

SOUTH CAROLINA STATE REGISTER DISCLAIMER

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SOUTH CAROLINA STATE REGISTER

PUBLISHED BY
THE LEGISLATIVE COUNCIL
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.

2003 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	1/10	2/14	3/14	4/11	5/9	6/13	7/11	8/8	9/12	10/10	11/14	12/12
Publishing Date	1/24	2/28	3/28	4/25	5/23	6/27	7/25	8/22	9/26	10/24	11/28	12/26

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) 734-2145.

ADOPTION, AMENDMENT AND REPEAL OF REGULATIONS

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

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

EMERGENCY REGULATIONS

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

REGULATIONS PROMULGATED TO COMPLY WITH FEDERAL LAW

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

EFFECTIVE DATE OF REGULATIONS

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

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

SUBSCRIPTIONS

Subscriptions to the *South Carolina State Register* are available electronically through the South Carolina Legislature Online website at www.scstatehouse.net via an access code, or in a printed format. Subscriptions run concurrent with the State of South Carolina's fiscal year (July through June). The annual subscription fee for **either** format is \$95.00. Payment must be made by check payable to the Legislative Council. To subscribe complete the form below and mail with payment. Access codes for electronic subscriptions will be e-mailed to the address submitted on this form.

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2732		Advertising and Solicitation	4-21-03	LLR: Board of Chiropractic Examiners
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REQUESTED TO WITHDRAW (120 DAY REVIEW PERIOD TOLLED)

DOC NO.	DATE	SUBJECT		AGENCY
2729	2-04-03	Fees	4-02-03	LLR: Board of Pharmacy

RESOLUTION INTRODUCED TO DISAPPROVE (120 DAY REVIEW PERIOD TOLLED)

DOC No.	DATE	SUBJECT		AGENCY
2629	1-29-03	Specific Project Stds for Tidelands & Coastal Waters	1-31-03	Department of Health and Envir Control
2801	2-19-03	Individual Sewage Treatment and Disposal Systems	5-29-03	Dept of Health and Envir Control

WITHDRAWN:

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2360	8 16 02	LIFE Scholarship	1-15-03	Commission on Higher Education
2792	2-18-03	Career or Technology Centers/Comprehensive High Schools	5-13-03	Board of Education

2003- 02

WHEREAS, in the wake of the September 11, 2001 terrorist attacks upon our nation, it is critical that South Carolina be vigilant in addressing the threat that terrorism poses to the safety and well-being of our citizens and visitors; and

WHEREAS, as the State's chief executive and commander-in-chief, it is the Governor's responsibility and first priority to protect the citizens of South Carolina from threats and acts of terrorism and to promote initiatives to increase our State's security; and

WHEREAS, it is necessary to take appropriate measures in an effort to detect, prevent, prepare for, protect against, and respond to violence or threats of violence to the person or property of citizens of the State of South Carolina from terrorist activities, and to maintain peace, tranquility and good order in the State; and

WHEREAS, it is critical that the precautions necessary to organize efforts to protect the State from terrorist acts require the efforts of a number of agencies, and that there needs to be a central authority over these activities to ensure coordination.

NOW, THEREFORE, pursuant to the powers conferred upon me by the Constitution and Laws of the State of South Carolina:

I hereby direct that the South Carolina Law Enforcement Division (SLED) be the operational authority and lead state agency in the counter-terrorism effort including preparation against acts of terrorism in or affecting this State and in the crisis management response to such acts. SLED shall work closely with the Emergency Management Division (EMD) and the various governmental and private entities in South Carolina relevant to the homeland security mission. The South Carolina Emergency Operations Plan concerning terrorism is hereby placed into effect. The Chief of SLED shall create task forces or coordinating councils deemed appropriate to support this mission, and shall serve as the Governor's representative to the United States Office of Homeland Security.

I hereby rescind Executive Orders 2001-34; 2001-36; and, 2002-27.

GIVEN UNDER MY HAND AND THE
THE GREAT SEAL OF THE STATE OF
SOUTH CAROLINA, THIS 16th DAY
OF JANUARY, 2003

MARK SANFORD
Governor

4 EXECUTIVE ORDERS

2003- 03

WHEREAS, on January 23, 2003 the National Weather Service issued a Winter Storm Warning for the State with the potential to receive up to seven inches of snow in some areas with decreasing temperatures throughout the day creating extremely hazardous conditions;

WHEREAS, temperatures were forecasted to remain below freezing and drop significantly during the night making road conditions even more hazardous; and

WHEREAS, these conditions posed a threat to the safety of the state's citizens, therefore, on January 23, 2003, State offices in the counties of Greenville, York, Lancaster, Pickens, Laurens, Cherokee, Oconee, Spartanburg, Union, Richland, Lee, Chesterfield, Fairfield, Kershaw, Lexington, Edgefield, McCormick, Newberry, Dillon, Marlboro, Darlington, Clarendon, Florence, Marion, Bamberg, Orangeburg, Calhoun, Aiken, Barnwell, Chester, Williamsburg, Sumter, Saluda, Dorchester, Colleton, Anderson, Horry, Georgetown, and Berkeley were closed, either in whole or in part as directed. Due to the continuing threat posed by hazardous roadways on January 24, 2003, opening of State offices in the following counties was delayed as follows: until 10:00 a.m. Pickens, Anderson, Abbeville, Greenwood, Newberry, Saluda, Lexington, Richland, Calhoun, Sumter, Lee, Marlboro, Marion, Florence, Dillon, and Darlington; until noon Greenville, Spartanburg, Laurens, Cherokee, Union, York, Chester, Fairfield, Lancaster, Kershaw, and Chesterfield.

NOW, THEREFORE, by virtue of the power and authority vested in me as Governor, pursuant to the Constitution and Statutes of the State of South Carolina, I hereby direct the South Carolina Emergency Operations Plan be placed in effect to support the responsibilities and tasks as warranted by these conditions. I further authorize that emergency expenditures required to ensure the safety of the citizens of South Carolina as authorized by the Director, Emergency Management Division, shall be covered under the State Contingency Fund.

Furthermore, pursuant to S.C. Code 8-11-57, as amended by Act 356 of 2002, Part IX, Section D, all State employees absent from work, in whole or in part as directed, on January 23, 2003, and January 24, 2003, due to this hazardous weather emergency are hereby granted leave with pay.

The provisions of this Executive Order shall remain in full force and effect until further order of this office.

GIVEN UNDER MY HAND AND THE
GREAT SEAL OF THE STATE OF SOUTH
CAROLINA, THIS 24th DAY OF
JANUARY 2003.

MARK SANFORD
Governor

2003-04

WHEREAS, the uninterrupted supply of fuel oil, diesel oil, gasoline, kerosene, and liquid petroleum gas (LPG) to residential and commercial establishments is an essential need of the public during the wintertime and any interruption threatens the public welfare; and

WHEREAS, the continued period of cold weather has increased the demand for the above-referenced fuels, and threatened the uninterrupted delivery of those fuels to residential and commercial customers; and

WHEREAS, the Federal Motor Carrier Safety regulations, 49 CFR 390, et seq., limit the hours operators of commercial motor vehicles may drive; and

WHEREAS, 49 CFR 390.23 allows the Governor of a State to suspend these rules and regulations for up to 30 days if the Governor determines that an emergency condition exists.

NOW, THEREFORE, pursuant to the powers conferred upon me by the Constitution and Statutes of the State of South Carolina and of the United States of America, I hereby declare a State of Emergency for the limited purpose of suspending the federal rules and regulations that limit the hours operators of commercial vehicles may drive, in order to ensure the uninterrupted supply of fuel oil, diesel oil, gasoline, kerosene, and LPG throughout South Carolina. This emergency justifies a suspension of Part 395 (drivers' hours of service) of Title 49 of the Code of Federal Regulations. The suspension shall remain in effect for 10 days or until the emergency condition ceases to exist, whichever is less.

Nothing herein shall be construed as an exemption from the Commercial Driver's License requirements in 49 CFR 383, the financial requirements in 49 CFR 387, or applicable federal size and weight limitations.

GIVEN UNDER MY HAND AND THE GREAT SEAL
OF THE STATE OF SOUTH CAROLINA, THIS 24th
DAY OF JANUARY, 2003.

MARK SANFORD
Governor

2003-05

WHEREAS, Mark Hammond has resigned as Spartanburg County Clerk of Court, effective January 15, 2003; and

WHEREAS, the undersigned is authorized to appoint a County Clerk of Court in the event of a vacancy pursuant to Code of Laws of South Carolina (1976), as amended, Sections 1-3-220(2) (Supp. 1998), 4-11-20(1) and 14-17-30; and

WHEREAS, Marcus W. Kitchens residing at 121 Westmeath Drive, Moore, South Carolina 29369, is a fit and proper person to serve as the Spartanburg County Clerk of Court.

NOW, THEREFORE, pursuant to the authority vested in me by the Constitution and Statutes of this State, I hereby appoint Marcus W. Kitchens as Clerk of Court of Spartanburg County until the next general election and until his successor shall qualify.

GIVEN UNDER MY HAND AND THE GREAT SEAL
OF THE STATE OF SOUTH CAROLINA, THIS 28th
DAY OF JANUARY, 2003.

MARK SANFORD
Governor

6 EXECUTIVE ORDERS

2003-06

WHEREAS, it is imperative that there be a free flow of information between the executive and legislative branches of government and that they cooperate with each other in order to provide a government that is open and accountable to the people of the State of South Carolina; and

WHEREAS, the South Carolina General Assembly often needs information from the agencies in the Governor's cabinet in order to conduct its legislative functions in an effective and efficient manner; and

WHEREAS, there have been instances in this State's history when officials and employees in the executive branch have obstructed the legislative process by unjustifiably refusing to provide information to members of the General Assembly or by failing to provide requested information in a timely manner; and

WHEREAS, the Governor's cabinet consists of the Director of the Department of Alcohol and Other Drug Abuse Services, the Secretary of the Department of Commerce, the Director of the Department of Corrections, the Director of the Department of Health and Human Services, the Director of the Department of Insurance, the Director of the Department of Juvenile Justice, the Director of the Department of Labor, Licensing and Regulation, the Director of the Department of Parks, Recreation and Tourism, the Director of the Department of Probation, Parole, and Pardon Services, the Director of the Department of Revenue, the Director of the Department of Social Services, the Chief of the State Law Enforcement Division, and the Director of the Department of Public Safety.

NOW, THEREFORE, by virtue of the power and authority vested in me as Governor, pursuant to the Constitution and Statutes of the State of South Carolina, I hereby direct my chief of staff and each member of my cabinet to fully cooperate with members of the General Assembly and to provide in a timely fashion any requested information consistent with applicable law.

The provisions of this Executive Order shall remain in full force and effect until further order of this office.

GIVEN UNDER MY HAND AND THE GREAT SEAL OF
THE STATE OF SOUTH CAROLINA, THIS 4th DAY OF
FEBRUARY 2003.

MARK SANFORD
Governor

2003-07

WHEREAS, on November 27, 2002, Governor Hodges issued Executive Order 2002-36 ordering that the sales tax and bond referendum election for the Jasper County School District originally scheduled to be held on December 7, 2002, be held instead on February 15, 2003; and

WHEREAS, a prior sales tax and bond referendum election was held on September 29, 2001, and a majority of the electors voted in favor of a one percent sales tax and the issuance of general obligation bonds, and the Jasper County Election Commission duly certified the election result; and

WHEREAS, the lawsuit challenging the election held on September 29, 2001, was dismissed with prejudice by the Stipulation of Dismissal filed on January 30, 2003, in the Court of Common Pleas for Jasper County in civil action number 2001-CP-27-320; and

WHEREAS, the sales tax and bond referendum election scheduled for February 15, 2003, is no longer necessary since it would cover the same subject matter as the referendum election held on September 29, 2001; and

WHEREAS, the Chairman of the Jasper County Board of Elections and Registration has requested that Executive Order 2002-36 be rescinded.

NOW, THEREFORE, by virtue of the power and authority vested in me as Governor, pursuant to the Constitution and Statutes of the State of South Carolina, I hereby rescind Executive Order 2002-36 and cancel the sales tax and bond referendum election for the Jasper County School District scheduled to be held on February 15, 2003.

This Executive Order shall be effective immediately.

GIVEN UNDER MY HAND AND THE GREAT SEAL OF
THE STATE OF SOUTH CAROLINA, THIS 6th DAY OF
FEBRUARY 2003.

MARK SANFORD
Governor

2003-08

WHEREAS, following the November 5, 2002, election for Barnwell County Council District 4 sought by candidates E.T. Moore, Jr. and Jackie P. Ramsey, the Barnwell County Board of Canvassers found that irregularities had occurred in the election and thus, ordered a new election in Precinct 2; and

WHEREAS, on January 15, 2002, I received a letter from the State Election Commission (the "Commission") stating that, in its capacity as the State Board of Canvassers, the Commission voted unanimously to uphold the decision of the Barnwell County Board of Canvassers and request that a new election be held; and

WHEREAS, Section 7-13-1170 of the South Carolina Code of Laws (1976), as amended, provides "when any election official of any political subdivision of this State charged with ordering, providing for, or holding an election has neglected, failed, or refused to order, provide for, or hold the election at the time appointed, or if for any reason the election is declared void by competent authority, and these facts are made to appear to the satisfaction of the Governor, he shall, should the law not otherwise provide for this contingency, order an election or a new election to be held at the time and place, and upon the notice being given which to him appears adequate to insure the will of the electorate being fairly expressed. To that end, he may designate the existing election official or other person as he may appoint to perform the necessary official duties pertaining to the election and to declare the result."

NOW, THEREFORE, pursuant to the authority vested in me by the Constitution and Statutes of the State of South Carolina, I hereby (a) order that a new election be held in Barnwell County, Precinct 2 for Barnwell County Council, District 4 referenced herein on April 22, 2003, or at the earliest possible date and time after April 22, 2003, as is permitted by the United States Department of Justice; and (b) designate the Barnwell County Election Commission to perform the necessary official duties pertaining to the election to declare the result.

8 EXECUTIVE ORDERS

GIVEN UNDER MY HAND AND THE GREAT SEAL
OF THE STATE OF SOUTH CAROLINA, THIS 13th
DAY OF FEBRUARY, 2003.

MARK SANFORD
Governor

2003-09

WHEREAS, some of South Carolina's state agencies have been known to spend state funds hiring independent contractors to lobby the General Assembly creating an unnecessary burden on taxpayers and the State's budget, and producing an unacceptable cycle that fuels the growth of state government; and

WHEREAS, agencies within the Governor's cabinet should lead the effort in prohibiting the practice of hiring independent contractors to lobby the General Assembly; and

WHEREAS, the Governor's cabinet consists of the Director of the Department of Alcohol and Other Drug Abuse Services, the Secretary of the Department of Commerce, the Director of the Department of Corrections, the Director of the Department of Health and Human Services, the Director of the Department of Insurance, the Director of the Department of Juvenile Justice, the Director of the Department of Labor, Licensing and Regulation, the Director of the Department of Parks, Recreation and Tourism, the Director of the Department of Probation, Parole, and Pardon Services, the Director of the Department of Revenue, the Director of the Department of Social Services, the Chief of the State Law Enforcement Division, and the Director of the Department of Public Safety.

NOW, THEREFORE, by virtue of the power and authority vested in me as Governor, pursuant to the Constitution and Statutes of the State of South Carolina, I hereby direct each member of the Governor's cabinet to end the practice of hiring or retaining independent contractors for the purpose of lobbying the General Assembly.

This Executive Order shall be effective immediately.

GIVEN UNDER MY HAND AND THE GREAT SEAL OF
THE STATE OF SOUTH CAROLINA, THIS 18th DAY OF
FEBRUARY 2003.

MARK SANFORD
Governor

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

In accordance with Section 44-7-200(C), Code of Laws of South Carolina, the public is hereby notified that a Certificate of Need application has been accepted for filing and publication February 28, 2003, 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 Mr. Albert N. Whiteside, Director, Division of Planning and Certification of Need, 2600 Bull St., Columbia, SC 29201 at (803) 545-4200.

Affecting Anderson County

Construction of a freestanding outpatient cardiac center on the AnMed Health Campus to include the Lifechoice cardiac rehabilitation program and a medical office building (MOB).

AnMed Cardiac Center (Anderson Area Medical Center)

Anderson, South Carolina

Project Cost: \$9,467,578

Affecting Charleston County

Purchase and renovation of Charleston Plastic Surgery Center, Inc., an existing ambulatory surgery center with two (2) operating rooms, by HEALTHSOUTH S.C. of Charleston Harbor, Inc.

Charleston Harbor Surgery Center, L.P.

d/b/a HealthSouth's Charleston Harbor Surgery Center

Charleston, South Carolina

Project Cost: \$6,177,796

Renovation of the Pediatric Emergency Department.

Medical University of South Carolina Medical Center

Charleston, South Carolina

Project Cost: \$1,289,158

Establishment of a 132 bed nursing home , which does not participate in the Meidcaid (Title XIX) Program, to be leased to Trinity Mission of Charleston, LLC

Trinity Mission of Charleston, LLC

Charleston, South Carolina

Project Cost: \$2,100,000

Affecting Greenville County

Establishment of a 45 bed long-term acute care hospital (LTACH) at North Greenville Hospital (NGH) by converting 18 nursing home beds from Greenville Memorial Medical Center to acute care beds with transfer to NGH and converting the 27 existing nursing home beds at NGH to acute care beds.

North Greenville Long Term Acute Care Hospital

Travelers Rest, South Carolina

Project Cost: \$1,458,600

Affecting Lancaster County

Construction of an ambulatory surgery center with four (4) operating rooms, one (1) cystoscopy operating room, and one (1) endoscopy room to be located near the intersection of Highways US 521 and SC 160 in the Indian Land Community.

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SouthCross Surgery Center, LLC
Lancaster County, South Carolina
Project Cost: \$11,243,467

Construction of an ambulatory surgery center with four (4) operating rooms and two (2) endoscopy suites to be located near the intersection of Highways US 521 and SC 160 in the Indian Land Community.

The S&B Surgery Group, LLC
Lancaster County, South Carolina
Project Cost: \$9,146,188

Affecting Richland County

Conversion of an existing Community Residential Care beds to 39 nursing home beds, which do not participate in the Medicaid (Title XIX) Program, resulting in a total of 179 nursing home beds.

Life Care Center of Columbia
Columbia, South Carolina

Affecting Spartanburg County

Renovation and replacement of a 0.2T open MRI system with a 1.5 MRI.

Spartanburg Regional Medical Center
Spartanburg, South Carolina
Project Cost: \$1,867,040

In accordance with S.C. DHEC Regulation 61-15, the public and affected persons are hereby notified that the review cycle has begun for the following project(s) and a proposed decision will be made within 60 days beginning February 28, 2003. "Affected persons" have 30 days from the above date to submit comments or requests for a public hearing to Mr. Albert N. Whiteside, Director, Division of Planning and Certification of Need, 2600 Bull Street, Columbia, S.C. 29201. For further information call (803) 545-4200.

Affecting Charleston County

Purchase and renovation of Charleston Plastic Surgery Center, Inc., an existing ambulatory surgery center with two (2) operating rooms, by HEALTHSOUTH S.C. of Charleston Harbor, Inc.

Charleston Harbor Surgery Center, L.P.
d/b/a HealthSouth's Charleston Harbor Surgery Center
Charleston, South Carolina
Project Cost: \$6,177,796

Affecting Clarendon County

Centralization and relocation of labor, delivery and nursery services.

Clarendon Memorial Hospital
Manning, South Carolina
Project Cost: \$2,499,551

Affecting Colleton County

Establishment of a mobile cardiac catheterization service one (1) day per week.

Colleton Medical Center
Walterboro, South Carolina
Project Cost: \$131,000

Affecting Dorchester County

Construction of a freestanding ambulatory surgery center with two (2) operating rooms.
 Lowcountry Ambulatory Care Center, LLC
 Summerville, South Carolina
 Project Cost: \$4,785,414

Affecting Florence County

Expansion of existing facility for the addition of 18 rehabilitation beds for a total of 106 rehabilitation beds.
 HealthSouth Rehabilitation Hospital of Florence
 Florence, South Carolina
 Project Cost: \$2,741,791

Affecting Greenville County

Renovation and expansion of the Labor and Delivery Unit and Emergency Trauma Center.
 Greenville Memorial Hospital
 Greenville, South Carolina
 Project Cost: \$7,700,000

Establishment of a 45 bed long-term acute care hospital (LTACH) at North Greenville Hospital (NGH) by converting 18 nursing home beds from Greenville Memorial Medical Center to acute care beds with transfer to NGH and converting the 27 existing nursing home beds at NGH to acute care beds.

North Greenville Long Term Acute Care Hospital
 Traveler's Rest, South Carolina
 Project Cost: \$1,458,600

Affecting Greenwood County

Construction of a four (4) story professional office building and the relocation and consolidation of cancer services within the new building.

Self Regional Healthcare
 Greenwood, South Carolina
 Project Cost: \$16,960,000

Affecting Lancaster County

Conversion of ten (10) substance abuse beds to ten (10) acute care beds for a total of 145 acute care beds, 35 substance abuse beds and 14 nursing home beds.

Springs Memorial Hospital
 Lancaster, South Carolina
 Project Cost: \$1,750,400

Affecting Laurens County

Replace existing Computed Tomography (CT) scanner with a new Multi-slice CT scanner.

Laurens County Hospital
 Clinton, South Carolina
 Project Cost: \$968,617

Affecting Pickers County

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Replacement and upgrade of the existing Computed Tomography (CT) scanner with a Multi-slice CT scanner.
Palmetto Baptist Medical Center-Easley
Easley, South Carolina
Project Cost: \$1,521,340

Affecting Richland County

Assets transfer of the Gamma Knife at Palmetto Richland Memorial Hospital to HEALTHSOUTH Palmetto Gamma Knife LLC d/b/a Gamma Knife of the Carolinas, LLC.
HEALTHSOUTH Palmetto Richland Gamma Knife, LLC d/b/a Gamma Knife of the Carolinas, LLC
Columbia, South Carolina
Project Cost: \$3,113,283

PUBLIC NOTICE

The South Carolina State Health Planning Committee will hold public hearings on the Draft 2003 South Carolina Health Plan at the following times and locations:

Tuesday, April 1, 2003, 11:00 a.m. until 12:00 noon, Florence Health Department Auditorium, 145 East Cheves Street, Florence, South Carolina;

Wednesday, April 2, 2003, 11:00 a.m. until 12:00 noon, Greenville County Council Chambers, 301 University Ridge, County Square, Greenville, South Carolina;

Thursday, April 3, 2003, 11:00 a.m. until 12:00 noon, City of North Charleston Council Chambers, 4900 LaCross Road, North Charleston, South Carolina;

Friday, April 4, 2003, 11:00 a.m. until 12:00 noon, second floor conference room of the Heritage Building, 1777 St. Julian Place, Columbia, South Carolina.

The State Health Planning Committee is soliciting comments on the Draft Plan and prefers to receive these comments in writing so all members of the State Health Planning Committee can review them.

Written comments will be received through April 4, 2003. The draft plan is available for public review at the South Carolina Department of Health and Environmental Control, 1777 St. Julian Place, Suite 201, Columbia, South Carolina. Copies are also available by mail for \$25.00. To receive a copy, send a letter to Albert Whiteside, Division of Planning and Certification of Need, 2600 Bull Street, Columbia, SC 29201; or FAX at 803-545-4579; or e-mail to whitesan@dhec.sc.gov

The Plan will also be available at the:
South Carolina State Library
1500 Senate Street
Columbia, SC 29211

Comments on the plan may be presented at the public hearings or submitted to the S.C. State Health Planning Committee, S.C. Department of Health and Environmental Control, Division of Planning and Certification of Need, 2600 Bull St., Columbia, SC 29201 through April 4, 2003. For additional information, call (803) 545-4200.

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL**NOTICE OF CANCELLATION AND RESCHEDULING OF PUBLIC HEARING**

The Department of Health and Environmental Control issued a Notice of Proposed Regulation to amend Regulation 61-30, *Environmental Protection Fees*, in the December 27, 2002, issue of the *State Register*, identified as Document No. 2816. The Notice scheduled a Staff-Informational Forum on January 22, 2003, a write-in comment period, and a Public Hearing scheduled before the DHEC Board on February 13, 2003. Due to a cancellation of the Department of Health and Environmental Control Board Meeting, the Public Hearing scheduled for February 13, 2003 was postponed. No comments were received at the Staff-Informational Forum and write-in public comment period, which ended January 27, 2003.

The Public Hearing to be conducted by the Board of Health and Environmental Control for this proposed regulation has been rescheduled for March 13, 2003, in the Board Room of the Commissioner's Suite, Third Floor, Aycock Building of the Department of Health and Environmental Control, 2600 Bull St., Columbia, S.C. 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 for presentation for public hearing on March 13 will be noticed in the Board's agenda to be published by the Department 24 hours in advance of the meeting. Interested persons are invited to make oral or written comments on the proposed regulation at the public hearing. Persons desiring to make oral comments at the hearing are asked to limit their statements to five minutes and, as a courtesy, are asked to provide written copies of their presentations for the record. Any comments made at the public hearing will be given consideration in formulating the final version of the regulations.

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL**PUBLIC NOTICE**

Pursuant to SC Code §49-21-40 and R. 121-12.7, the South Carolina Department of Health and Environmental Control gives notice that the Saluda County Water and Sewer Authority (SCWSA) has filed a Class I Interbasin Transfer Application to transfer water from the Saluda River basin to Lower Savannah River basin. Raw water is withdrawn from Lake Murray in the Saluda River basin and will be treated at the proposed Shealy Road Water Treatment Plant. Treated water is also purchased from the City of Newberry. Water will be distributed to the SCWSA service area and sold to the towns of Ridge Spring, Monetta, and Batesburg-Leesville. Wastewater generated by the SCWSA, Amick Farms and Gentry Poultry will be transferred, treated at the Horse Creek Regional Wastewater Treatment Plant, and ultimately discharged into the Lower Savannah River basin. The requested duration of the permit is for twenty (20) years to transfer a daily average of 12 million gallons of wastewater a day.

Any person may request a copy of the application by submitting a statement to the address below specifying how you will be affected. Any person may submit comments on the application; to be considered, comments must be received by the Department by the close of business on July 1, 2003. Any person wishing to receive notification of the permit decision should submit a request for such notification (which may be included with your comments) to the address below.

Comments should be directed to:

Tricia H. Kilgore
SCDHEC
2600 Bull Street
Columbia, SC 29201

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COMMISSION FOR THE BLIND

CHAPTER 18

Statutory Authority:

South Carolina Code of Laws Section 43-26-10 et seq.
20 United States Code Section 107 et seq.

Notice of Drafting:

The Commission for the Blind proposes to amend Chapter 18, Business Enterprise Program Regulations. Interested persons may submit comments to Dr. Nell C. Carney, Commissioner, South Carolina Commission for the Blind, Post Office Box 79 Columbia, South Carolina 29202. To be considered, comments must be received no later than 5:00 o'clock p.m. on April 1, 2003, the close of the drafting comment period.

Synopsis:

The Chapter 18 proposed amendments include, but are not limited to, updating blind licensed vendor training requirements, changing the composition of the selection committee, including a work hour policy for all vending locations and creating a short and long term illness provision for blind licensed vendors.

CLEMSON UNIVERSITY

STATE CROP PEST COMMISSION

CHAPTER 27

Statutory Authority: 1976 Code Section, 46-9-40

Notice of Drafting:

The State Crop Pest Commission proposes to amend Regulation 27-1085K. Interested persons may submit comments to Dr. Von H. McCaskill, Pesticide Regulation, 511 Westinghouse Road, Pendleton, SC 29670. To be considered, comments must be received no later than 5:00 p.m. by Friday, March 28, 2003, the close of the drafting comment period.

Synopsis:

The amendment will clarify the scope of the inspection required in the issuance of a Wood Infestation Report.

STATE BOARD OF EDUCATION

CHAPTER 43

Statutory Authority: S.C. Coe Ann. Section 59-5-60 (Supp. 2002) and No Child Left Behind, 20 USC 7912

Notice of Drafting

The State Department of Education will consider drafting regulations to implement requirements of the new federal law No Child Left Behind Act of 2001, 20 USC 7912. Interested persons may submit comments to Ellen Still, Special Assistant to Superintendent, 1429 Senate Street, Columbia, South Carolina 29201, or by email to estill@sde.state.sc.us

Synopsis

The reauthorization of the Elementary and Secondary Education Act (ESEA), also known as the No Child Left Behind Act (NCLB), requires the development and implementation of numerous policies, procedures, and regulations. The provisions of NCLB include, but are not limited to, state assessment, adequate yearly progress

(AYP), state and district report cards, accountability consequences, supplemental educational services, and requirements for highly qualified teachers. The State Board of Education is reviewing these provisions and will determine those areas in which regulations need to be promulgated.

Regulations promulgated pursuant to the requirements of NCLB will not require General Assembly approval.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

CHAPTER 126

Statutory Authority: 1976 Code Section 44-6-90

Notice of Drafting:

The South Carolina Department of Health and Human Services intends to promulgate regulations concerning its administrative hearing process. The change will allow lay representation of businesses, partnerships, corporations, associations, agencies, and other organizations in an administrative hearing before a South Carolina Department of Health and Human Services Hearing Officer. Interested persons are invited to submit their views in writing to Mr. Robert Pursley, Appeals and Hearing, Post Office Box 8206, Columbia, South Carolina 29202-8206. To be considered, all comments must be received no later than the close of business on March 28, 2003.

Synopsis:

The proposed change is made primarily for the purpose of allowing for lay representations of businesses and other organizations, which regularly appear in contested cases before the Department's Appeals Division. The South Carolina Supreme Court's Order in In Re Unauthorized Practice of Law Rules Proposed By the South Carolina Bar, 309 S.C. 304, 422 S.E. 2d 123 (1992) sets forth the general parameters of such a practice. It is the intent of the Department that these regulations will specify the qualifications of lay representatives and set forth the duties of the Hearing Officer to protect the interests of the public. This regulation shall not be interpreted to limit, in any way, a citizen's right to self-representation (when competent to do so), or to be represented by a non-lawyer of his or her choosing in matters regarding their person and as further specified in the rules which govern the federal grants administered by the Department.

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

CHAPTER 61

Statutory Authority: S.C. Code Section 48-1- 10 *et seq.*

Notice of Drafting:

The South Carolina Department of Health and Environmental Control (Department) proposes to amend R.61-69, *Classified Waters*. Interested persons are invited to submit their views and recommendations in writing to Gina L. Kirkland, Water Quality Standards Coordinator, Bureau of Water, 2600 Bull Street, Columbia, South Carolina 29201. To be considered, written comments must be received no later than 5:00 p.m. on March 31, 2003.

Synopsis:

In 2002, the Department was asked to evaluate whether an existing site-specific standard for dissolved oxygen (DO) currently established for the Saluda River (Main Stem) from the Lake Murray Dam to the confluence with the Broad River [which is classified as Trout Put, Grow, and Take (TPGT)] was supporting the established use. The Department found it had no rationale to sustain the site-specific dissolved oxygen standard for the lower Saluda River. Accordingly, the Department proposed to allow the scientifically-defensible dissolved oxygen standard for the class of TPGT to become the standard for the waterbody. After a Notice of

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Drafting and comment period, the Department issued a Notice of Proposed Regulation for revision of R.61-69 in the June 28, 2002 issue of the *State Register*, identified as Document No. 2743. The Notice originally scheduled a Public Hearing before the DHEC Board on September 12, 2002. On August 23, 2002, the Department noticed a rescheduling of the public hearing for November 14, 2002 in order to provide further review of a September 30, 2002 study plan for an alternative site-specific DO standard which was submitted to the Department. On October 9, 2002, the Department provided an opportunity for the public to be presented with an overview of the study plan at a meeting held in Peoples Auditorium, 2600 Bull Street, Columbia, South Carolina. In order to provide for adequate review of the study plan and any additional comments received, on October 23, 2002, the Department noticed a rescheduling of the Public Hearing before the DHEC Board to December 12, 2002. After careful consideration, the Department made the decision to cancel the December 12, 2002 Public Hearing and to allow a study to be conducted for the purposes of presenting to the Department for consideration an alternative scientifically-defensible site-specific DO standard for the lower Saluda River. Subsequently, the Department cancelled State Register Document 2743.

The Department has now prepared this notice of drafting to begin again the process of revising the site-specific standard to a standard that will fully support the TPGT classification. There are also tributaries associated with this waterbody that are unnamed in R.61-69. These waters do not support trout species and the Department proposes to list them separately by name in this revision with the appropriate classification of Freshwaters.

All comments on this issue already received by the Department in the earlier drafting period and official comment periods have been retained in the Department's files and are a part of the official record. All comments will be considered in the drafting and proposing of the revision to the DO standard for the lower Saluda River and shall be submitted to the Board for consideration at the Public Hearing in a Summary of Public Comments and Departmental Responses.

Legislative review will be required.

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

CHAPTER 61

Statutory Authority: S.C. Code Section 44-7-265

Notice of Drafting:

The Department of Health and Environmental Control proposes to draft new regulations establishing regulations for licensing of freestanding or mobile technology. Interested persons may submit written comments to Dennis L. Gibbs, Director, Division of Health Licensing, S.C. Department of Health and Environmental Control, 2600 Bull Street, Columbia, S.C. 29201. To be considered, all comments must be received no later than 5:00 p.m., March 31, 2003, the close of the drafting comment period.

Synopsis:

The S.C. Code of Laws (Section 44-7-265) establishes requirements for the promulgation of regulations for freestanding or mobile technology that will include at a minimum: 1) standards for the maintenance and operation of freestanding or mobile technology to ensure the safe and effective treatment of persons served; 2) a description of the professional qualifications necessary for personnel to operate the equipment and interpret the test results; 3) minimum staffing requirements to ensure the safe operation of the equipment and interpret the test results; and 4) that all freestanding or mobile technology must be in conformance with professional organizational standards. The proposed regulation will be written to include the above and additionally, but not be limited to: definitions; licensing requirements; reporting requirements; patient record content; enforcement action procedures; policies/procedures; quality improvement standards; infection control; maintenance; tuberculin screening requirements; medication management; design and construction; and a severability clause.

Legislative review of this proposal will be required.

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
CHAPTER 61

Statutory Authority: S.C. Code Sections 48-2-10 *et seq.*, 47-20-10 *et seq.*,
44-1-20 *et seq.*, 44-55-50 *et seq.*, and 44-87-10 *et seq.*

Notice of Drafting:

The Department of Health and Environmental Control proposes to amend R.61-58, *State Primary Drinking Water Regulations*. Interested persons may submit their views in writing to Ms. Valerie A. Betterton, Water Enforcement Division, Bureau of Water, S.C. Department of Health and Environmental Control, 2600 Bull Street, Columbia, S.C. 29201. To be considered, written comments must be received no later than 5:00 p.m. on March 31, 2003, the close of the drafting period.

Synopsis:

The Department proposes to revise the regulations to include requirements promulgated under the National Primary Drinking Water Regulations: Minor Revisions of the Public Notification Rule and Consumer Confidence Report Rule. This revision will make minor corrections to Appendix A to R.61-58.6: Violations and Other Situations requiring Public Notice; Appendix B to R.61-58.6: Standard Health Effects Language for Public Notification; and Appendix D to R.61-58.12: Consumer Confidence Reports: Regulated Contaminants. These changes include: correcting drinking water source information listed for copper, changing the placement of regulatory and health effects information for disinfection by-products (i.e., bromate, chloramines, chlorite, chlorine, and chlorine dioxide), and correcting the reference "chloride dioxide" to "chlorine dioxide." The Department is also amending the listing for three contaminants (i.e., bromate, chlorite, and total trihalomethanes) to correct source information given in Appendix D. These actions are mandated by the 1996 amendments to the Federal Safe Drinking Water Act (SDWA). Proposed regulations will comply with 40 CFR Parts 141 and 142. The final rule for the National Primary Drinking Water Regulations: Minor Revisions to Public Notification Rule and the Consumer Confidence Report Rule was published in the November 27, 2002, Federal Register, with an effective date of December 27, 2002. These revisions are to align the State Primary Drinking Water Regulations with federal regulations.

The proposed regulations will comply with federal law and are exempt from legislative reviews; neither a preliminary assessment report nor a fiscal impact statement is required.

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
CHAPTER 61

Statutory Authority: S.C. Code Section 48-1-10 *et seq.*

Notice of Drafting:

The South Carolina Department of Health and Environmental Control (Department) proposes to amend specific sections of R.61-68, *Water Classifications and Standards*. Interested persons are invited to submit their views and recommendations in writing to Gina L. Kirkland, Standards Coordinator, Bureau of Water, 2600 Bull Street, Columbia, South Carolina 29201. To be considered, written comments must be received no later than 5:00 p.m. on March 31, 2003.

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Synopsis:

Section 303(c)(2)(B) of the Federal Clean Water Act (CWA) requires that South Carolina's water quality standards be reviewed and revised, where necessary, at least every three years for the purposes of considering the Environmental Protection Agency's (EPA) most recent numeric and narrative criteria and to comply with recent Federal regulatory revisions and recommendations. The Department has prepared this notice of drafting to begin the required triennial review process. In order to comply with this Federal requirement, the Department will need to make specific revisions to the existing water quality standards regulation. This review will address the following issues:

- Review and, where appropriate, adoption of Federal toxics criteria to reflect the most current final published criteria according to Sections 304(a) and 307(a) of the CWA.
- Review and revision of the bacteriological indicator for protection of recreational uses for possible changes and its suitability and application.
- Inclusion of an allowance for a variance from water quality standards.
- Stylistic changes which may include corrections for: readability, grammar, punctuation, typography, codification, references, and language style.

Legislative review will be required.

**DEPARTMENT OF LABOR, LICENSING AND REGULATION
CONTRACTORS' LICENSING BOARD
CHAPTER 29**

Statutory Authority: 1976 Code Section 40-11-60.

Notice of Drafting:

The Contractors' Licensing Board is proposing to amend Regulation 29-10 to clarify the special conditions of 1P and 1U license classifications issued under the grandfather provision of Section 40-11-390. Written comments can be submitted to Ron Galloway, Board Administrator, at Post Office Box 11329, Columbia, South Carolina, 29211-1329.

Synopsis:

The purpose of the amendments is to clarify the special general and mechanical contractors licensing classifications for 1P process piping licenses and 1U public utility electrical licenses issued under the grandfather provision of Section 40-11-390.

**DEPARTMENT OF LABOR, LICENSING AND REGULATION
DIVISION OF LABOR
CHAPTER 71**

Statutory Authority: 1976 Code Section 41-15-210

Notice of Drafting:

The South Carolina Department of Labor, Licensing and Regulation, Division of Labor, Office of Occupational Safety and Health is requesting revisions be made to Chapter 71, subarticle 3 as required by the

United States Department of Labor so as to amend the requirements for keeping records of occupational injuries and illnesses. The amendment changes the criteria for recording occupational hearing loss cases beginning January 1, 2002 through December 31, 2003. The amendment also proposes to delay the effective date of provisions 310, 312, and 329 of the rule. Written comments can be submitted to Karl Maddox, OSHA Standards Office, Department of Labor, Licensing and Regulation, at P.O. Box 11329, Columbia, South Carolina, 29211-1329.

Synopsis:

The purpose of the amendment is to revise the regulation to reflect the new criteria for recording occupational hearing loss cases and to delay the effective date of the following provisions: 310 (Recording criteria for cases involving occupational hearing loss); 312 (Recording criteria for cases involving work related musculoskeletal disorders) and 329 (OSHA forms) until January 1, 2004 as required by the United States Department of Labor.

**DEPARTMENT OF LABOR, LICENSING AND REGULATION
OFFICE OF STATE FIRE MARSHAL
CHAPTER 71**

Statutory Authority: 1976 Code Section 39-41-360 and 23-9-60, as amended

Notice of Drafting:

The Department of Labor, Licensing and Regulation, Office of State Fire Marshal, proposes to revise existing regulations concerning the storage, handling, use and dispensing of flammable and combustible liquids. Implementation of the National Fire Protection Association (NFPA) requirements will allow the State Fire Marshal's Office to continue monitoring storage, handling, use and dispensing of flammable and combustible liquids. Therefore, the hazards associated with flammable and combustible liquids will be reduced. Interested persons may submit comments to Robert O. Polk, State Fire Marshal, South Carolina Department of Labor, Licensing and Regulation, 141 Monticello Trail, Columbia, SC 29203.

Synopsis:

The Department proposes to revise two existing regulations concerning the storage, handling, use and dispensing of flammable and combustible liquids. Additionally, this regulation adopts four new NFPA standards. These four new standards provide specific safety guidelines for storage, handling, and dispensing of flammable and combustible liquids as well as installation and operation of oil fired stationary equipment, stationary combustible engines and gas turbines. These standards will directly impact service stations, farms and aircraft.

**DEPARTMENT OF LABOR, LICENSING AND REGULATION
OFFICE OF STATE FIRE MARSHAL
CHAPTER 71**

Statutory Authority: 1976 Code Section 23-9-60, as amended

Notice of Drafting:

The Department of Labor, Licensing and Regulation, Office of State Fire Marshal, proposes to adopt the 2000 Edition of the International Fire Code that contains the minimum safety standards for the prevention of fire and protection of life in South Carolina. The State Fire Marshal's Office will therefore reduce the hazards associated with the construction and use of new and existing buildings. Additionally, minimum safety standards for all fire fighting water supplies in rural and suburban areas will be implemented upon approval of local fire marshal as

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stated in National Fire Protection Association (NFPA) 1142. The regulations will utilize a standardized regulation format to assist other regulatory entities with locating requirements within the regulations. Interested persons may submit comments to Robert O. Polk, State Fire Marshal, South Carolina Department of Labor, Licensing and Regulation, 141 Monticello Trail, Columbia, SC 29203.

Synopsis:

The Department proposes to revise the existing regulation by incorporating the 2000 Edition of the International Fire Code. Implementation of these regulations will allow the State Fire Marshal's Offices to continue monitoring construction and use of buildings. The revision will also adopt the 2001 Edition of NFPA 1142 that evaluates water supplies in rural and suburban areas without municipal fire hydrants. The regulation will prescribe minimum requirements necessary to establish a reasonable level of fire safety and property protection from the hazards created by fire and explosion. Dangerous or hazardous conditions to life or property in the use of new and existing building, structures, or premises will also be addressed.

DEPARTMENT OF LABOR, LICENSING AND REGULATION
OFFICE OF STATE FIRE MARSHAL
CHAPTER 71

Statutory Authority: 1976 Code Section 23-9-60

Notice of Drafting:

The Department of Labor, Licensing and Regulation, Office of State Fire Marshal, proposes to revise existing regulations by adopting current editions of International Building Codes and to simplify compliance with group home requirements by using the national standard. The revised regulation removes outdated language and establishes a fee for fire inspection of daycares. Interested persons may submit comments to Robert O. Polk, State Fire Marshal, South Carolina Department of Labor, Licensing and Regulation, 141 Monticello Trail, Columbia, SC 29203.

Synopsis:

The Department proposes to revise existing regulations by adopting International Building Codes. The regulation will remove outdated language and institute a contract with the SC Department of Social Services for daycare inspections and classify group homes as R-2 residential dormitories.

DEPARTMENT OF PUBLIC SAFETY
MOTOR VEHICLE DIVISION

Chapter 38

Statutory Authority: 1976 Code Section 56-23-60

Notice of Drafting:

The South Carolina Department of Public Safety is proposing adopting regulations governing driver training schools for both private passenger and commercial motor vehicles. Interested parties should submit their comments in writing to Ms. Rachel Erwin, Office of Executive Affairs, 5410 Broad River Road, Columbia, South Carolina 29212.

Synopsis:

The proposed regulations will revise the Department's existing regulations on driver training schools. The proposed regulations offer a number of revisions to the current driver training regulations relating to private passenger motor vehicles including: revising the requirements to be licensed as a driver training school; increasing the liability insurance requirements for driver training schools; includes a requirements for a SLED background check for the initial application process and for renewals; revises requirements relating to contract provisions of the driver training schools and revisions to the contracts. The revisions relating to changes in the driver training regulations relating to commercial motor vehicles included: adding new regulations relating to requirements of driver training schools located in other states that wish to recruit in South Carolina; revises language related to hours of instruction needed; increases liability insurance requirement; adds language relating to refund and cancellation policies; includes a requirements for a SLED background check for the initial application process and for renewals; and by adding new regulations relating to requirements of driver training schools located in other states that wish to recruit in South Carolina.

22 PROPOSED REGULATIONS

Document No. 2827
CLEMSON UNIVERSITY
STATE CROP PEST COMMISSION
CHAPTER 27

Statutory Authority: Chapter 9, Title 46, 1976 Code

Preamble:

The Commission has previously determined the imported fire ant (*Solenopsis invicta* Buren) is a plant pest and has instituted appropriate quarantine measures. The purpose of these amendments is to re-define regulated articles and to amend the limits of the regulated areas of the quarantine as specified in SCRR Chapter 27, Article 9, Regulations 27-121 and 27-131, respectively. Notice of Drafting was published in the State Register on September 27, 2002. No comments were received.

Section-by Section Discussion

27-121 This amendment re-defines the regulated articles.

27-131 This amendment generally extends the limits of the regulated areas to encompass the spread of the imported fire ant, and affects Anderson, Cherokee, Greenville, Oconee, Pickens and Spartanburg counties.

Notice of Public Hearing and Opportunity for Public Comment:

Interested members of the public and the regulated community are invited to make oral or written comments on the proposed amendment at a public hearing to be conducted at the Center for Applied Technology, 511 Westinghouse Road, Pendleton, SC on Thursday April 3, 2003 at 2:00 PM. If no qualified request for public hearing is received prior to 4:00 PM on March 31, 2002, said hearing will be cancelled without further notice.

Interested persons may submit written comments on the proposed amendment by writing to Dr. H. B. Jackson, Department of Plant Industry, 511 Westinghouse Road, Pendleton, SC 29670.

Preliminary Fiscal Impact Statement:

There will be no increased costs to the State or its political subdivisions.

Statement of Need and Reasonableness:

This statement of need and reasonableness was determined by staff analysis pursuant to S. C. Code Section 1-23-115(c) (1) through (3) and (9) through (11).

DESCRIPTION OF REGULATION: 27- 121, Designation of Regulated Articles
27-131, Regulated Areas

Purpose: Regulations 27-121 and Regulation 27-131 are being amended to protect the state nursery industry.

Legal Authority: S. C. Code Sections 46-9-40; 46-9-50; 46-9-60.

Plan for Implementation: The proposed amendment will take place upon approval by the General Assembly and Publication in the State Register. The Department will notify the regulated community of the amendments.

DETERMINATION OF NEED AND REASONABLENESS OF THE PROPOSED REGULATION BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS: The regulation was amended to prevent and control the spread of the imported fire ant, which is a plant pest. These measures are considered reasonable and prudent to assist the state and national agricultural industry.

DETERMINATION OF COSTS AND BENEFITS: There is no need to quarantine un-infested areas or areas declared free of the imported fire ant.

UNCERTAINTIES OF ESTIMATES: None

EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH: None. No treatments or quarantines will be necessary on un-infested lands.

DETRIMENTAL EFFECTS ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATIONS ARE NOT IMPLEMENTED: None.

Statement of Rationale: For detailed information contact Dr. H. B. Jackson, Department of Plant Industry, 511 Westinghouse Road, Pendleton, SC 29670

Text:

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

Document No. 2830
DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
CHAPTER 61
Statutory Authority: S.C. Code Sections 44-1-140(11); 1-23-10; -110

R.61-57. Development of Subdivision Water Supply and Sewage Treatment/Disposal Systems

Preamble:

The Department proposes to amend R.61-57, Subdivisions. This regulation was promulgated pursuant to S.C. Code Section 44-1-140 *et seq* and Section 48-1-10 *et seq*, and was last amended on February 25, 2000. Since the last revision, there have been numerous requests from the regulated community to review and further amend this regulation. The proposed amendments will incorporate changes requested by the regulated community.

Staff initiated the statutory process for the amendment of R.61-57 by publication of a Notice of Drafting in the *State Register* on July 26, 2002. The most recent drafting comment period ended on August 26, 2002; comments from this notice were considered in formulating the proposed revision. See Discussion of Proposed Revision below and Statement of Need and Reasonableness herein.

Discussion of Proposed Revisions:

SECTION/REVISION

CONTENTS Table of Contents added.

Section I. Grammatical change; “the” changed to “that” in last sentence.

Section II.A. “community or private drinking” deleted from the last sentence.

Section II.B. Changed to Section II.C.

Section II.B. New definition of “Accessible” added to clarify the regulation.

Section II.C. Changed to Section II.D.

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Section II.D. Changed to Section II.E.

Section II.E. Changed to Section II.F.

Section II.F. Changed to Section II.G. Word “wastewater” added to define systems.

Section II.G. Deleted.

Section II.H. Old definition for “Public Water System” deleted in its entirety; new definition added to clarify the regulation and reflect current nomenclature.

Section II.I. Old definition for “Subdivision” deleted in its entirety; new definition added.

Section II.J. New definition for “Wastewater Treatment Facility” added.

Section IV. Title changed to delete “Accessibility and” and “Sewer Systems”; “Wastewater Treatment Facility” added to reflect current nomenclature.

Section IV.A. Terminology changed to reflect current nomenclature.

Section IV.A.1. Terminology changed to reflect current nomenclature.

Section IV.A.2. Terminology changed to reflect current nomenclature.

Section IV.A.3. “Documented compliance with” added to clarify the section.

Section IV.A.4. “Documented compliance with” added to clarify the section. Deleted “local Councils of Governments, regional planning agencies”; added “pertinent”.

Section IV.B. Terminology changed to reflect current nomenclature.

Section V.A. Old section deleted in its entirety; new section added in response to public comments.

Section V.B. Changed to Section V.C.

Section V.B. New section added.

Section V.C. Wording added to clarify re-subdividing of property and to reflect current nomenclature.

Section V.C.2. Wording added to further clarify this section.

Section V.C.3. Terminology changed to reflect current nomenclature.

Section V.C. Changed to Section V.D.; terminology changed to reflect current nomenclature.

Section V.D. Changed to Section V.E.; terminology changed to reflect current nomenclature.

Section V.E. Changed to Section V.F.; typographical error corrected; sentence added to address lots of five or more acres.

Section V.F. Changed to Section V.G.

Section V.G. Changed to Section V.H.

Section V.H. Changed to Section V.I.; comma removed in the second sentence

Section VI.D. “interested person” changed to “affected individuals” in the first sentence; “shall” deleted in the second sentence. “must be submitted by affected individuals and must” added in the second sentence; one typographical error corrected. Last sentence amended to further clarify the section.

Section VI.D.1. “the” added in the first sentence.

Section VII. Section deleted in its entirety.

Section VIII. Changed to Section VII.

Section VII.B. Wording changed to allow further flexibility in the use of funds. Funds derived from these activities will still be used to post public notices and conduct public hearings in accordance with this regulation.

Section VII.C.1. “...two to fifteen...” changed to “...five to fifteen...”.

Section IX. Changed to Section VIII.

Section X. Changed to Section IX.

Section XI. Changed to Section X.

Section XII. Changed to Section XI.

Notice of Staff Informational Forum:

Staff of the Department of Health and Environmental Control invite interested members of the public and regulated community to attend a staff-conducted informational forum to be held on March 21, 2003, at 9:00 a.m. at Peebles Auditorium of the South Carolina Department of Health and Environmental Control, 2600 Bull Street, Columbia, South Carolina. The purpose of the forum is to answer questions, clarify issues and receive comments from interested persons on the proposed regulation. Comments received shall be considered by staff in formulating the final staff proposal for the revision of R.61-57 for submission to the Board of Health and Environmental Control for the Board public hearing scheduled for April 10, 2003, pursuant to S.C. Code Section 1-23-110 and -111 as noticed below. The Department specifically invites comment on Section VI.D. of the proposed regulation.

Copies of the proposed regulation for public notice and comment may be obtained by contacting Mr. Leonard Gordon, Division of Onsite Wastewater Management, Bureau of Environmental Health, S. C. Department of Health and Environmental Control, 2600 Bull St., Columbia, S.C. 29201.

Notice of Public Hearing and Opportunity for Public comment Pursuant to S.C. Code Sections 1-23-110 and 1-23-111

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 at its regularly-scheduled meeting on April 10, 2003. The public hearing will be held in the Board Room of the Commissioner’s Suite, Third Floor, Aycock Building of the Department of Health and Environmental Control at 2600 Bull Street, Columbia, S.C., 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 agenda is published 24 hours in advance of the meeting. Persons desiring to make oral comments at the hearing are asked to limit their statements to five minutes and, as a courtesy, are asked to provide written comments of their presentations for the record.

Interested persons are also provided an opportunity to submit written comments on the proposed regulation for public comment by writing to Mr. Leonard Gordon at the above address. Written comments must be received no later than 4:00 p.m. on March 31, 2003. Comments received by the deadline date shall be considered by staff in formulating the final proposed repeal for public hearing on April 10, 2003, as noticed above. Comments received by the deadline will be submitted in a Summary of Public Comments and Department Responses for the Board’s consideration at the public hearing. **The Department specifically invites comment on Section VI.D. of the proposed regulation.**

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Copies of the final proposed regulation for public hearing before the DHEC Board may be obtained by contacting Mr. Gordon at the above address.

Preliminary Fiscal Impact Statement: The Department estimates there will be no new costs imposed on the State or its political subdivisions by this regulation.

Statement of Need and Reasonableness and Rationale:

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

DESCRIPTION OF REGULATION:

Purpose: The proposed amendments of R.61-57 will incorporate changes made at the request of the regulated community.

Legal Authority: The legal authority for R.61-57 is Section 44-1-140 et seq. and Section 48-1-10 et seq., S.C. Code of Laws.

Plan for Implementation: The proposed amendments will take effect upon approval by the General Assembly and publication in the *State Register*. The proposed amendments will be implemented by providing the regulated community with copies of the regulation. Implementation plans will include training for appropriate Department staff.

DETERMINATION OF NEED AND REASONABLENESS OF THE PROPOSED REGULATION BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS: The proposed regulation will provide for the use of onsite wastewater systems as a means of primary treatment of sewage in subdivisions. The proposed regulation requires proper documentation, plan submittal and public notification for the development of these subdivisions.

DETERMINATION OF COSTS AND BENEFITS: There are no anticipated new costs associated with the implementation of this regulation. There will be a benefit to South Carolina's environment and the health of its citizens by insuring that subdivisions utilizing onsite wastewater systems for the primary treatment of sewage will be properly developed and will not produce environmental contamination.

UNCERTAINTIES OF ESTIMATES: None.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH: The proposed amendments will provide protection of South Carolina's environment and health by insuring the prevention of disease associated with groundwater and surface water contamination.

DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION IS NOT IMPLEMENTED: The intent of this revision is to provide protection for the environment and public health; if the amendments are not implemented the additional protection of the environment and public health will not be achieved.

STATEMENT OF RATIONALE: The determination to revise this regulation was in response to requests for review and change by the regulated community.

Text:

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

Document No. 2828
DEPARTMENT OF LABOR, LICENSING AND REGULATION
CONTRACTORS' LICENSING BOARD

CHAPTER 29

Chapter Statutory Authority: 1976 Code Section 40-11-60

Preamble:

The Department of Labor, Licensing and Regulation, Contractors' Licensing Board, is proposing to update the regulation by deleting 29-50 (Definition section of burglar alarm system) and 29-60 (Bonds and Insurance section of burglar alarm system). These regulations were incorporated the Contractors' Licensing Board statute.

Section by Section Discussion:

Regulation 29-50 Delete
Regulation 29-60 Delete

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(b) of the 1976 Code, as amended, such hearing will be conducted at the Administrative Law Judge Division at Division at 9:30 a.m. on Thursday, April 10, 2003. Written comments may be directed to Ron Galloway, Administrator, Contractors' Board, Department of Labor, Licensing and Regulation, Post Office Box 11289, Columbia, South Carolina 29211-1289, no later than 5:00 p.m., on Friday, March 28, 2003.

Preliminary Fiscal Impact Statement:

There will be no additional cost incurred by the State or any political subdivision.

Statement of Need and Reasonableness:

This statement of need and reasonableness was determined by staff analysis pursuant to S.C. Code Section 40-11-60 Chapter 11 of Title 40.

DESCRIPTION OF REGULATION:

Purpose: To delete Regulation 29-50 and 29-60.

Legal Authority: Statutory Authority: Section 40-11-60. Chapter 11 of Title 40.

Plan for Implementation: The Board will implement the proposed regulation with written and oral communications.

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 update the regulation.

DETERMINATION OF COSTS AND BENEFITS:

There will be no additional cost incurred by the State or any political subdivision.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning this regulation.

EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH:

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

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

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

Statement of Rationale:

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

Text:

Regulation 29-50 and 29-60 are repealed.

Document No. 2829

DEPARTMENT OF LABOR, LICENSING AND REGULATION
BOARD OF LONG TERM HEALTH CARE ADMINISTRATORS
CHAPTER 93

Statutory Authority: 1976 Code Section 40-35-5, et. esq.

Preamble:

The Board of Long Term Health Care Administrators is considering drafting regulations to remove out-dated language, clarify current language and add an administrator-in-training program for community residential care facility administration.

Section by Section Discussion:

Section 93-50 General Definitions

The definitions of the terms "Accredited college or university," "Board," "Community residential care facility," "Nursing home," "Inactive license," "Licensee," "Provisional license," "Administrator-in-Training," "Preceptor" and "Qualified mental retardation professional" have been updated or clarified further. The term and definition of "Professional education" has been deleted and replaced with a new definition "Practice of community residential care facility administration." The terms "Consumer", "Ex officio member" and "Sponsor" are deleted because there is no reference to these terms in the regulations.

Section 93-60(A), (C), (D) and (E) Board of Examiners; Officers and Duties

The office of secretary-treasurer has been struck from (A) and sections (C), (D) and (E) have been deleted because the Department of Labor, Licensing and Regulation is responsible for the duties of the office of secretary-treasurer.

Section 93-65(B) Operating a Facility Without a License

The first sentence of section (B) has been struck since the statute (40-35-200) states that unlawful practice of nursing home administration and community residential care facility administration constitutes a misdemeanor.

Section 93-70(A) Pre-examination and Licensing Requirements

Board clarifies what reputable and responsible character is for licensure as a nursing home administrator and community residential care facility administrator and establishes how the Board will consider other combinations of education and experience for licensure.

Section 93-70(C) Pre-examination and Licensing Requirements

The section on when an applicant can sit for the licensing exam or change his/her exam schedule is deleted because it is no longer applicable or necessary for processing license applications with the computer based testing procedures.

Section 93-80 Administrator-in-Training Program Requirements

The section is amended to include an administrator-in-training program in community residential care facility administration similar to the nursing home administration program already in place.

Section 93-100 Fees and Fee Schedule

The section is updated to reflect changes in the examination process. The Board no longer collects fees for testing.

Section 93-110(A) Examinations; Scheduling and Grading

The section is updated to reflect changes in the examination process. All examinations are computer based.

Section 93-120 Licenses

The section title is clarified by renaming it "Initial Licenses."

Section 93-130 Provisional Licenses

The section is clarified by stating how long a provisional license is valid. The provisional license is related to the length of the computer based testing process.

Section 93-140 Endorsement of Information

The endorsement of information section is deleted because it is not used in the Board's licensure process. All approved applicants must pass the South Carolina state examination for licensure.

Section 93-150(C) Inactive Licenses

Clarified that the renewal application for a current license must be submitted on or before the expiration day.

Section 93-170(B) Display of Certificate and Normal Work Hours

Part B was added to require administrators to post their normal work schedules at the facility or facilities where they practice to ensure compliance with Section 93-65(B).

Section 93-220 Complaints

The section is clarified to reflect the Department's responsibility for investigating complaints and to emphasize the importance of the Administrator's cooperation in providing information when requested.

Section 93-230 Suspension and Revocation of License

The section is deleted and replaced with clearer language concerning what constitutes misconduct and grounds for discipline of Administrators.

Section 93-240 Hearing Procedure

The requirement for publication of notice of a hearing in the newspaper (following notice to the last known address) is deleted.

Section 92-250(F) Conduct of Hearing

The proposed amendment reduces the maximum penalty per ground of discipline from \$2000 to \$1000.

Section 93-260 Applicability, Legal Effect and Separability of Regulations

Changed the section title –replaced separability with severability.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(b) of the 1976 Code, as amended, such hearing will be conducted at the Administrative Law Judge Division at 9:00 a.m. on Tuesday, April 15, 2003. Written comments may be directed to Dana Welborn, Board Administrator, Board of Long Term Health Care

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Administrators, Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, South Carolina 29211-1329, no later than 5:00 p.m. on Monday, March 31, 2003.

Preliminary Fiscal Impact Statement:

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

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION:

Purpose: To update and clarify language in the regulation and add an administrator-in-training program in community residential care facility administration.

Legal Authority: Statutory Authority: 1976 S.C. Code Title 40, Chapter 35 Section 5, et. esq.

Plan for Implementation: Licensees and other interested parties will be notified through written communication and the Board's newsletter publication.

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

The regulation has been amended to reflect technical changes, to clarify language in the regulation and to enable the Board to oversee an administrator-in-training program in community residential care facility administration.

The benefits would include clarity of the regulation and consistency of the information contained in the Board's Practice Act.

DETERMINATION OF COSTS AND BENEFITS:

There is no cost incurred by the State.

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 and public health of this State.

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 the regulation is not implemented in this State.

Statement of Rationale:

There was 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.net/regnsrch.htm>. Full text may also be obtained from the promulgating agency.

Document No. 2792
STATE BOARD OF EDUCATION
 CHAPTER 43

Statutory Authority: Code Ann. Sections 59-5-60 (1990), 59-5-65 (1990 and Supp. 2001) and 59-53-1810 (1990)
 and Carl D. Perkins Vocational-Technical Education Act of 1998

43-236. Career or Technology Centers/Comprehensive High Schools

Synopsis:

The amendments allow the Office of Career and Technology Education to communicate changes in requirements related to Perkins funding to school districts without State Board Regulation changes.

Section-by-Section Discussion

The reference to specific career and technology education clusters is eliminated because the names of the clusters have been changed through the national Career Cluster initiative. This will allow the Office of Career and Technology Education to define and communicate to districts the cluster changes as they occur from the Office of Vocational and Adult Education (OVAE) in Washington.

Instructions:

Replace in its entirety R 43-236, Career or Technology Center/Comprehensive High Schools, with the following amended text, in Chapter 43 regulations.

Text:

43-236. Career or Technology Centers/Comprehensive High Schools.

Career or Technology Centers/Comprehensive High Schools

Career or technology centers and/or comprehensive high schools shall, based on local needs, offer a variety of courses that will constitute a career major. These career majors are contained in the clusters defined and communicated to school districts by the Office of Career and Technology Education in conjunction with federal and state funding for career and technology courses and programs.

School districts will offer in high schools and/or career or technology centers a full complement of courses within a minimum of two career clusters to enable students to complete at least four Carnegie units in an approved sequence of Career and Technology Education coursework leading to a career goal.

Fiscal Impact Statement: There will be no increased costs to the state or its political subdivisions.

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Resubmitted May 8, 2002

Document No. 2610
DEPARTMENT OF PUBLIC SAFETY
Chapter 38
Statutory Authority: 1976 Code Section 56-5-2953

Article 9. In Car Camera Videotaping Equipment

Synopsis: The proposed regulations will implement procedures regarding the installation of video cameras in all law enforcement vehicles used for traffic enforcement pursuant to Section 56-5-2953.

Instructions: Add new Regulations 38-900 through 38-902 to Chapter 38 regulations.

Text:

38-900. Definitions

For this Article only, the following terms as hereby defined:

- A. "Agency" means a state agency, sheriff's office, police department, or other law enforcement entity that has law enforcement vehicles used for traffic enforcement.
- B. "Department" means the South Carolina Department of Public Safety.
- C. "Videotaping equipment" means the visual and audio equipment and related hardware purchased pursuant to the provisions of S.C. Code Ann. § 56-5-2953 and these regulations.

38-901. Installation and Maintenance of Videotaping Equipment in Traffic Enforcement Vehicles.

- A. Regulations in this Article apply to videotaping equipment installed pursuant to S.C. Code Ann. § 56-5-2953 and to videotaping equipment purchased with funds collected under S.C. Code Ann. § 56-1-286 and S.C. Code Ann. § 56-5-2951 for the purpose of supplying and maintaining vehicle videotaping equipment to the Department, as well as all grant funds received by the Department for the purchase and maintenance of such equipment.
- B. Videotaping equipment purchased with the funds identified in State Regulation 38-901(A) will be installed in law enforcement vehicles used for traffic enforcement in a manner determined solely by the Department. The Department will prioritize distribution of videotaping equipment based on a county's DUI activity, and must distribute the equipment in a manner designed to ensure that the equipment goes first to those law enforcement agencies that have the highest volume of DUI enforcement activity. The Department must recommend to individual law enforcement agencies that officers who have the highest number of DUI arrests be given priority for receipt of the videotaping equipment.
- C. The Department will establish procedures for use in designated service centers to install, maintain, or modify the videotaping equipment. These designated service centers, specified by the Department, will solely be responsible to the actual work of installing, maintaining, and modifying the videotaping equipment. Each agency receiving videotaping equipment under this Article is responsible for insuring that required maintenance of the videotaping equipment is conducted in a prompt and timely fashion.
- D. At the time of installation, the Department will provide one case of videotapes with each camera to the agency receiving the videotaping equipment. No other tapes will be provided to the agency under this Article.

E. Each designated service center must maintain records required by the Department detailing the history of the service and/or repair of each piece of videotaping equipment.

38-902. Inventory of Videotaping Equipment

A. All videotaping equipment installed pursuant to these regulations and S.C. Code Ann. § 56-5-2953 shall remain the property of the Department to insure proper inventory of equipment. Each agency is required to take reasonable care of the videotaping equipment while it is in the agency's possession.

B. When videotaping equipment is installed, it will be marked for inventory purposes.

C. Each agency receiving videotaping equipment pursuant to these regulations and S.C. Code Ann. § 56-5-2953 must, at a reasonable time and place and as deemed necessary by the Department, make available to the Department for inventory purposes every law enforcement vehicle that has had videotaping equipment installed.

Fiscal Impact: The Department anticipates no additional fiscal impact with the implementation of these regulations as the General Assembly has provided funding for the implementation in Sections 56-1-286, 56-5-2951 and Section 14-1-208(C)(9).

Document No. 2663

PUBLIC SERVICE COMMISSION

CHAPTER 103

Statutory Authority: 1976 Code Sections 58-3-140, as amended, and 58-5-210

103-512.3.1 Amount of Bond.

103-712.3.1 Amount of Bond.

Synopsis:

26 S.C. Code Ann. Regs. 103-512.3.1 and 103-712.3.1 are being amended to comply with S.C. Code Ann. Section 58-5-720 (Supp. 2001).

103-512.3.1. This regulation is being amended to specify the amount of bond for wastewater utilities shall be based on, but not limited to, the total amount of the following categories of expenses for twelve months: Operation and Maintenance Expenses, General and Administrative Expenses, Taxes Other than Income Taxes, Income Taxes, and Debt Service Including Interest Expenses. Additionally, Regulation 103-512.3.1. is being amended by increasing the minimum and maximum amount of bonds that wastewater utilities must post with the Commission. Finally, Regulation 103-512.3.1. is being amended to instruct the Commission Staff to review the annual reports and certifications of wastewater utilities and to make recommendations for increasing or reducing the amount of the bond within the minimum and maximum limits prescribed by S.C. Code Ann. Section 58-5-720 (Supp. 2001).

103-712.3.1. This regulation is being amended to specify the amount of bond for water utilities shall be based on, but not limited to, the total amount of the following categories of expenses for twelve months: Operation and Maintenance Expenses, General and Administrative Expenses, Taxes Other than Income Taxes, Income Taxes, and Debt Service Including Interest Expenses. Additionally, Regulation 103-712.3.1. is being amended by increasing the minimum and maximum amount of bonds that water utilities must post with the Commission. Finally, Regulation 103-712.3.1. is being amended to instruct the Commission Staff to review the annual reports and certifications of water utilities and to make recommendations for increasing or reducing the amount of the bond within the minimum and maximum limits prescribed by S.C. Code Ann. Section 58-5-720 (Supp. 2001).

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Instructions: Regulations 103-512.3.1 and 103-712.3.1 are being amended and will read as follows:

Text:

103-512.3.1. Amount of Bond. The amount of bond shall be based on, but not limited to, the total amount of the following categories of expenses for twelve months: Operation and Maintenance Expenses, General and Administrative Expenses, Taxes Other Than Income Taxes, Income Taxes, and Debt Service including Interest Expenses. The minimum amount of the bond shall be \$100,000 and the maximum amount of the bond shall be \$350,000. A bond shall be required for each water and wastewater provider under the jurisdiction of the Public Service Commission. A certification that the face amount of the bond on file with the Commission complies with the provisions of 103-512.3.1 of this rule shall be filed with the annual report required by 103-512.1 of this rule. The Staff shall review the annual reports and certifications and determine whether the present bond of the utility accurately reflects the expenses of the utility. Based upon the expenses of the utility as submitted in the annual report and as reviewed and adjusted by Staff, the Staff shall make recommendations for increasing or reducing the amount of the bond within the minimum and maximum limits as prescribed by statute.

103-712.3.1. Amount of Bond. The amount of bond shall be based on, but not limited to, the total amount of the following categories of expenses for twelve months: Operation and Maintenance Expenses, General and Administrative Expenses, Taxes Other Than Income Taxes, Income Taxes, and Debt Service including Interest Expenses. The minimum amount of the bond shall be \$100,000 and the maximum amount of the bond shall be \$350,000. A bond shall be required for each water and wastewater provider under the jurisdiction of the Public Service Commission. A certification that the face amount of the bond on file with the Commission complies with the provisions of 103-712.3.1 shall be filed with the annual report required by 103-712.1 of this rule. The Staff shall review the annual reports and certifications and determine whether the present bond of the utility accurately reflects the expenses of the utility. Based upon the expenses of the utility as submitted in the annual report and as reviewed and adjusted by Staff, the Staff shall make recommendations for increasing or reducing the amount of the bond within the minimum and maximum limits as prescribed by statute.

Fiscal Impact Statement: There will be no increased cost to the State or its political subdivisions.