementation: The revised regulations will take effect upon approval by the General Assembly and upon publication in the *State Register*. The Department will post the revised regulation on the agency's Website.

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

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 (SC Chapter 71, Article 1, Subarticle 3) to update the appendix to its Injury and Illness Recording and Reporting regulation. The appendix contains a list of industries that are partially exempt from requirements to keep records of work-related injuries and illnesses due to relatively low occupational injury and illness rates. It will also revise the requirements for reporting work-related fatality, injury, and illness information to SC OSHA. The current regulation requires employers to report work related fatalities and in-patient hospitalizations of three or more employees within eight hours of the event. The final rule retains the requirement for employers to report work-related fatalities to SC OSHA within eight hours of the event but amends the regulation to require employers to report **all** work-related in-patient hospitalizations, as well as amputations and losses of an eye, to SC OSHA within 24 hours of the event.

DETERMINATION OF COSTS AND BENEFITS:

No additional costs will result from these regulations.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning the regulation.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

This regulation will have no effect on the environment. This regulation contributes to the Board's function of protecting public health in the state of South Carolina.

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

There will be no detrimental effect on the environment and public health of this State if this regulation is not implemented.

Statement of Rationale:

There were no scientific or technical basis relied upon in developing the regulation.

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. 4547

DEPARTMENT OF NATURAL RESOURCES

CHAPTER 123

Statutory Authority: 1976 Code Section 50-13-2011

123-209. Term and Conditions for the Public’s Use of State Lakes and Ponds Owned by the Department of Natural Resources

123-210. Term and Conditions for the Public’s Use of State Lakes and Ponds Leased by the Department of Natural Resources

Preamble:

The Department of Natural Resources (the department) proposes to establish revised Regulation 123-209 setting the terms and conditions for the public use of lakes and ponds owned the department for the purpose of providing public fishing and Regulation 123-210 setting terms and conditions for the public’s use of lakes and ponds leased by the department for the purpose of providing public fishing. The following is a section-by-section summary of the proposed changes and revisions:

123-209. Term and Conditions for the Public’s Use of State Lakes and Ponds Owned by the Department of Natural Resources.

- A. This section is deleted.
- B. This section is changed to Section A.
 - a. Draper WMA State Lakes in York County – removes size limit for largemouth bass and crappie.
 - b. Lake Cherokee in Cherokee County – reworded and removes size limit for largemouth bass and crappie.
 - c. Lake Edgar Brown in Barnwell County – reworded and removes size limit for crappie.
 - d. Lake George Warren in Hampton County – reworded and removes size limit for crappie.
 - e. Lake John D. Long in Union County - reworded and removes size limit for crappie.
 - f. Mountain Lakes in Chester County - reworded and removes size limit for largemouth bass and crappie.
 - g. Lake Paul Wallace in Marlboro County - reworded and removes size limit for crappie.
 - h. Lake Thicketty in Cherokee County - reworded and removes size limit for crappie.
 - i. Webb Center Lakes in Hampton County - reworded and removes size limit for crappie.

123-210. Term and Conditions for the Public’s Use of State Lakes and Ponds Leased by the Department of Natural Resources.

- A. This section is deleted.
- B. This section is changed to Section A.
 - a. Lake Ashwood in Lee County – Reworded to comply with statutory change and removes size limit on crappie.
 - b. Dargan’s Pond in Darlington County - Reworded to comply with statutory change and changes largemouth bass size limit.
 - c. Lake Edwin Johnson in Spartanburg County - Reworded to comply with statutory change and removes size limit on largemouth bass and crappie.
 - d. Jonesville Reservoir in Union County - Reworded to comply with statutory change, removes size limit on crappie and schedules a pond closure for renovation.
 - e. Lancaster Reservoir in Lancaster County - Reworded to comply with statutory change and reduces the crappie possession limit to comply with the statewide limit.

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f. Lake Oliphant in Chester County - Reworded to comply with statutory change and removes the size limit on largemouth bass and crappie.

g. Star Fort Pond in Greenwood County - Reworded to comply with statutory change and removes the size limit on largemouth bass and crappie.

h. Sunrise Lake in Lancaster County - Reworded to comply with statutory change, reduces the possession limit for bream and removes the size limit for largemouth bass and crappie.

The Notice of Drafting regarding these regulations was published on November 28, 2014 in the *South Carolina State Register*, Volume 38, Issue No. 11.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such hearing will be conducted before the Board of the Department of Natural Resources, 1000 Assembly Street, Columbia, SC on January 26, 2015 at 10:00 am. Written comments may be directed to Emily Cope, Wildlife & Freshwater Fisheries Division, Department of Natural Resources, Post Office Box 167, Columbia, SC 29202. Written comments should be submitted on or before 9:00 am on January 26, 2015. If a qualifying request pursuant to Section 1-23-110(A)(3) is not timely received, the hearing will be canceled.

Preliminary Fiscal Impact Statement:

The amendment of regulations 123-109 and 123-110 will not result in any additional costs to the State. The State and local communities will continue to benefit economically from the activities of the public accessing and utilizing the lakes and ponds for recreational fishing and outdoor recreation.

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATIONS:

Purpose: The repeal of 1976 Code Section 50-13-2011 has rendered the existing regulations defining the terms and conditions for the public's use of state lakes and ponds leased by the department unenforceable. These revised regulations will define the terms and conditions for public use to insure protection of the natural resources and facilities associated with these state lakes and ponds. Additionally, updates to the regulations defining the public's use of state lakes and ponds owned by the department will revise and standardize language in the regulations.

Legal Authority: The amended 1976 Code Section 50-11-2200 prohibits certain acts and conduct on department owned lands and state lakes owned or leased by the department unless the department establishes regulations to allow any of the acts or conduct under prescribed conditions.

Plan of Implementation: Once the regulation has been approved by the General Assembly, the Department will incorporate all regulations in the annual Rules and Regulations Brochure. The public will be notified through this publication, through signage posted at each lake or pond, and through news releases and other Department media outlets and publications.

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

The repeal of 1976 Code Section 50-13-2011 has rendered the existing regulations defining the terms and conditions for the public's use of state lakes and ponds leased by the department unenforceable. These proposed regulations will define the terms and conditions for public use to insure protection of the natural resources and facilities associated with these state lakes and ponds. The establishment of these regulations will allow for the continued sustainable use of these areas by the public. Additionally, proposed regulations will revise and

standardize language in the regulations defining the terms and conditions for the public's use of state lakes and ponds owned by the department.

DETERMINATION OF COSTS AND BENEFITS:

Implementation of the proposed regulation will not require any additional costs to the state or to the angling community.

UNCERTAINTIES OF ESTIMATES:

Staff does not anticipate any increased costs with the promulgation of this regulation. Accordingly, no costs estimates and the uncertainties associated with them are provided.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

The promulgation of this regulation will not have any impacts on public health.

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

No detrimental impact on public health or the environment will occur if this proposed regulation is not implemented. Failure to implement this regulation will prevent positive benefits to public.

Statement of Rationale:

Regulation 123-209 is amended to reflect statutory changes and to clarify and up-date the terms and conditions to provide for the public's use of state lakes and ponds owned by the department for the purpose of providing public fishing.

Regulation 123-210 is amended to comply with statutory changes in order to establish the terms and conditions to provide for the public's use of state lakes and ponds leased by the department for the purpose of providing public fishing

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.

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Document No. 4546

DEPARTMENT OF NATURAL RESOURCES

CHAPTER 123

Statutory Authority: 1976 Code Sections 50-1-200, 50-1-220, 50-11-10, 50-11-96, 50-11-105, 50-11-310, 50-11-335, 50-11-350, 50-11-390, 50-11-520, 50-11-530, 50-11-854, 50-11-2200 and 50-11-2210

123-40. Wildlife Management Area Regulations

123-51. Turkey Hunting Rules and Seasons

123-52. Either-sex Days and Antlerless Deer Limits for Private Lands in Game Zones 1-6

Preamble:

The South Carolina Department of Natural Resources is proposing to amend the existing regulations that set seasons, bag limits and methods of hunting and taking of wildlife. The following is a section-by-section summary of the proposed changes and additions:

123-40

A. Game Zone 1

3. Stumphouse WMA - Add new (b). Delete (b), (c), & (d).

B. Game Zone 2

2. Keowee WMA - (e)(ii) - Change wording.

3. Draper WMA - (d)(ii) - Change wording. (f)(i) - Change wording.

4. Fant's Grove WMA - (e)(ii) - Change wording.

Add - 10. Liberty Hill WMA.

C. Game Zone 3

Add:

6. Francis Marion National Forest

7. Moultrie

8. Santee Cooper WMA

9. Webb WMA

10. Bear Island WMA

11. Donnelley WMA

12. Hatchery WMA

13. Bonneau Ferry WMA

14. Santee Coastal Reserve WMA

15. Dungannon Heritage Preserve WMA

16. Edisto River WMA

17. Canal WMA

18. Palachucola WMA

19. St. Helena Sound Heritage Preserve WMA

20. Tillman Sand Ridge Heritage Preserve WMA

21. Victoria Bluff Heritage Preserve WMA

22. Hamilton Ridge WMA

23. Old Island Heritage Preserve WMA

24. Botany Bay Plantation Heritage Preserve WMA

25. Congaree Bluffs Heritage Preserve WMA

26. Wateree River Heritage Preserve WMA

D. Game Zone 4

5. Pee Dee Station WMA -(c) - change wording.

Add:

8. Great Pee Dee Heritage Preserve WMA

9. Longleaf Pine Heritage Preserve WMA

10. Manchester State Forest WMA

- 11. Lynchburg Savannah Heritage Preserve WMA
 - 12. Hickory Top WMA
 - 13. Oak Lea WMA
 - 14. Santee Dam WMA
 - 15. Wee Tee WMA
 - 16. Santee Delta WMA
 - 17. Samworth WMA
 - 18. Cartwheel Bay Heritage Preserve WMA
 - 19. Lewis Ocean Bay Heritage Preserve WMA
 - 20. Waccamaw River Heritage Preserve WMA
 - 21. Liberty Hill WMA
- Delete E. Game Zone 5
Delete F. Game Zone 6

- 3.1 - change wording.
- 3.3 - change wording.
- 4.4 (b) and 4.4 (c) - change wording.
- 4.5 - delete wording.
- 4.6 - change wording.
- 4.9 - add new regulation.
- 5.2 - change wording.
- 6.1 - change wording.
- 10.1 - change wording.
- 10.13 - add WMA
- 10.14
 - 13. (a) - change wording.
 - add 41. Wateree River HP

123-51

- A. Game Zone 1
 - 1.(b) - change wording.
- B. Game Zone 2
 - 1.(b) - change wording.
 - Add:
 - 7. Fants Grove WMA
 - 8. Liberty Hill WMA
- C. Game Zone 3
 - 1.(c) - change wording.
 - Add:
 - 4. Francis Marion National Forest
 - 5. Mountrie
 - 6. Santee Cooper WMA
 - 7. Webb, Palachucola and Hamilton Ridge WMAs
 - 8. Donnelley WMA
 - 9. Bonneau Ferry WMA
 - 10. Santee Coastal Reserve WMA
 - 11. Edisto River WMA
 - 12. Tillman Sand Ridge Heritage Preserve WMA
 - 13. Victoria Bluff Heritage Preserve WMA
 - 14. Botany Bay Plantation WMA
 - 15. Wateree River Heritage Preserve WMA
- D. Game Zone 4
 - 1.(b) - Change wording.

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1.(c) - Change wording.

Add:

8. Great Pee Dee Heritage Preserve WMA

9. Longleaf Pine Heritage Preserve WMA

10. Manchester State Forest WMA

11. Hickory Top WMA

12. Oak Lea WMA

13. Santee Dam WMA

14. Wee Tee WMA

15. Cartwheel Bay Heritage Preserve WMA

16. Lewis Ocean Bay Heritage Preserve WMA

17. Waccamaw River Heritage Preserve WMA

18. Samworth WMA

19. Liberty Hill WMA

Delete - E. Game Zone 5

Delete - F. Game Zone 6

Change G to E Statewide Youth Hunting Day

Add 1 (c).

123-52.

2. - change word

5. - change wording

6. - change wording

Add 7

Change 7 to 8

A Notice of Drafting for this regulation was published on November 28, 2014 in the *South Carolina State Register*, Volume 38, Issue No. 11.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such hearing will be conducted at 1000 Assembly Street on Monday, January 26, 2015 at 10:00 am in Room 335, Third Floor, Rembert C. Dennis Building. Written comments may be directed to Emily Cope, Wildlife & Freshwater Fisheries Division, Department of Natural Resources, Post Office Box 167, Columbia, SC 29202, not later than January 26, 2015.

Preliminary Fiscal Impact Statement:

The amendment of Regulations 123-40, 123-51, and 123-52 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.

Statement of Need and Reasonableness:

The statement of need and reasonableness was determined based on staff analysis pursuant to S.C. Code Sections 1-23-115(C) (1) through (3) and (9) through (11).

DESCRIPTION OF THE REGULATION:

Purpose: These regulations amend Chapter 123-40, 123-51, and 123-52 in order to set seasons, bag limits and methods of hunting and taking of wildlife on existing and additional Wildlife Management Areas, to clarify the

use of Individual Antlerless Deer Tags in all Game Zones and to establish antlerless deer limits in Game Zones 1 and 2. These regulations also consolidate Wildlife Management Areas from South Carolina's six Game Zones into four Game Zones in order to comply with Sections 50-1-60, 50-11-120, 50-11-150, 50-11-310, 50-11-335, and 50-11-430 as amended by Act. No. 227 passed during the 2014 session of the South Carolina General Assembly.

Legal Authority: Under Sections 50-11-2200 and 50-11-2210 of the S.C. Code of Laws, the Department of Natural Resources has jurisdiction over all Wildlife Management Areas to protect, preserve, operate, maintain and regulate use, as well as to establish open and closed seasons, bag limits, and methods of taking wildlife. Under Section 50-11-390, the Department of Natural Resources is authorized to set bag limits for hunting and taking of antlerless deer. Under Section 50-11-96 of the S.C. Code of Laws, the Department of Natural Resources is authorized to promulgate regulations to implement and regulate the provisions of this section.

Plan for Implementation: Once the regulation has been approved by the General Assembly, the Department will incorporate all regulations in the annual Rules and Regulations Brochure. The public will be notified through this publication and through news releases and other Department media outlets and publications.

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

Periodically additional lands are made available to the public through the Wildlife Management Area Program. 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 these new WMAs as well as expanding use opportunities on existing WMAs. Likewise, statutory changes occasionally require changes in regulations to ensure conformity and consistency between statutes and regulations.

DETERMINATION OF COSTS AND BENEFITS:

Implementation of the proposed regulation will not require any additional costs to the state or to the sporting community. There are no significant new costs imposed by the addition of new WMAs since the funding of leasing WMAs is provided through the existing WMA permit program. Clarification of existing regulations under appropriate authority will improve enforcement ability and therefore reduce staff time in handling prosecution of offenses. This amendment of these regulations will result in increased public hunting opportunities that should generate additional State revenue through license sales. In addition, the local economy should benefit from sales of hunting supplies, food and overnight accommodations. Sales taxes on these items will also directly benefit government.

UNCERTAINTIES OF ESTIMATES:

Staff does not anticipate any increased costs with the promulgation of this regulation. Accordingly, no costs estimates and the uncertainties associated with them are provided.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

The promulgation of this regulation will not have any negative impacts on public health or the environment.

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

No detrimental impact on public health or the environment will occur if this proposed regulation is not implemented. Failure to implement this regulation will prevent positive benefits to public.

50 PROPOSED REGULATIONS

Statement of Rationale:

Rationale for the formulation of these regulations is based on over 60 years of experience by SCDNR in managing wildlife populations and establishing public hunting areas. New areas are evaluated on location, size, current wildlife presence, access and recreation use potential. Contractual agreements with the landowners provide guidelines for the use and management of the property. Wildlife Management Area agreements are on file with the Wildlife Management Section of the Department of Natural Resources, Room 267, Dennis Building, 1000 Assembly Street, Columbia.

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.

Filed: November 24, 2014 11:31am

Document No. 4544
DEPARTMENT OF NATURAL RESOURCES
 CHAPTER 123

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

Emergency Situation:

These emergency regulations establish the dove seasons and dove limits statewide and establish seasons, limits and special restrictions for dove hunting on Dove Management Areas. Because the dove season extends through January 15, 2015, it is necessary to re-file these regulations as emergency.

Text:

WILDLIFE MANAGEMENT AREA PUBLIC DOVE FIELDS 2014-15

Dove Management Area Regulations: The following fields are open on a first-come basis, unless otherwise stated below. The number of hunters may be restricted on some fields. A Wildlife Management Area permit is required for all fields. Fields are open only as shown below. All federal and state laws apply. Fields are open only on days and times indicated. Fields denoted by an asterisk (*) require hunters to sign in (not before 12:00 noon) and sign out on all hunts. No species other than mourning doves and Eurasian collared doves may be hunted during scheduled dove hunts. Migratory Bird Permit Required.

Statewide Season Dates:

September 1 - October 11 (Sept. 1-6 Afternoons only): November 15 - November 29: December 13 - January 15

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 1 – October 11)

ABBEVILLE

U.S. Forest Service – Power of Partnerships Field - 60 acres. 1st season – Saturdays Only beginning Sept. 20. Sept. 6 is Youth Hunt Only. Sept. 13 is Wheelin Sportsmen Hunt and morning hunting will be allowed for this event only. 2nd and 3rd season – Open Mon. – Sat.

AIKEN

US Dept of Energy - Crackerneck WMA - 40 acres. 1st season – Sept. 3 & 17; 2nd & 3rd seasons – Fridays, Saturdays & Thanksgiving Day ONLY.

ANDERSON

Clemson University - Fant's Grove WMA - 45 acres. 1st season, Saturdays –FIELD CLOSED OCT. 4. Open 2nd & 3rd seasons – Saturdays Only

BERKELEY

U.S. Army Corps of Engineers - Canal WMA (Above Powerhouse) - 60 acres. Sept. 6, 20; Oct. 4; Nov. 22

U.S. Army Corps of Engineers - Canal WMA (Below Powerhouse) - 40 acres. Dove Hunting Only - Sept. 6, 20; Oct. 4; Nov. 22

52 EMERGENCY REGULATIONS

DNR - Bonneau Ferry WMA - 14 acres. September 6, 20; Oct. 4. All hunts are Youth Only.

CHARLESTON

DNR Botany Bay Plantation WMA - 70 acres. Sept. 6, 13, Nov. 22, Dec. 20, Jan. 10. All hunts are Youth Only.

CHEROKEE

Gaffney Board of Public Works - 20 acres. Saturdays Only. Dove Hunting Only.

CHESTER

U.S. Forest Service - Worthy Bottoms - 30 acres. 1st season - Saturdays Only. 2nd & 3rd seasons - Open Mon. – Sat.

CHESTERFIELD

SC Forestry Commission – Sand Hills State Forest - Wilkes Chapel Field - 54 acres. 1st season –Saturdays Only, 2nd & 3rd seasons - Open Mon. – Sat.

SC Forestry Commission – Sand Hills State Forest - Davis Field - 30 acres. 1st season – Sept. 6 and Wednesdays Only, beginning Sept. 17.
2nd & 3rd seasons – Open Mon. – Sat.

CLARENDON

Santee Cooper - Santee Dam WMA - 90 acres. Sept. 6, 20; Oct. 4; Nov. 29; Jan. 3.

SC Forestry Commission - Oak Lea WMA - 102 acres. Sept. 6, 20; Jan. 3 & 10.

COLLETON

DNR - Donnelley WMA - 80 acres. Sept. 6, 13, 20; Nov. 29. During 3rd season Open Wednesdays and Saturdays.

DARLINGTON

DeWitt Property - 50 acres. 1st, 2nd, and 3rd Seasons – Saturdays Only, Dove Hunting Only.

FLORENCE

Santee Cooper – Pee Dee Station Site WMA - 60 acres. 1st, 2nd, and 3rd Seasons. Saturdays Only, Dove Hunting Only.

GEORGETOWN

DNR Samworth WMA - 35 acres. Sept. 6, 20; Oct. 4; Nov. 15; Dec. 13

***HAMPTON**

DNR - Webb Wildlife Center - 30 acres. Sept. 6 & 20; Oct. 4; Nov. 19.

DNR - Hamilton Ridge WMA - 30 acres. Sept. 6 & 20; Oct. 11; Nov. 22

LAURENS

DNR Gray Court Field - 15 acres. 1st season Saturdays Only, 2nd & 3rd seasons open Mon. - Sat.

DNR Cliff Pitts WMA - 10 acres. 1st season Saturdays Only, 2nd & 3rd seasons open Mon. - Sat.

LEXINGTON

Hallman Field - 47 acres. 1st, 2nd, and 3rd seasons -Saturdays Only, Dove Hunting Only

MARLBORO

DNR - Lake Wallace WMA - 50 acres. 1st, 2nd, and 3rd seasons Saturdays Only, Dove Hunting Only.

MCCORMICK

U.S. Army Corps of Engineers - Bordeaux Work Center Field – 40 acres. Sept. 6 & 17; Oct. 8; Nov. 26, Dec. 17; Jan. 7 & 15 only, Dove Hunting Only. Hunters must sign-in & out @ 1009 McIntosh Rd.

U.S. Army Corps of Engineers – Parksville Field - 22 acres. 1st season – Saturdays Only, 2nd & 3rd seasons – Open Mon. - Sat.

US Army Corp of Engineers - Plum Branch Saddle Club Fields - 30 acres. 1st season – Saturdays Only, 2nd & 3rd seasons – Open Mon. - Sat.

U.S Forest Service - McCombs Tract Field - 60 acres. 1st season – Saturdays Only, 2nd and 3rd season – Open Mon. - Sat.

U.S. Forest Service - Price Mill Field - 60 acres. 1st season – Saturdays Only, 2nd and 3rd season – Open Mon. - Sat.

U.S. Forest Service - Cunningham Fields - 40 acres. 1st season - Saturdays Only, 2nd and 3rd season - Open Mon. - Sat.

NEWBERRY

SCDOT McCullough Field - 30 acres. Saturdays Only, Dove Hunting Only.

DNR Belfast WMA - 26 acres. Sept. 6 is Youth Hunt Only. Sept. 13; Oct. 4; Nov. 27, 28, 29; 3rd season - Open Mon. - Sat.

OCONEE

S.C. Forestry Commission - Piedmont Forestry Center - 18 acres. 1st and 2nd seasons - Saturdays Only, 3rd season – Closed. Dove hunting only.

U.S. Forest Service – Long Creek Tract – 20 acres. Disability hunters must contact the U.S. Forest Service Andrew Pickens office 864-638-9568 for permit requirements and access. Sept. 6 is Youth Hunt Only. In order to hunt, adults must have 1 or 2 youth age 17 or younger. 1st season – Saturdays Only Beginning Sept. 13, 2nd season – Open November 22 Only. 3rd season – Closed.

U.S. Forest Service - Ross Mtn. Field - 35 acres. Open 1st, 2nd & 3rd seasons - Saturdays Only

ORANGEBURG

Santee Cooper - Santee Cooper WMA - 45 acres. Entire WMA under Dove Area Regulations. Sept. 6 is Youth Hunt Only. Sept. 13; Oct. 4; Nov. 22; Jan. 3.

PICKENS

DNR Property - 40 acres. Open 1st, 2nd & 3rd seasons - Saturdays Only. Dove Hunting Only

Clemson University - Gravelly WMA - Causey Tract - 25 acres. Open 1st, 2nd & 3rd seasons - Saturdays Only

DNR Property – Jocassee Gorges – Cane Creek Field – 15 acres. Open 1st, 2nd & 3rd seasons Wednesday Only, beginning Sept. 17.

SALUDA

SCE&G Saluda River Field - 28 acres. 1st season - Saturdays Only. 2nd & 3rd seasons - Open Mon. - Sat.

U.S. Forest Service Saluda Field (Sumter National Forest - Long Cane District) - 69 acres. 1st season - Saturdays Only. 2nd & 3rd seasons - Open Mon. - Sat.

54 EMERGENCY REGULATIONS

SPARTANBURG

Santee Cooper - 15 acres. 1st season – Saturdays Only. 2nd & 3rd seasons – Open Mon. – Sat.

Spartanburg Co Parks Dept - Cherokee Springs Field - 15 acres. Saturdays only. Dove hunting only.

SUMTER

S.C. Forestry Commission - Manchester State Forest

Bland Field 1 – 50 acres. Sept. 6 is Youth Hunt Only. 1st season - Saturdays Only. 2nd & 3rd seasons open Mon – Sat.

Tuomey Fields Field A – 1st season – Saturdays Only. 2nd & 3rd seasons open Mon. – Sat. Dove hunting only.

Tuomey Fields Field B – 1st season – Saturdays Only. 2nd & 3rd seasons open Mon. – Sat. Dove hunting only.

UNION

DNR Thurmond Tract - 15 acres. 1st season – Saturdays Only. 2nd & 3rd seasons open Mon. – Sat.

U.S. Forest Service - Sedalia - 15 acres. 1st season – Saturdays Only. 2nd & 3rd seasons - Open Mon. - Sat.

U.S. Forest Service - Herbert Field - 40 acres. Sept 6 is Youth Hunt Only. 1st season Saturdays Only - Beginning Sept. 13, 2nd & 3rd seasons - Open Mon. - Sat.

YORK

DNR - Draper Tract - 45 acres (two fields). 1st season – Saturdays Only, 2nd & 3rd seasons Open Mon. - Sat.

York County – Worth Mountain WMA - 40 acres . 1st season – Saturdays Only, 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 17 years of age and younger. The following regulations also apply on Special Youth Dove Hunts: (1) Adults accompanying youth are NOT allowed to shoot at any time during Special Youth Dove Hunts. (2) Adults accompanying youth do NOT have to be licensed or possess a WMA permit. (3) Adults must remain in the field and closely supervise participating youth at all times. (4) In parties of one adult and 2 youths, only one youth hunter may be handling a loaded firearm at any given time. (5) 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

U.S. Forest Service – Power of Partnerships Field, September 6.

BERKELEY COUNTY YOUTH HUNT

Bonneau Ferry WMA September 6, 20; Oct 4.

CHARLESTON COUNTY YOUTH HUNT

Botany Bay Plantation WMA September 6, 13; Nov. 22; Dec. 20; Jan. 10.

NEWBERRY COUNTY YOUTH HUNT

Belfast WMA September 6.

ORANGEBURG COUNTY YOUTH HUNT

Santee Cooper – Santee Cooper WMA, September 6.

SUMTER COUNTY YOUTH HUNT

Manchester State Forest near Wedgefield Bland Tract – Field 1, September 6.

UNION COUNTY YOUTH HUNT

U.S. Forest Service Herbert Field. September 6.

YORK COUNTY YOUTH HUNT

DNR Draper WMA, September 6.

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 extend through January 15, 2015, it is necessary to re-file these regulations as emergency so they remain in effect throughout the entirety of the season.

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, the local economy should benefit from sales of hunting supplies, food and overnight accommodations. Sales taxes on these items will also directly benefit government.

Filed: November 24, 2014 11:31am

Document No. 4545

DEPARTMENT OF NATURAL RESOURCES

CHAPTER 123

Statutory Authority: 1976 Code Sections 50-1-200, 50-1-220, 50-11-10, 50-11-96, 50-11-105, 50-11-310, 50-11-335, 50-11-350, 50-11-390, 50-11-520, 50-11-530, 50-11-854, 50-11-2200 and 50-11-2210

123-40. Wildlife Management Area Regulations.

123-52. Either-sex Days and Antlerless Deer Limits for Private Lands in Game Zones 1-6.

Emergency Situation:

These emergency regulations amend and supersede South Carolina Department of Natural Resources Regulation Number 123-40 and 123-52. These regulations set open and closed seasons, bag limits and methods of taking wildlife; define special use restrictions related to hunting and methods for taking wildlife on Wildlife Management Areas. Because the hunting seasons on many of these areas extend through January 25, 2015, it is necessary to re-file these regulations as emergency.

Text:

HUNTING IN WILDLIFE MANAGEMENT AREAS

123-40. Wildlife Management Area Regulations.

56 EMERGENCY REGULATIONS

1.1 The regulations governing hunting including prescribed schedules and seasons, methods of hunting and taking wildlife, and bag limits for Wildlife Management Areas and special restrictions for use of WMA lands are as follows:

A. Game Zone 1

3. Stumphouse WMA

(a) In order to fish or hunt Stumphouse WMA each adult (21 or older) must have at least one youth 17 or under accompanying them. Senior Citizens over 65 years of age may fish without a youth present. No motorized vehicles or horses allowed on the property except in designated parking areas. Walk in use only.

~~(b) Game Zone 1 seasons and bag limits, except small game only between Thanksgiving Day and Mar. 1.~~

~~(b) Primitive Weapons for Deer-~~

~~(i) Oct. 1 through Oct. 10~~

~~(c) Still Gun Hunts for Deer-~~

~~(i) Oct. 11 through Oct. 16; Oct. 31—Wed. before Thanksgiving.~~

~~(d) Small Game~~

~~(i) No hunting before Thanksgiving Day or after Mar. 1, otherwise Game Zone 1 seasons and bag limits apply.~~

GENERAL REGULATIONS

DEER

4.4 Deer either-sex days for still gun hunts on WMAs are as follows:

(c) In all Game Zones, hunters using archery equipment may take either-sex during all archery only and primitive weapon seasons for deer without being required to tag the animal. Game Zone WMA limits apply.

4.5 For all WMAs combined statewide, the limit for all seasons and methods combined is two deer per day, 5 deer total, no more than two bucks, unless otherwise specified. Antlerless deer limit is one deer per day, unless otherwise specified. Buck only, except either-sex on Game Zone either-sex days. ~~For all WMAs combined, a maximum of two individual antlerless deer tags may be used during primitive weapons or gun deer seasons in Game Zones 2–6.~~

4.6 Individual Deer Tags: ~~Individual Antlerless Deer Tags are not valid in Game Zone 1. Individual antlerless deer tags are valid in Game Zones 1 & 2 beginning Oct. 1 and in Game Zones 3-6 beginning September 15. For all WMAs combined, a maximum of two individual antlerless deer tags may be used during primitive weapons or gun deer seasons in all Game Zones except only one individual antlerless deer tag may be used in Game Zone 1. Tags are valid in Game Zones 3-6 beginning September 15 and in Game Zone 2 beginning Oct. 1. Tags do not alter the daily (1 per day) or seasonal limit or change the type of weapons that can be used during special weapons seasons.~~

DOGS

5.2 Dogs may be trained for quail, rabbit and squirrel hunting from September 1 thru September 14 (no guns). ~~On all WMA lands in Game Zones 1 and 2, dogs may not be used for rabbit hunting during still gun hunts for deer or bear. Dogs may be used for rabbit hunting from the close of the season for deer until the close of the rabbit season. Dogs may be trained for quail and rabbit hunting from September 1 through September 14 (no guns).~~

WATERFOWL & DOVE REGULATIONS

10.14 Category II Designated Waterfowl Areas include Biedler Impoundment, Carr Creek (bounded by Samworth WMA), Little Carr Creek (bounded by Samworth WMA), Lake Cunningham, Russell Creek, Monticello Reservoir, Parr Reservoir, Duncan Creek, Dunaway, Dungannon, Enoree River, Moultrie, Hatchery, Hickory Top, Hickory Top Greentree Reservoir, Lancaster Reservoir, Turtle Island, Little Pee Dee River

Complex (including Ervin Dargan, Horace Tilghman), Great Pee Dee River, Potato Creek Hatchery, Sampson Island Unit (Bear Island), Tyger River, Marsh, Wee Tee, Woodbury, Ditch Pond, Waccamaw River Heritage Preserve, Santee Cooper, Lake Blalock, and 40 Acre Rock Waterfowl Management Areas. Hunting on Category II Designated Waterfowl Areas is in accordance with scheduled dates and times.

13. Dungannon

- (a) Wed. AM only during regular season
- (b) State bag limits
- (c) No hunting from the Boardwalk

41. Lake Blalock

- (a) Wed. AM only during regular season
- (b) State bag limits

10.19 On Enoree River, Dunaway, Duncan Creek, Russell Creek and Tyger River Waterfowl Areas data cards are required for hunter access during scheduled waterfowl hunts. Completed data cards must be returned daily upon leaving each of these areas. Hunters may not enter the areas prior to 5:00 am on hunt days.

123-52. Either-sex Days and Antlerless Deer Limits for Private Lands in Game Zones 1-6.

1. Game Zone 1: The last three Saturdays in Nov.
2. Game Zones 2 – 6: The first three Saturdays in Oct.; the last three Saturdays in Nov.; the last Saturday in Dec; Jan. 1.
3. The daily bag limit on either-sex days is 1 antlerless deer.
4. On special mobility impaired and youth deer hunts sanctioned by the Department and during the statewide youth deer hunt day, participants may take antlerless deer, 1 per day.
5. Hunters using archery equipment may take either-sex during all archery-only and primitive weapons seasons for deer beginning September 15 without being required to tag the animal.
6. Individual Deer Tags: ~~Individual Antlerless Deer tags are not valid in Game Zone 1.~~ Only one (1) Individual Antlerless Deer Tag may be used in Game Zone 1. Tags are valid in Game Zones 3 – 6 beginning Sept. 15 and in Game Zones 1 & 2 beginning Oct. 1. Individual tags are not valid on properties enrolled in the Antlerless Deer Quota Program. Tags do not alter the daily (1 per day) or seasonal limit or change the type of weapons that can be used during special weapons seasons.
7. Antlerless Deer Limits: Game Zone 1 - Primitive Weapons Season 1 per day, 2 total (muzzleloader is buck only except with individual antlerless deer tag). Gun Season - 1 per day, 5 total for all methods combined (Gun Season is buck only except on either-sex days or with individual antlerless tags). Game Zone 2 - Archery Only Season 1 per day, 2 total. Primitive Weapons Season 1 per day, 2 total (muzzleloader is buck only except on either-sex day or with individual antlerless tags). Gun Season 1 per day, 5 total all methods combined (firearms are buck only except on either-sex days or with individual antlerless tags). Game Zones 3 - 6, 1 per day on either-sex days or with individual antlerless tags. Game Zone season and daily limits do not apply on properties enrolled in the Antlerless Deer Quota Program.
87. Except on either-sex days, antlerless deer must be tagged immediately after harvest and before being moved from the point of kill and the tag must be validated as prescribed by the SCDNR.

Statement of Need and Reasonableness:

Periodically additional lands are made available to the public through the Wildlife Management Area Program. 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 these new WMAs as well as expanding use opportunities on existing WMAs. Amendments are needed to allow additional opportunity. Because some hunts occur as late as January 25, 2015, it is necessary to re-file these regulations as emergency so they remain in effect for the entire duration of the season.

58 EMERGENCY REGULATIONS

Fiscal Impact Statement:

The amendment of Regulations 123-40 and 123-52 will result in increased public hunting opportunities which should generate additional State revenue through license sales. In addition, the local economy should benefit from sales of hunting supplies, food and overnight accommodations. Sales taxes on these items will also directly benefit government.

Document No. 4488
CLEMSON UNIVERSITY
STATE LIVESTOCK-POULTRY HEALTH COMMISSION
 CHAPTER 27
 Statutory authority: 1976 Code Sections 47-4-30 and 47-17-130

27-1023. State Meat Inspection Regulation

Synopsis:

These regulations are being promulgated to modernize, clarify and update existing regulations which govern, to the extent authorized by S. C. Code, Title 47, Chapter 4, the inspection of meat and meat food products produced for intrastate commerce. These updated regulations are necessary to comply with the Federal Meat Inspection Act (21 USCA 661, Section 301) which established Federal-State Cooperative Meat Inspection Programs. This is a grant program with equal federal-state funding. A cooperating state is required to adopt regulations “at least equal to” those adopted by the federal government. This regulation will, in effect, adopt the current Federal Meat Inspection Regulations with some minor exceptions for some state specific requirements.

The Notice of Drafting was published in the *State Register* on August 22, 2014.

Instructions:

Replace R.27-1023 with the following amendment.

Text:

27-1023. State Meat Inspection Regulation.

A. Definitions.

1. Commission means the State Livestock-Poultry Health Commission, Clemson University.
2. Director means the Director, Livestock-Poultry Health Programs, Clemson University.
3. Custom Processor means the custom preparation by any person of carcasses, parts thereof, meat or meat food products derived from the slaughter by any individual of cattle, sheep, swine or goats of his own raising or from game animals, delivered by the owner thereof for such custom preparation and transportation in commerce of such custom prepared article, exclusively for the use in the household by the owner and members of the owners household and the owners non-paying guests and employees in an establishment permitted by the State Meat Inspection Department for that purpose.

B. Permit required; fee; application; refusal, revocation or suspension.

1. Custom processors shall secure a permit from the Commission.
2. The permit fee is twenty-five dollars (\$25.00) annually or for part of a year. The permit year is July 1 to June 30. The fee must be retained by the Commission. The Commission by regulation may increase the fee to not more than fifty dollars (\$50.00).
3. The Commission, for cause, may refuse to grant a permit, may revoke or modify a permit, or assess a civil penalty in accordance with Section 47-4-130, South Carolina Code of Laws (1976) as amended.

C. Adoption of Federal Meat Inspection Regulations.

The United States Department of Agriculture, Food Safety and Inspection Service, Meat Inspection Regulations, 9 CFR, Chapter III, Subchapter A, Parts 300-321, 325, 329, 332, 335, 352 and 354, and Subchapter E, Parts 412, 416-418, 424, 430, 441, 442 and 500 and all changes thereto in effect as of January 1, 2015 are hereby adopted as the State Meat Inspection Regulations, with exceptions as noted below.

60 FINAL REGULATIONS

D. Exceptions to the Federal Meat Inspection Regulations.

1. Subchapter A, Part 303 – Exemptions, Section 303.1(a)(2). The provisions of this section related to custom slaughter of livestock do not apply. Custom slaughtering is not a specified exemption in the State Meat and Meat Foods Regulations and Inspection Law of 1967.

2. Subchapter A, Part 307, Section 307.5(a) – Overtime Inspection Service. Fees and charges for overtime inspection service will be established, as required, by the Commission.

3. Subchapter A, Part 307, Section 307.5(b) – Holiday Inspection Service. State holidays as designated by the State Budget and Control Board will be utilized by the state inspection program.

4. Subchapter A, Part 312 – Official Marks, Devices and Certificates. Official state marks, devices and certificates of inspection will be utilized by the state inspection program.

5. Subchapter A, Part 352, Section 352.5 – Holiday and Overtime Inspection Services. Fees and charges for overtime and state holiday inspection services will be established, as required by the Commission.

6. Subchapter A, Part 352, Section 352.7 – Marking Inspected Products. Official state marks, devices and certificates of inspection will be utilized by the state inspection program.

E. In addition to temporary suspension in whole or in part of inspection services, as provided for in this regulation, the Director may, when he determines that the operator of any official establishment or any subsidiary therein, acting within the scope of his office, employment or agency, has threatened to forcibly assault or has forcibly assaulted, intimidated, harassed or interfered with any program employees in or on account of his official duties under the law, assess a civil penalty in accordance with Section 47-4-130(b), S.C. Code of Laws, (1976) as amended.

F. The complete text of these regulations is available for review at the Meat-Poultry Inspection Department, Livestock-Poultry Health Programs, Clemson University.

Document No. 4489

CLEMSON UNIVERSITY

STATE LIVESTOCK-POULTRY HEALTH COMMISSION

CHAPTER 27

Statutory Authority: 1976 Code Sections 47-4-30, 47-19-30, and 47-19-170

27-1022. State Poultry Products Inspection Regulation

Synopsis:

These regulations are being promulgated to modernize, clarify and update existing regulations which govern, to the extent authorized by S.C. Code, Title 47, Chapter 4, the inspection of poultry products produced for intrastate commerce. These updated regulations are necessary to comply with the federal Poultry Products Inspection Act (21 USCA 454, Section 5) which establishes Federal-State Cooperative Poultry Inspection Programs. This is a grant program with equal federal-state funding. A cooperating state is required to adopt regulations “at least equal to” those adopted by the federal government. This regulation will, in effect, adopt the current Federal Poultry Products Inspection Regulations with some minor exceptions for some state specific requirements.

The Notice of Drafting was published in the *State Register* on August 22, 2014.

Instructions:

Replace R.27-1022 with the following amendment.

Text:

27-1022. State Poultry Products Inspection Regulation.

A. Definitions.

1. Commission means the State Livestock-Poultry Health Commission, Clemson University.
2. Director means the Director, Livestock-Poultry Health Programs, Clemson University.

B. Adoption of Federal Poultry Products Regulations.

The United States Department of Agriculture, Food Safety and Inspection Service, Poultry Products Inspection Regulations, 9 CFR, Chapter III, Subchapter A, Parts 362 and 381 and Subchapter E. Parts 412, 416-418, 424, 430, 441, 442 and 500 and all changes thereto in effect as of January 1, 2015 are hereby adopted as the State Poultry Inspection Regulations, with exception as noted below.

C. Exceptions to the Federal Poultry Products Inspection Regulations.

- (1) Subchapter A, Part 362, Voluntary Poultry Inspection Regulations, Section 362.5. Fees and charges for voluntary inspection services will be established, as required, by the Commission.
- (2) Subchapter A, Part 381, Subpart G, Facilities for Inspection, Section 381.38. State holidays as designated by the State Budget and Control Board will be utilized by the state inspection program.
- (3) Subchapter A, Part 381, Subpart G, Facilities for Inspection, Section 381.39. Fees and charges for overtime and holiday inspection services will be established, as required, by the Commission.
- (4) Subchapter A, Part 381, Subpart M, Official Marks, Devices and Certificates. Official state marks, devices and certificates of inspection will be utilized by the state inspection program.

D. The complete text of these regulations is available for review at the Meat-Poultry Inspection Department, Livestock-Poultry Health Programs, Clemson University.