

SOUTH CAROLINA STATE REGISTER DISCLAIMER

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SOUTH CAROLINA STATE REGISTER

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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.

2005 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	1/14	2/11	3/11	4/8	5/13	6/10	7/8	8/12	9/9	10/14	11/11	12/9
Publishing Date	1/28	2/25	3/25	4/22	5/27	6/24	7/22	8/26	9/23	10/28	11/25	12/23

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.

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 The history, status, and full text of these regulations are available on the
 South Carolina General Assembly Home Page: www.scstatehouse.net

DOC NO.	RAT FINAL NO. ISSUE	SUBJECT	EXP. DATE	AGENCY
2955		Motorist Insurance Identification Database (Repeal)	1/15/06	Department of Public Safety
2958		Voluntary Check-off Funds	1/17/06	Department of Revenue
2935		Property Tax (Repeal 117-8)	1/17/06	Department of Revenue
2915		Repeal of Bulk Sales Regulation	1/17/06	Department of Revenue
2936		Sales and Use Tax Exemption for Machines	1/17/06	Department of Revenue
2937		Alcoholic Beverages, Beer and Wine	1/17/06	Department of Revenue
2914		Electric Power Tax	1/17/06	Department of Revenue
2966		Repeal Annual Renewal Plan	2/19/06	Department of Insurance
2968		Workers' Compensation Assigned Risk Rates	2/19/06	Department of Insurance
2942		Graduation Requirements	2/20/06	Board of Education
2962		Implementation of Emergency Health Powers Act	2/20/06	Department of Health and Envir Control
2945		Standards for Licensing Tattoo Facilities	2/21/06	Department of Health and Envir Control
2973		Repeal of Duplicative Regulations Included in Nurse Practice Act	3/12/06	LLR: Board of Nursing
2972		Transportation of Unmanufactured Forest Products	3/14/06	Department of Public Safety
2971		Assessment Program	3/22/06	Board of Education
2975		211 Network Provider Certification Requirements	4/09/06	Budget and Control Board
2970		Seasons, Limits, Restrictions on WMA's, Turkey Hunting	4/11/06	Department of Natural Resources
2969		Wildlife Management Area Regulations	4/11/06	Department of Natural Resources
2978		CSO Mortality Table	4/22/06	Department of Insurance
2974		Settlement, Proof of Compliance, Self-Ins, Financial, Audits	4/22/06	Workers' Compensation Commission
2976		Representation of Parties and Intervenors	5/10/06	LLR: Occupat Health and Safety Rev Bd
2982		Child Labor	5/10/06	LLR: Office of Labor Services

Committee Requested Withdrawal:

Permanently Withdrawn:

Resolution Introduced to Disapprove

2927		The Practice of Selling and Fitting Hearing Aids		Department of Health and Envir Control
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2 EXECUTIVE ORDERS

EXECUTIVE ORDER NUMBER 2005-24

WHEREAS, the State of Florida is projected to be impacted by Hurricane Wilma that could result in massive damages; and

WHERE AS, the State of Florida has requested the support of the South Carolina National Guard effective October 22, 2005, to assist in security, transportation, and communications in response to this potential disaster under the terms of the Emergency Management Assistance Compact, as provided in Section 25-9-420 of the South Carolina Code of Laws; and

WHEREAS, the South Carolina National Guard is prepared to provide the personnel and equipment necessary to assist the State of Florida.

NOW THEREFORE, pursuant to the powers conferred upon me by the Constitution and Laws of the State of South Carolina, on October 22, 2005, I directed the Adjutant General to place on state duty and utilize the South Carolina National Guard personnel and equipment requested through the Emergency Management Division and in consultation with the Governor's Office, to fulfill the mission in support of the State of Florida. National Guard personnel and equipment deployment and mission requirements should be coordinated through the Emergency Management Division in accordance with the Emergency Management Assistance Compact.

**GIVEN UNDER MY HAND AND THE SEAL OF THE
STATE OF SOUTH CAROLINA, THIS 25th DAY OF
OCTOBER 2005.**

MARK SANFORD
Governor

EXECUTIVE ORDER NUMBER 2005-25

WHEREAS, Section 53-5-20 of the South Carolina Code of Laws allows the Governor to declare Christmas Eve of each year a holiday for state government employees; and

WHEREAS, I encourage all state government employees to celebrate the holiday season by spending time with family members and loved ones and to reflect on the blessings of the past year and look forward to the advent of the New Year.

NOW, THEREFORE, pursuant to Section 53-5-20 of the South Carolina Code of Laws, I hereby declare Friday, December 23, 2005, as the Christmas Eve holiday for state government employees.

**GIVEN UNDER MY HAND AND THE GREAT
SEAL OF THE STATE OF SOUTH CAROLINA,
THIS 15th DAY OF NOVEMBER, 2005.**

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 November 25, 2005, 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 Charleston County

Construction of a freestanding diagnostic imaging center that will centralize outpatient services currently provided by Trident Medical Center including Magnetic Resonance Imaging (MRI), Computed Tomography (CT), X-ray, Ultrasound and Nuclear Medicine exams. The facility will also include a Positron Emission Tomography/Computed Tomography (PET/CT) scanner as a new service and the lease and service of the mobile PET by Charleston Radiologists, PA will be terminated upon completion of the project.

North Charleston Diagnostic Imaging Center, LLC

North Charleston, South Carolina

Project cost: \$10,000,000

Affecting Horry County

Establishment of an outpatient imaging center to include Magnetic Resonance Imaging (MRI) and Computed Tomography (CT) services.

Carolina Forest Imaging Center, LLC

Myrtle Beach, South Carolina

Project Cost: \$4,447,600

Addition of a third comprehensive cardiac catheterization laboratory.

Grand Strand Regional Medical Center

Myrtle Beach, South Carolina

Project Cost: \$1,699,080

Affecting Lexington County

Replacement of a mobile Magnetic Resonance Imaging (MRI) unit with a fixed Siemens MAGNETOM Espree 1.5 Tesla.

Lexington Medical Center

Lexington, South Carolina

Project Cost: \$2,200,453

Affecting Spartanburg County

Development of an outpatient imaging center with a relocation/upgrade of a 1.5 LX Magnetic Resonance Imaging (MRI) unit, and addition of a sixteen (16) slice Computed Tomography (CT) Scanner.

Mary Black Memorial Hospital

Spartanburg, South Carolina

Project Cost: \$5,044,312

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 November 25, 2005. "Affected persons" have 30 days from the above date to submit comments or

4 NOTICES

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 Florence County

Replacement of a Single Slice Computed Tomography (CT) scanner with a Multi-slice (64 slice) CT scanner.
McLeod Regional Medical Center of the Pee Dee, Inc.
Florence, South Carolina
Project Cost: \$1,627,000

Affecting Horry County

Addition of fifty (50) general acute care beds for a total of two hundred ten (210) general acute care beds.
Conway Hospital, Inc. dba Conway Medical Center
Conway, South Carolina
Project Cost: \$24,231,590

Affecting York County

Construction of a one hundred (100) bed acute care hospital to include one (1) diagnostic cardiac catheterization laboratory, one (1) Magnetic Resonance Imaging (MRI) unit, and a sixty-four (64) Slice Computed Tomography (CT) Scanner to be located at the intersection of Highway 160 and Highway 21 Bypass.
Fort Mill Medical Center
Fort Mill, South Carolina
Project Cost: \$124,493,893

SOUTH CAROLINA STATE HEALTH PLANNING COMMITTEE INFORMATIONAL ITEM

The South Carolina State Health Planning Committee met on March 31, 2005 to discuss the General Hospital Bed Need Section of the *2004-2005 South Carolina Health Plan*. At the meeting, the Committee voted to hold public hearings on this section of the Plan to receive additional comments. Four public hearings were held during the week of May 23-27, 2005 and comments were received from the public. The comments were transmitted to the Committee for review. After reviewing the comments, the Committee recommended the following:

No changes should be made to the *2004-2005 South Carolina Health Plan*. Certificate of Need (CON) staff should review CON applications for additional general hospital beds and/or facilities utilizing the current bed need methodology of the *2004-2005 South Carolina Health Plan* in conjunction with the Project Review Criteria as outlined in *Regulation No. 61-15, Certification of Need for Health Facilities and Services*, in order to make CON decisions that are in the best interest of the public. In addition, the staff will review this section of the Plan in detail to recommend any modifications for future considerations by the South Carolina State Health Planning Committee as the new calculations and bed need section of the Draft Plan are formulated during the coming year.

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

PUBLIC NOTICE

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 December 28, 2005 to:

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

The following companies and/or individuals have applied for certification as Underground Storage Tank Site Rehabilitation Contractors:

Class IClass II.

Wright Padgett Christopher Inc. – Myrtle Beach

6 DRAFTING

OFFICE OF THE ATTORNEY GENERAL
CHAPTER 13
Statutory Authority: S.C. Code Section 35-1-101 *et seq.*

Notice of Drafting:

The Office of the Attorney General proposes to issue a number of new regulations in response to the newly enacted South Carolina Uniform Securities Act of 2005. Interested persons may submit comments to Thresechia Navarro, Office of the S.C. Attorney General, Securities Division, P.O. Box 11549, Columbia, SC 29211. To be considered, comments must be received no later than 5:00 p.m. on December 30, 2005, the close of the drafting comment period.

Synopsis:

During its 2005 session, the General Assembly enacted the South Carolina Uniform Securities Act of 2005. The new act was written to modernize the State's previous Uniform Securities Act (as located at S.C. Code Section 35-1-10 *et seq.*), minimize the duplication of state and federal regulation, and establish uniformity with the securities legislation of other states to the extent practical. Under the South Carolina Uniform Securities Act of 2005, the Securities Commissioner continues to have responsibility for promulgating rules and regulations that specify filing fees and other requirements for persons to engage in the securities industry in South Carolina and penalties for non-compliance with the law. The proposed regulations will be issued to this effect.

Legislative review of the proposed regulations will be required.

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
CHAPTER 61
Statutory Authority: S.C. Code Section 48-1-10 *et seq.*

R.61-62. Air Pollution Control Regulations and Standards

Notice of Drafting:

The South Carolina Department of Health and Environmental Control (Department) proposes to amend Regulation 61-62, *Air Pollution Control Regulations and Standards*, and the South Carolina State Implementation Plan (SIP). The purpose of this notice is to extend the drafting period previously established by the April 22, 2005, drafting notice published in Volume 29, Issue No. 4 of the *South Carolina State Register*. All previous comments, as well as any additional comments received after this publishing, will be considered. Interested persons are invited to present their views in writing to Dennis Camit; Division of Air Planning, Development and Outreach; Bureau of Air Quality; 2600 Bull Street; Columbia, SC 29201. To be considered, written comments must be received no later than 5:00 p.m. on Monday, December 26, 2005, the close of the drafting period.

Synopsis:

The Department is proposing to amend Section I - Definitions, and Section II - Permit Requirements, of Regulation 61-62.1, *Definitions and General Requirements*, which requires stationary sources planning to construct, alter or add to a source of air pollutants to first obtain a construction permit from the Department. This permitting program is generally referred to as the minor source permitting program to distinguish it from additional permitting requirements for major sources of air pollutants. The Department is currently reviewing the minor source permitting program to ensure that we are meeting our goals of promoting and protecting the public health and the environment and doing so in the most efficient and effective manner. Also, the Department is

proposing to review and amend Regulation 61-62.5, Standard No. 5.2, *Control of Oxides of Nitrogen (NOx)* to make corrections and clarifications as needed.

The proposed amendments to Regulation 61-62 and the SIP will require legislative review.

DEPARTMENT OF NATURAL RESOURCES
CHAPTER 123
Statutory Authority: 1976 Code Section 50-11-2200

Notice of Drafting:

The Department of Natural Resources proposes to amend Regulation 123-40, "Hunt Units and Wildlife Management Area Regulations". The subject of the proposed action is to amend the regulation to modify existing seasons and methods and add new wildlife management areas to allow additional hunting opportunity. Any person interested may submit written comments to Breck Carmichael, Deputy Director, Wildlife & Freshwater Fisheries Division, S.C. Department of Natural Resources, Post Office Box 167, Columbia, SC 29202.

Synopsis:

This amended regulation will allow the expansion of existing seasons and methods within the current season framework to allow additional opportunity on existing and new Wildlife Management Areas. The regulation sets seasons, bag limits and methods of hunting and taking of wildlife on Wildlife Management Areas.

PUBLIC SERVICE COMMISSION OF SOUTH CAROLINA
CHAPTER 103
Statutory Authority: S.C. Code Ann. Section 58-3-140 (Supp. 2004)

Notice of Drafting:

The Public Service Commission of South Carolina proposes to amend 26 S.C. Code Ann. Regs. 103-800, *et. seq.* (1976 & Supp. 2004) governing practice and procedure in order to conform these regulations to 2004 S.C. Acts No. 175. Interested persons may submit comments to the Public Service Commission, Docketing Department, 101 Executive Center Drive, Columbia, South Carolina 29210. Please reference Docket Number 2005-354-A. To be considered, comments must be received no later than 4:45 p.m. on January 16, 2006.

Synopsis:

In 2004, the General Assembly passed Act No. 175 which restructured the Public Service Commission. This Act modified the structure of the Agency and its functions and created the Office of Regulatory Staff. Several duties of the Public Service Commission were transferred to the Office of Regulatory Staff on January 1, 2005. The purpose of the revisions to 26 S.C. Code Ann. Regs. 103-800, *et. seq.* (1976 & Supp. 2004) of the Public Service Commission's regulations is to amend Article 8 to conform to the new standards set out by Act 175 of 2004.

Legislative review of this proposal will be required.

8 DRAFTING

DEPARTMENT OF SOCIAL SERVICES

CHAPTER 114

Statutory Authority: South Carolina Code Section 43-5-580 (b)
and Code of Federal Regulations 302.56

Notice of Drafting:

The Department of Social Services proposes to amend the Child Support Guidelines. Interested persons may submit comments to Larry McKeown, Director, Child Support Division, Department of Social Services, 3150 Harden Street, Columbia, South Carolina 29202. To be considered, comments must be received no later than 5:00 P.M. on December 30, 2005, the close of the drafting comment period.

Synopsis:

As a condition of federal approval of the State Plan for Child Support Enforcement, the State shall establish one set of guidelines by law or by judicial or administrative action to set and modify child support award amounts within the State. The State must review, and if appropriate, revise the guidelines at least once every four years. The proposed amendments would include (1) an update of the cost of living schedule represented in the guidelines' economic tables, (2) adjustments for recent changes in the State and Federal tax laws, and (3) a review of the self-support reserve.

Legislative review of the proposal will be required.

Document No. 3029
STATE BOARD OF EDUCATION
 CHAPTER 43

Statutory Authority: S. C. Code Ann. Sections 59-5-60 (2004) and 59-25-110 (2004)

43-53.1. Requirements for Credential Advancement

Preamble:

Proposed repeal of 24 S.C. Code Ann. Regs. 43-53.1, Requirements for Credential Advancement. The State Board of Education (SBE) promulgated the repeal of this regulation in 2003; however, because of a clerical error they were not reported as repealed.

Section-by-Section Discussion:

This regulation is being repealed.

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 State Board of Education at its meeting on January 11, 2006, at 10:00 A.M. at the Rutledge Building, State Department of Education, Columbia, South Carolina. 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.

Interested persons are also provided an opportunity to submit written comments on the proposed repeal by writing to Dr. Janice Poda, Senior Director, Teacher Quality, 1600 Gervais Street, Columbia, South Carolina 29201 or e-mail jpoda@scteachers.org. Comments must be received no later than 5:00 P.M. on December 28, 2005. Comments received by the deadline will be submitted to the Board in a summary of public comments and department responses for consideration at the public hearing.

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

Statement of Need and Reasonableness:

The Statement of Need and Reasonableness was determined by staff analysis pursuant to S.C. Code Ann. Section 1-23-115 (Supp. 2005).

DESCRIPTION OF REGULATION: R 43-53.1, Requirements for Credential Advancement

Purpose: R 43-53.1, Requirements for Credential Advancement, is being repealed.

Legal Authority: The legal authority for the regulation is S. C. Code Ann. Sections 59-5-60 (2004), 59-25-110 (2004).

Plan for Implementation: The proposed repeal will be posted on the State Department of Education's Web site for review and comment. The repeal will take effect upon approval by the General Assembly and publication in the *State Register*.

10 PROPOSED REGULATIONS

DETERMINATION OF NEED AND REASONABLENESS OF THE PROPOSED REGULATION BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS: Proposed repeal of 24 S.C. Code Ann. Regs. 43-53.1, Requirements for Credential Advancement. The State Board of Education (SBE) promulgated the repeal of this regulation in 2003; however, because of a clerical error they were not reported as repealed.

DETERMINATION OF COSTS AND BENEFITS: None

UNCERTAINTIES OF ESTIMATES: None

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH: The proposed repeal of the South Carolina regulation on requirements for credential advancement, if implemented, will have no effect on the environment and public health.

DETRIMENTAL EFFECTS 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 this repeal is not implemented.

Statement of Rationale: A copy of the detailed statement of rationale may be obtained by contacting Dr. Janice Poda, Deputy Superintendent, Division of Educator Quality and Leadership, 1600 Gervais Street, Columbia, South Carolina 29201 or e-mail jpoda@sctechners.org.

Text:

43-53.1. Requirements for Credential Advancement.

To advance a credential from one classification to another, the applicant must provide to the Office of Teacher Education, Certification and Evaluation the following:

1. A written request to have the certificate advanced;
2. The required documentation that State Board of Education requirements have been met for certificate advancement; and
3. The required fee for advancement of the certificate.

Document No. 3028
STATE BOARD OF EDUCATION
CHAPTER 43

Statutory Authority: S. C. Code Ann. Sections 59-5-60 (2004)and 59-25-110 (2004)

43-53.2. Types and Levels of Credential Classification

Preamble:

Proposed repeal of 24 S.C. Code Ann. Regs. 43-53.2, Types and Levels of Credential Classification. The State Board of Education (SBE) promulgated the repeal of this regulation in 2003; however, because of a clerical error they were not reported as repealed.

Section-by-Section Discussion:

This regulation is being repealed.

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 State Board of Education at its meeting on January 11, 2006, at 10:00 A.M. at the Rutledge Building, State Department of Education, Columbia, South Carolina. 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.

Interested persons are also provided an opportunity to submit written comments on the proposed amendments by writing to Dr. Janice Poda, Senior Director, Teacher Quality, 1600 Gervais Street, Columbia, South Carolina 29201 or e-mail jpoda@scteachers.org. Comments must be received no later than 5:00 P.M. on December 28, 2005. Comments received by the deadline will be submitted to the Board in a summary of public comments and department responses for consideration at the public hearing.

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

Statement of Need and Reasonableness:

The Statement of Need and Reasonableness was determined by staff analysis pursuant to S.C. Code Ann. Section 1-23-115 (Supp. 2005).

DESCRIPTION OF REGULATION: R 43-53.2, Types and Levels of Credential Classification

Purpose: R 43-53.2, Types and Levels of Credential Classification, is being repealed.

Legal Authority: The legal authority for the regulation is S. C. Code Ann. Sections 59-5-60 (2004), 59-25-110 (2004).

Plan for Implementation: The proposed repeal will be posted on the State Department of Education's Web site for review and comment. The repeal will take effect upon approval by the General Assembly and publication in the *State Register*.

DETERMINATION OF NEED AND REASONABLENESS OF THE PROPOSED REGULATION BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS: Proposed repeal of 24 S.C. Code Ann. Regs. 43-53.2, Types and Levels of Credential Classification. The State Board of Education (SBE) promulgated the repeal of this regulation in 2003; however, because of a clerical error they were not reported as repealed.

DETERMINATION OF COSTS AND BENEFITS: None

UNCERTAINTIES OF ESTIMATES: None

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH: The proposed repeal of the South Carolina regulation on requirements for credential advancement, if implemented, will have no effect on the environment and public health.

DETRIMENTAL EFFECTS 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 this repeal is not implemented.

Statement of Rationale: A copy of the detailed statement of rationale may be obtained by contacting Dr. Janice Poda, Deputy Superintendent, Division of Educator Quality and Leadership, 1600 Gervais Street, Columbia, South Carolina 29201 or e-mail jpoda@scteachers.org.

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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. 3027
State Board of Education
Chapter 43

Statutory Authority: Students Health and Fitness Act, 2005 S.C. Acts 59
(to be codified at S.C. Code Ann. § 59-1-310) and S.C. Code Ann. § 59-5-60 (2004)

43-168, Nutrition Standards for Elementary School Food Service Meals and Competitive Foods

Preamble:

The State Board of Education proposes a new regulation that addresses nutrition standards for elementary school food service meals and competitive foods. The proposed regulation addresses the requirements for elementary (K–5) school food service meals and competitive foods based upon the recommendations outlined in the State Department of Education Task Force on Student Nutrition and Physical Activity report, National School Lunch Act, and the most recent applicable Dietary Guidelines for Americans.

Section-by-Section Discussion
R 43-168 is a new regulation with the following.

Section I	Adds section title
Section I.A	Delineates number of choices for the entrées at lunch, provides measures to obtain student and parent input into selection of food items, and allows students to purchase additional servings of school meal components.
Section I.B	Delineates the minimum number of choices and nutrient composition of various components of school meals.
Section II	Adds section title.
Section II.A	Delineates the nutritional composition of one serving of snacks, sweets, and side dishes. Limits size of single-serving food items sold to students based on type of food.
Section II.B	Specifies what beverages are available to students at public school sites during the school day and what beverages cannot be sold or served until the last scheduled class. Delineates the maximum serving sizes for beverages.

Notice of Public Hearing and Opportunity for Public Comment:

Interested members of the public and regulated community are invited to make oral comments on the proposed regulation at a public hearing to be conducted by the State Board of Education at its meeting on January 11, 2006, at 10:00 a.m. at the Rutledge Building, State Department of Education, Columbia, South Carolina. 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.

Interested persons are also provided an opportunity to submit written comments on the proposed amendments by writing to Dr. Vivian Pilant, Director, Office of School Food Services and Nutrition, Division of School Enterprise Operations, State Department of Education, 1429 Senate Street, Rutledge Building, Room 201, Columbia, South Carolina 29201. Comments must be received no later than 5:00 p.m. on December 28, 2005. Comments received by the deadline shall be submitted to the Board in a summary of public comments and department responses for consideration at the public hearing.

Preliminary Fiscal Impact Statement: Information from school food service directors indicates there would be little, if any, fiscal impact except revenues for reimbursable meals would increase if school meal participation increased. School meal participation generally increases when choices are offered. Per meal costs are not increased as pre-planning and post-production records are used to predict amounts of food to produce.

Statement of Need and Reasonableness:

Description of Regulation: R 43-168, Nutrition Standards for Elementary School Food Service Meals and Competitive Foods

Purpose: R 43–168, Nutrition Standards for Elementary School Food Service Meals and Competitive Foods, will address the requirements for elementary (K–5) school food service meals and competitive foods based upon the recommendations outlined in the State Department of Education Task Force on Student Nutrition and Physical Activity report, National School Lunch Act, and the most recent applicable Dietary Guidelines for Americans.

Legal Authority: Students Health and Fitness Act, 2005 S.C. Acts 59 (to be codified at S.C. Code Ann. § 59-1-310) and S.C. Code Ann. § 59-5-60 (2004)

Plans for Implementation: The new regulation will be posted on the State Department of Education’s Web site for review and comment. The amendments will take effect upon approval by the General Assembly and publication in the *State Register*.

DETERMINATION OF NEED AND REASONABLENESS OF THE PROPOSED REGULATION BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS: The majority of elementary schools are already implementing the proposed school meal requirements. The positive benefits would be increased participation and possible school meal revenue without added costs and better nutrition quality for children and the opportunity to make choices among menu items rather than no choices. The competitive foods regulations may shift some revenue from foods of minimal nutritional value to foods of higher nutritional quality.

DETERMINATION OF COSTS AND BENEFITS: Food service directors stated that this would have minimal effects on costs but school meal participation could increase if choices were offered in those schools that currently do not have choices of entrees or more than two fruits and/or vegetables. Food service directors compensate for additional serving choices by maintaining food production records and forecasting the number of servings of choice items to prepare. Therefore, there are no additional costs associated with more choices. However, the benefits could be an increased participation in school meals and an increase in federal revenue for each meal sold or served if more children participate.

UNCERTAINTIES OF ESTIMATES: Schools with high numbers of children with free and reduced price eligible students would benefit more as most school districts charge less for “full-price” school meals than they get for the meals served free or reduced price. School districts’ set the price for school meals and à la carte foods. Frequently schools may under-price a school meal knowing that they may be able to make up the difference from the extra revenue over costs of free meals. This may work in a school district with a high free and reduced price student body but may not be the case in a district with low free and reduced price meal-eligibility students. To make up the difference in revenue the district or school may offer more à la carte food items. There is no federal subsidy or donated commodities made available for à la carte foods by the federal government (USDA).

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH: This would have a positive effect on the environment and public health by creating a healthy school environment where children learn food behaviors that would help them make healthy food choices now and later as adults. The rate of increasing overweight children during the past few years has led to a call for action to reverse the trends. Along with the other provisions in this law that address physical activity, more choices for school meal offerings and eliminating foods of minimal nutrition value in public places in K–5 schools would better meet appropriate energy needs of children. See State Department of Education Task Force on Student Nutrition and Physical Activity report for additional information.

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DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION IS NOT IMPLEMENTED. If there were no action, then the status quo of increasing overweight children would continue unabated. Overweight children become obese adults and the incidence of Type II Diabetes in children and adolescents would continue to rise. Along with the increase of health care costs in children and adolescents, the health care costs in adults would be even greater. This would be a burden on businesses that pay health care costs for their employees. Those uninsured would not have appropriate care. See State Department of Education Task Force on Student Nutrition and Physical Activity report for additional information.

Statement of Rationale: A copy of the detailed statement of rationale can be obtained by writing to Dr. Vivian Pilant, Director, Office of School Food Services and Nutrition, Division of School Enterprise Operations, State Department of Education, 1429 Senate Street, Rutledge Building, Room 201, Columbia, South Carolina 29201 or e-mail vpilant@sde.state.sc.us. The new regulation will address nutrition standards for elementary school food service meals and competitive foods.

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. 3025

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

CHAPTER 61

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

R.61-69, Classified Waters

Preamble:

The Department proposes amendment of R.61-69 to reclassify those waters located within the boundary of the Congaree National Park to Outstanding Resource Waters (ORWs) and a portion of Cedar Creek located within the boundary of the park as an Outstanding National Resource Water (ONRW). Congaree National Park protects the largest and last significant tract of old-growth bottomland hardwood forest in the United States and has been designated as an International Biosphere Reserve, a Globally Important Bird Area, a National Natural Landmark, a Congressionally Designated Wilderness Area, and nominated as a Wetlands of International Importance. The waters within the park provide for and support this valuable floodplain forest ecosystem. The proposed amendment will be submitted to the General Assembly for review.

The Notice of Drafting for this proposed amendment was published in the *State Register* on August 26, 2005.

Discussion of Revisions:

Amend the language contained in R.61-69 to reclassify specific waters located within the boundary of the Congaree National Park to Outstanding Resource Waters (ORWs) and a portion of Cedar Creek located within the boundary of the park as an Outstanding National Resource Water (ONRW) in order to protect and maintain these exceptional water resources. The Department will maintain the Freshwater (FW) classification to those portions of waters outside the park boundary that connect at the boundary of the park with those waters inside the park and also maintain the Congaree River, which borders the park, as FW. The Department will add the Outstanding National Resource Water to the abbreviations table at the beginning of the regulation.

Notice of Staff Informational Forum:

Staff of the Department of Health and Environmental Control invites members of the public and regulated community to attend a staff-conducted informational forum to be held on January 4, 2006 at 10:00 a.m. in Peebles Auditorium, 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 parties on the proposed amendment to the regulation. Due to admittance procedures at the DHEC Building, all visitors should enter through the Bull Street Entrance and register at the front desk. Comments received shall be considered by staff in formulating the final draft proposal for submission to the Board of Health and Environmental Control for the Board public hearing scheduled for February 9, 2006 as noticed below.

Interested parties are also provided an opportunity to submit written comments by writing to Gina L. Kirkland at Bureau of Water, South Carolina Department of Health and Environmental Control, 2600 Bull Street, Columbia, South Carolina, 29201, Fax number (803) 898- 4140. To be considered, written comments submitted must be received no later than 3:00 p.m. on January 4, 2006. Comments received shall be submitted in a Summary of Public Comments and Department Responses for the Board's consideration at the public hearing as noticed below.

Copies of the text of the proposed amendment to the regulation for public notice and comment may be obtained by contacting Gina L. Kirkland at Bureau of Water, South Carolina Department of Health and Environmental Control, 2600 Bull Street, Columbia, South Carolina, 29201, telephone number (803) 898-4250, Fax number (803) 898-4140, or a copy may be obtained by accessing the Department's website at <http://www.scdhec.net/water/index.html>.

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 and written comments on the proposed amendment to the regulation at a public hearing to be conducted by the Board of Health and Environmental Control at its regularly-scheduled meeting on February 9, 2006. 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, 2600 Bull Street, Columbia, South Carolina. The Board meeting commences at 10:00 a.m. at which time the Board will consider items on its agenda in order presented. The order of presentation for public hearings will be noticed in the Board's agenda to be published by the Department 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 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.

Copies of the final proposed regulation for public hearing may be obtained by contacting Gina L. Kirkland at Bureau of Water, South Carolina Department of Health and Environmental Control, 2600 Bull Street, Columbia, South Carolina, 29201, telephone number (803) 898-4250, Fax number (803). 898-4140 or from the Department's website at <http://www.scdhec.net/water/index.html/>.

Preliminary Fiscal Impact Statement:

No costs to the State or significant cost to its political subdivisions as a whole should be incurred by these amendments. See Statement of Need and Reasonableness below.

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Statement of Need and Reasonableness:

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: Amendment of Regulation 61-69, Classified Waters.

Purpose: Proposed amendment of R.61-69 will reclassify specific waters located within the boundary of Congaree National Park to Outstanding Resource Waters (ORWs) and a portion of Cedar Creek located within the boundary of the Park to Outstanding National Resource Water (ONRW) of the State.

Legal Authority: S.C. Code Sections 48-1-40, 48-1-60, and 48-1-80, implementing the Clean Water Act (CWA).

Plan for Implementation: The proposed amendment would be incorporated within R.61-69 upon approval of the General Assembly and publication in the *State Register*. The proposed amendment will be implemented in the same manner in which the present regulation is implemented.

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

The Congaree National Park is unique in South Carolina as its only national park. The Congaree National Park protects the largest and last significant tract of old-growth bottomland hardwood forest in the United States and has been designated as an International Biosphere Reserve, a Globally Important Bird Area, a National Natural Landmark, a Congressionally Designated Wilderness Area, and nominated as a Wetlands of International Importance. The waters within the park provide for and sustain this valuable floodplain forest ecosystem. The maintenance of the existing water quality and its future protection are essential and this reclassification to ORW and ONRW is appropriate to achieve that goal.

DETERMINATION OF COSTS AND BENEFITS: Existing staff and resources will be utilized to implement this amendment to the regulation. No additional cost will be incurred by the State if the revisions are implemented and, therefore, no additional State funding is being requested.

In reviewing the potential for significant economic impact of the proposed amendment, the Department evaluated situations in which costs would most likely be incurred by the regulated community. Since no existing point source discharges are currently located within the area of the proposed reclassifications, the only effect would be to ensure that existing upstream discharges would protect the downstream uses. The Department found that the overall impact to the State's political subdivisions or the regulated community as a whole was not likely to be significant in that the existing water quality standards would ensure protection of the downstream uses and the existing permitted conditions should still be applicable.

UNCERTAINTIES OF ESTIMATES: Minimal.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH: Implementation of this amendment will not compromise the protection of the environment or the health and safety of the citizenry of the State. The amendment will promote and protect a significant water resource of the State and ensure its protection for future generations by restricting any future point source discharges in the waters reclassified to ORW and additionally limit nonpoint source activities in that portion of Cedar Creek reclassified to ONRW, thereby ensuring the maintenance of the existing water quality that now provides for the exceptional recreational and environmental resources of the Congaree National Park.

DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION IS NOT IMPLEMENTED: Failure by the Department to reclassify these waters could ultimately lead to future

additional anthropogenic sources of pollution within these waters and a general degrading of the current water quality conditions. It is anticipated that the additional layers of protection provided by the new classification will prevent discharges and any potential adverse contamination of these waters of the State.

Statement of Rationale:

The statement of rationale was determined by staff analysis pursuant to S.C. Code Section 1-23-110(A)(3)(h).

The waters included in this proposed reclassification provide and sustain a nationally significant forest refuge that contains the last significant tract of old-growth bottomland hardwood in the United States and exceptional woodland wildlife. This is the only National Park in the State of South Carolina and the waters that support this unique and valuable resource are also extremely valuable. In accordance with the goals of the CWA and the South Carolina Pollution Control Act (PCA), it is incumbent upon the State to protect its valuable water resources for current and future generations. The Department has the duty to find and preserve the State's exceptional water resources and this amendment will ensure that these waters are protected and maintained.

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. 3034
DEPARTMENT OF LABOR, LICENSING AND REGULATION
BOILER SAFETY PROGRAM
 CHAPTER 71
 Statutory Authority: 1976 Code Sections 41-14-10 through 41-14-150.

Preamble:

The Boiler Safety Program is proposing to add Article 9 regarding boiler safety to the regulations of the South Carolina Department of Labor, Licensing and Regulation (Chapter 71).

Section by Section Discussion:

The following is a section by section discussion of the amendments proposed by the Boiler Safety Program:

71-9101. Definitions. The proposed regulation is based upon the Recommended Administrative Boiler and Pressure Vessel Safety Rules and Regulations approved by the Board of Trustees of the National Board of Boiler and Pressure Vessel Inspectors on October 25, 2004. The national consensus regulation has been modified to meet local conditions.

71-9102. Administration. The proposed regulation is based upon the Recommended Administrative Boiler and Pressure Vessel Safety Rules and Regulations approved by the Board of Trustees of the National Board of Boiler and Pressure Vessel Inspectors on October 25, 2004. The national consensus regulation has been modified to meet local conditions.

71-9103.1. Power Boilers. The proposed regulation is based upon the Recommended Administrative Boiler and Pressure Vessel Safety Rules and Regulations approved by the Board of Trustees of the National Board of Boiler and Pressure Vessel Inspectors on October 25, 2004. The national consensus regulation has been modified to exclude references to Pressure Vessels which are not regulated in South Carolina.

71-9103.2. Heating Boilers. The proposed regulation is based upon the Recommended Administrative Boiler and Pressure Vessel Safety Rules and Regulations approved by the Board of Trustees of the National Board of Boiler

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and Pressure Vessel Inspectors on October 25, 2004. The national consensus regulation has been modified to exclude references to Pressure Vessels which are not regulated in South Carolina.

71-9104. General Requirements. The proposed regulation is based upon the Recommended Administrative Boiler and Pressure Vessel Safety Rules and Regulations approved by the Board of Trustees of the National Board of Boiler and Pressure Vessel Inspectors on October 25, 2004. The national consensus regulation has been modified to exclude references to Pressure Vessels which are not regulated in South Carolina.

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 of Laws of South Carolina, as amended, such hearing will be conducted at the Administrative Law Court at 11 a.m. on Thursday, January 5, 2006. Written comments may be directed to Ronald E. Galloway, Administrator, Boiler Safety Program, Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, South Carolina 29211-1329, no later than 5:00 p.m., Thursday, December 22, 2005.

Preliminary Fiscal Impact Statement:

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

Statement of Need and Reasonableness:

The Boiler Safety Program has determined that it is in the best interest of the State of South Carolina that its boiler safety regulations follow the national consensus standards to the extent possible. For that reason, these regulations incorporate major sections of the Recommended Administrative Boiler and Pressure Vessel Safety Rules and Regulations as published by the National Board of Boiler and Pressure Vessel Inspectors. Following the national consensus standards facilitates the use of established forms and computer programs to reduce the administrative costs to the citizens of South Carolina. Following the national consensus standards also allows the state to rely upon the established expertise of older inspection programs.

DESCRIPTION OF REGULATION:

Purpose: To add initial regulations for the administration of the South Carolina Boiler Safety Program.

Legal Authority: Statutory Authority: 1976 Code Sections 41-14-10 through 41-14-150

Plan for Implementation: Administratively, the Board will see that these provisions are implemented by informing the applicants through written and oral communications.

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

This regulation needs to be added in order to ensure compliance with the South Carolina Boiler Safety Act, added by 2005 Act No. 59, effective May 18, 2005.

DETERMINATION OF COSTS AND BENEFITS:

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

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning these regulations.

EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH:

This regulation will have no effect on the environment. The public health of this State will be enhanced by conforming the guidelines to national standards.

DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION IS NO IMPLEMENTED:

These regulations will have no detrimental effect on the environment and public health of this State if the regulations are not implemented in this State.

Statement of Rationale:

The guidelines for boilers are added to conform with national guidelines in order ensure public safety.

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. 3031

**DEPARTMENT OF LABOR, LICENSING AND REGULATION
BOARD OF DENTISTRY**

CHAPTER 39

Statutory Authority: 1976 Code Sections 40-1-40, 40-15-40, 40-15-140, and 40-15-275

Preamble:

The Board of Dentistry is proposing to establish necessary fees to carry out and enforce the provisions of 40-15-275 of the 1976 Code of Laws of South Carolina, as amended (2005 Act 92) regarding the licensure by credentials of dentists licensed in any state or territory of the United States.

Section by Section Discussion:

The following is a section by section discussion of the amendments proposed by the Board of Dentistry:

Regulation 39-1D.

Amend Reg. 39-1 by adding a new subsection D to implement the provisions of Act 92 of 2005 by establishing the necessary fees in regulation.

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 of Laws of South Carolina, as amended, such hearing will be conducted at the Administrative Law Court at 2:00 p.m. on Tuesday, January 24, 2006 at the Greenville County Courthouse, Courtroom #3, 305 E. North Street, Greenville, S.C. Written comments may be directed to H. Rion Alvey, Administrator, Board of Dentistry, Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, South Carolina 29211-1329, no later than 5:00 p.m., Tuesday, January 10, 2006.

Preliminary Fiscal Impact Statement:

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

Statement of Need and Reasonableness:

The Board of Dentistry has determined that a new subsection D needs to be added to Reg. 39-1 to establish necessary fees to carry out and enforce the provisions of 40-15-275 of the 1976 Code of Laws of South Carolina, as amended (2005 Act 92) regarding the licensure by credentials of dentists licensed in any state or territory of the United States.

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DESCRIPTION OF REGULATION:

Purpose: To establish necessary fees to carry out and enforce the provisions of 40-15-275 of the 1976 Code of Laws of South Carolina, as amended (2005 Act 92) regarding the licensure by credentials of dentists licensed in any state or territory of the United States.

Legal Authority: Statutory Authority: 1976 Code Sections 40-1-40, 40-15-40, 40-15-140, and 40-15-275.

Plan for Implementation: Administratively, the Board will see that these provisions are implemented by informing the applicants through written and oral communications.

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

This regulation needs to be amended to establish necessary fees to carry out and enforce the provisions of 40-15-275 of the 1976 Code of Laws of South Carolina, as amended (2005 Act 92) regarding the licensure by credentials of dentists licensed in any state or territory of the United States.

DETERMINATION OF COSTS AND BENEFITS:

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

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning these regulations.

EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH:

This regulation will have no effect on the environment. The public health of this State will be enhanced by providing a means to license qualified dentists from other states and territories of the United States.

DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION IS NO IMPLEMENTED:

These regulations will have no detrimental effect on the environment and public health of this State if the regulations are not implemented.

Text:

39-1. License to Practice Dentistry.

D. Dentists licensed in any state or territory of the United States may be issued a license to practice dentistry in this State if the applicant complies with the provisions of Regulation 39-1(B) and Section 40-15-275 and pays a fee of \$500.00.

Document No. 3035

**DEPARTMENT OF LABOR, LICENSING AND REGULATION
BOARD OF NURSING**

CHAPTER 91

Statutory Authority: 1976 Code Sections 40-1-70, 40-33-1335(4) and 40-33-1345(C).

Preamble:

The Board of Nursing is proposing to add a new Regulation 91-2 to implement the Nurse Licensure Compact (Compact). The Compact was enacted by Act 87 of 2005, which provides for the promulgation of uniform regulations that are developed by the Compact administrators (40-33-1335(4)). Those uniform regulations will be new Regulation 91-2.

Section by Section Discussion:

The following is a section by section discussion of the amendments proposed by the Board of Nursing:

Regulation 91-2. Nurse Licensure Compact.

A. Adds definitions of terms in the Compact.

B. Adds time limitations for investigations and other disciplinary action regarding nurses seeking licensure under the Compact.

C. Adds limitations on multi-state licensure privilege.

D. Adds provision for public, party states, and non-party states access to the Information System.

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 of Laws of South Carolina, as amended, such hearing will be conducted at the Administrative Law Court at 1:00 p.m. on Thursday, January 5, 2006. Written comments may be directed to Renetta S. Loquist, Interim Administrator, Board of Nursing, Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, South Carolina 29211-1329, no later than 5:00 p.m., Thursday, December 22, 2005.

Preliminary Fiscal Impact Statement:

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

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION:

Purpose: To immediately implement uniform regulations for the Nurse Licensure Compact.

Legal Authority: Statutory Authority: 1976 Code Sections 40-1-40, 40-33-1335(4) and 40-33-1345(C).

Plan for Implementation: Administratively, the Board will see that these provisions are implemented by informing the applicants through written and oral communications.

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

These regulations need to be added in order to implement the uniform regulations for the Nurse Licensure Compact.

DETERMINATION OF COSTS AND BENEFITS:

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

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning these regulations.

EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH:

This regulation will have no effect on the environment. The public health of this State will be enhanced by immediately implementing uniform regulations for the Nurse Licensure Compact.

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DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION IS NO IMPLEMENTED:

These regulations will have no detrimental effect on the environment and public health of this State if the regulations are not implemented in this State.

Statement of Rationale:

The uniform regulations will implement the Nurse Licensure Compact and assist in the recruitment of nurses in this State.

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. 3030

DEPARTMENT OF LABOR, LICENSING AND REGULATION

BOARD OF NURSING

CHAPTER 91

Statutory Authority: 1976 Code Sections 40-1-70, 40-33-10(E), and 40-33-10(I)

Preamble:

The Board of Nursing is proposing to add a new Regulation 91-1 regarding the supervision of other persons.

Section by Section Discussion:

Regulation 91-1. Active, Unrestricted Practice of Nursing Required to Supervise Others.

Adds that supervising licensees must be engaged in the active, unrestricted practice of nursing.

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 of Laws of South Carolina, as amended, such hearing will be conducted at the Administrative Law Court at 3:00 p.m. on Thursday, January 5, 2006. Written comments may be directed to Renetta S. Loquist, Interim Administrator, Board of Nursing, Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, South Carolina 29211-1329, no later than 5:00 p.m., Thursday, December 22, 2005.

Preliminary Fiscal Impact Statement:

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

Statement of Need and Reasonableness:

The Board of Nursing has determined that the requirements for nursing supervisors should be specified, so that nursing supervisors hold an active, unrestricted license and be in active practice in order to supervise other persons.

DESCRIPTION OF REGULATION:

Purpose: To specify the requirements for nursing supervisors.

Legal Authority: Statutory Authority: 1976 Code Sections 40-1-70, 40-33-10(E), and 40-33-10(I).

Plan for Implementation: Administratively, the Board will see that this provision is implemented by informing the applicants through written and oral communications.

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

This regulation needs to be added in conformance with the Nurse Practice Act.

DETERMINATION OF COSTS AND BENEFITS:

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

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning this regulation.

EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH:

This regulation will have no detrimental effect on the environment.

DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION IS NO IMPLEMENTED:

This regulation will have no detrimental effect on the environment. If the regulation is not implemented in this State, however, the public health of this State may be adversely impacted if licensees with restricted licenses are permitted to supervise other persons providing nursing service to patients while the supervisor is under restriction.

Statement of Rationale:

Regulation 91-1 needs to be added to clarify statutory provisions included in the Nurse Practice Act (Act 225 of 2004). There was no scientific or technical basis relied upon in the development of this regulation.

Text:

Regulation 91-1. Active, Unrestricted Practice of Nursing Required to Supervise Others

Any licensee who supervises another person must hold an active, unrestricted authorization to practice in this state and be currently engaged in the active practice of nursing.

Document No. 3036
SOUTH CAROLINA LOTTERY COMMISSION
CHAPTER 44
Statutory Authority: S.C. Code Section 59-150-70.

R44-40.10. *Instant Games*

R44-50.10. *Online Games*

Preamble:

The Lottery Commission proposes to amend R.44-40.10, Section B(2) regarding validation and payment of prizes for winning instant game tickets in excess of \$500. The Commission also proposes to amend Regulation 44-50.10, Section F, regarding validation and payment of prizes for winning online game tickets in excess of \$500. The effect of these amendments is to provide appropriate regulatory authority, consistent with the statutory authorization in Section 59-150-70 that permits the board of the Lottery Commission to “provide for a limited number of retailers who may pay prizes of up to \$5,000 after performing validation procedures....” Other minor

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changes are made in these two provisions in order to make the language consistent. Notice of Drafting for the proposed amendments was published in the *State Register* on October 28, 2005.

Notice of Public Hearing and Opportunity for Public Comment:

Interested members of the public and licensed lottery retailers are invited to make oral or written comments on the proposed regulations. Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code of Laws of South Carolina, as amended, the hearing will be conducted by the Lottery Commission on January 5, 2006, in the Large Conference Room on the first floor located at 1333 Main Street, Columbia, SC, 29201. The hearing will commence at 10:30 a.m. Persons requesting the opportunity to make oral comments at the hearing are asked to notify Mr. Hogan Brown, Director of Legal Services, of their intent no later than December 29, 2005. Interested persons are also provided an opportunity to submit written comments on the proposed regulations by writing to Mr. Hogan Brown, Director of Legal Services at the SC Education Lottery, P. O. Box 11949, Columbia, SC 29211-1949, by calling (803) 7373-2056 or by e-mailing hogan.brown@sclot.com. Comments or statements must be received by December 29, 2005, to be submitted to the Commission for consideration at the public hearing. The Chair reserves the right to set an appropriate time limit for comments, depending upon the number of interested parties who respond.

Preliminary Fiscal Impact Statement:

There is no anticipated fiscal impact to the State or its political subdivisions.

Statement of Need and Reasonableness:

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

DESCRIPTION OF REGULATION:

Purpose: To amend regulations regarding the validation and payment of claims for lottery prizes in excess of \$500 but not more than \$4,999.

Legal Authority: Section 59-150-70(D) of the 1976 Code of Laws of South Carolina, as amended.

Plan for Implementation: This amendment provides the necessary regulatory authority for the Lottery Commission to take action. Actual implementation will be made at a time and in a manner to be determined by the Commission.

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

Amendment to these regulations is needed to effectuate the statutory authorization provided in Section 59-150-70(D).

DETERMINATION OF COSTS AND BENEFITS:

There are no anticipated additional costs to be incurred by the State or its political subdivisions.

UNCERTAINTIES OF ESTIMATES:

The actual cost may depend on the structure of the agreement between the Commission and the agents performing validation and payment of prizes on behalf of the Commission.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH: None.

DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH OF THE REGULATION IF NOT IMPLEMENTED: None.

Statement of Rationale:

Revisions to these regulations are necessary to effectuate the statutory authority granted in Section 59-150-70(D) which requires the promulgation of a 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. 3026
MARITIME SECURITY COMMISSION
CHAPTER 80
Statutory Authority: 1976 Code Section 54-17-50

The following new sections are proposed:

80-001. Functions of the South Carolina Maritime Security Commission.

80-005. Functions of the South Carolina Naval Militia.

80-010. Organization of the SCNM.

80-015. Regulations of the SCNM.

80-020. Volunteer Port Security Force at Charleston, South Carolina.

80-025. S. C. Naval Militia Ensign.

Preamble:

A Notice of Drafting was published on September 23, 2005. These regulations will serve to implement Federal Executive Order 10173, which has been amended by Executive Orders 10277, 10352, and 11249. The original Executive Order was issued under the authority of Public Law 679, 81st Congress, 2nd Session, approved August 9, 1951, which amended section 1, Title II of the Act of June 15, 1917 (50 USC 191), commonly called "the Magnuson Act". Executive Order 10173, signed by President Harry S. Truman, who finding that the security of the United States was then endangered by subversive activity, prescribed Federal Regulations in Part 6, Subchapter A, Chapter I, Title 33 of the Code of Federal Regulations. The applicable portions of these Federal port security regulations (33 CFR 6) include part 6.04-11, which reads:

"The Captain of the Port may enlist the aid and cooperation of Federal, State, county, municipal and private agencies to assist in the enforcement of regulations issued pursuant to this part."

Additional Federal Port Security regulations applicable to South Carolina are promulgated in Title 33, of the Code of Federal Regulations in Parts 160 and 165. Moreover, the Federal Maritime Transportation Security Act of 2002 (P. L. 107-295) contains provisions for the promulgation of federal regulations that address Maritime Homeland Security (MHS). These new federal regulations are published in Title 33, Code of Federal

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Regulations, Parts 101 through 106. Pursuant to 33 CFR 103.200, the Coast Guard Captain of the Port (COTP) is designated as the Federal Maritime Security Coordinator (FMSC) for his or her respective zone. South Carolina is in the Coast Guard Sector Charleston.

In order that the State of South Carolina may assist and cooperate with the Federal Government in protecting the State's maritime areas from acts of terrorism, these State regulations will establish the framework for the South Carolina Naval Militia (SCNM). The SCNM will serve a number of important maritime functions on behalf of the State, primary among which will be aiding the Coast Guard in meeting certain additional personnel manning requirements arising from Maritime Homeland Security duties that will be performed under the operational control of the Captain(s) of the Port. The SCNM will be able to aid and cooperate with the Coast Guard by providing trained and qualified personnel.

Because the S. C. Military Department, under the Adjutant General, is partially funded by the U. S. Army and the U. S. Air Force; those federal funds are prohibited by Federal law from being used to support U. S. Navy-related organizations. Pursuant to S. C. Code Sec. 54-17-40, the SCMSC has been established to, "organize, administer, coordinate and facilitate the activities of the SCNM in order to provide to federal, state county, and local agencies adequate numbers of trained and qualified personnel with proper accountability and adequate indemnification provisions to enhance maritime homeland security." Thus, the SCMSC is given a role that correlates with the role of the "Navy Board" during the American Revolution.

S. C. Code Section 54-17-50(A) states, "This militia is naval in nature and functions as a federally-recognized state force pursuant to Title 10 of the United States Code and a Memorandum of Agreement that must be in effect between the United States Navy and the State prior to the Naval Militia becoming operational". Section 54-17-50(B) states, "The Maritime Security Commission shall promulgate regulations to be approved by the General Assembly pursuant to the Administrative Procedures Act that set forth the command structure of the Naval Militia...". The MOA requires that the SCNM have a command structure, which is the primary purpose of these regulations. A significant facet of the Memorandum of Agreement with the Navy is the matter of indemnification.

Section-by-Section Discussion:

80-001. Functions of the South Carolina Maritime Security Commission.

This section defines the chain of command of the South Carolina Maritime Security Commission (SCMSC) reporting administratively and operationally to the Governor. It further establishes a quorum as a simple majority of the commissioners appointed by the Governor who are present. The SCMSC receives all requests for operational tasking for the SCNM. The SCMSC shall publish and maintain a Policies and Procedures Manual. The Chairman of the SCMSC shall submit an annual report to the Governor.

80-005. Functions of the South Carolina Naval Militia.

This section specifies the status of the SCNM as a federally recognized State force pursuant to 10 USC 261 and 10 USC 311. This section further defines the mission of the SCNM to be to provide a trained maritime capability to support Federal and State maritime services as may be coordinated with the U. S. Navy, Marine Corps and Coast Guard, and other federal, state and local agencies and authorities as appropriate. The section establishes members of the SCNM to be entitled to the customary naval and military courtesies, privileges, and rights, as applicable to their grade, rating or position. Finally, this section states that except as otherwise provided by statute, regulation of binding agreement by Federal or State agencies, SCMSC and SCNM members shall receive no financial compensation or reimbursement while performing their respective duties; however, federal reservist members of the SCNM may be entitled to Federal Reserve benefits accruing from their service with the SCNM in accordance with applicable policies of their parent service.

80-010. Organization of the SCNM.

This section establishes the role of the Commander, SCNM, (COMSCNM) pursuant to Federal and State law, and in conformance with applicable directives established by the Secretary of the Navy and COMSCNM. COMSCNM reports directly to the SCMSC administratively and operationally. The relationship of the SCNM and the Adjutant General of South Carolina is also defined, acknowledging the Adjutant General as the ranking military officer in the State of South Carolina but who is not in the SCNM operational or administrative chain of command. COMSCNM will recommend appointments of officers to the State ranks of Lieutenant Commander through Rear Admiral, to the SCMSC, and upon approval, they will be commissioned by the Governor. COMSCNM will appoint personnel to State rank and rate below Lieutenant Commander, which commissions or certificates will be executed by the Chairman, SCMSC on behalf of the Governor. The COMSCNM will report to the SCMSC, COMSCNM will establish a staff that conforms with standard Navy structure. COMSCNM, is authorized to execute Memoranda of Understanding, (MOU's) witnessed by the Chairman, SCMSC, with appropriate administrative and operational entities as pertains to the operations and functions of the SCNM.

This section defines three divisions of the SCNM: (1) Division I will comprise a Reserve Services Division comprised of members of the U. S. Navy, Marine Corps and Coast Guard Reserve, as authorized by MOU between the Navy, Coast Guard and SCNM. Such reservists residing in or drilling in South Carolina are authorized to join the SCNM but shall do so voluntarily and on a not-to-interfere basis with their assigned duties and responsibilities in their regular Reserve components. (2) Division II is a Merchant Marine Division comprised of individuals who are eligible to serve on U. S. merchant vessels because they are licensed and/or certificated by the U. S. Coast Guard and voluntarily elect to join the SCNM. Unless otherwise entitled to military rank and rating privileges based upon prior military service as directed by COMSCNM, these persons will not be uniformed. (3) Division III is the support division comprised of volunteers who are not eligible for membership in Divisions I or II.

80-015. Regulations of the SCNM.

This section ensures that the SCNM is organized, administered, coordinated and facilitated through the publication of SCNM publications including an SCNM Organization Manual and an SCNM Foundation Manual. Further, this section further references applicable Federal laws and regulations.

80-020. Volunteer Port Security Force at Charleston, South Carolina.

This Section establishes the background and role of the Volunteer Port Security Force (VPSF), its components and personnel and its maritime domain awareness and continuity of operations functions.

80-025. S. C. Naval Militia Ensign.

This authorizes a standard ensign to be displayed by vessels when performing the missions of Divisions I, II and III of the SCNM. The purpose is to establish the identity of these vessels during periods when vessel traffic may be restricted.

Notice of Public Hearing and Opportunity for Public Comment:

Interested persons are provided an opportunity for comment by submitting written or oral comments to the SCMSC at its regular meeting on Friday, December 23, 2005 to be held at the ILA Pension and Welfare Building at 400 Morrison Drive, Charleston, S. C. The Commission meeting will take place in the Conference Room and will begin at 2:00 p.m. The order of presentation for public hearings will be noted in the Commission's agenda in the order presented. The order of presentation for public hearings will be noted in the Commission's agenda to be published ten days in advance of the meeting. Persons desiring to make oral comments at the hearing are asked to limit their statements to five minutes or less, and as a courtesy, are asked to provide written copies of their presentation for the record.

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Interested persons are also provided an opportunity to submit written comments on the proposed regulations to Gitta Wombwell of the SCMSC at Post Office Box 20244, Charleston, S.C., 29413-0244 or by calling (843) 884-6847. Comments must be received no later than 4:00 p.m. on December 22, 2005. Comments received shall be considered by the commissioners in formulating the final proposed regulation for public hearing an opportunity to be held on December 23, 2005, as noticed above. The hearing will be conducted by the Chairman of the SCMSC. Comments received by the deadline shall be submitted to the Board in a summary of public comments and department responses for consideration at the public hearing.

Preliminary Fiscal Impact Statement:

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

Statement of Need and Reasonableness

DESCRIPTION OF REGULATIONS:

Purpose: The purpose of these regulations is to establish the basis for the S. C. Naval Militia command structure.

Legal Authority: S. C. Code Section 54-17-50(B).

Plan for Implementation: This regulation will enable the required Memorandum of Agreement between the United States Navy and the State of South Carolina, which is a statutory prerequisite to the S. C. Naval Militia becoming operational, see S. C. Code Section 54-17-50(A).

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

The cited statute requires the promulgation of these regulations to establish a Naval Militia command structure. Moreover, the S. C. Maritime Security Commission is charged with the responsibility of organizing, administering, coordinating and facilitating the activities of the Naval Militia in order to enhance maritime homeland security operations. The S. C. Naval Militia is actually being re-established under the provisions of federal statutes, to perform the roles and missions discussed in the Preamble. The Naval Militia is a force comprised of trained, qualified and organized military personnel who serve voluntarily and who may augment federal, state, county and local agencies engaged in maritime homeland security operations. The benefits derived from this naval force are those which will accrue to the system of a layered defense against the effects of terrorism and natural disasters.

DETERMINATION OF COSTS AND BENEFITS:

While there are no costs associated with this volunteer program, the augmentation of maritime homeland security organizations by the S. C. Naval Militia portends savings in personnel costs that otherwise would be expended.

UNCERTAINTIES OF ESTIMATES:

There are no costs associated with these regulations.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

These regulations relate to maritime homeland security. Insofar as security impacts upon health and safety, and the preservation of the environment from the effects of man-made disasters, the re-establishment of the S. C. Naval Militia will result in a benefit to the environment and public health.

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

Federal Maritime Homeland Security are inadequate in numbers to perform around-the-clock response missions, nor are many beneficial preventive missions being performed because of personnel shortfalls. While there is no adverse effect if South Carolina remains off the list of targets for terrorist attack or natural disasters, the use of trained and qualified volunteers to augment preventive and response efforts is a prudent and inexpensive measure that can yield immeasurable benefits. The prevention of a terrorist act by the actions of a volunteer member of the SCNM could save countless lives and property damage. If these regulations are not implemented, the capability implicit in the SCNM can never be actualized.

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. 3033
DEPARTMENT OF REVENUE
 CHAPTER 117
 Statutory Authority: 1976 Code Section 12-4-320
 Regulation 117-334

Preamble:

The South Carolina Department of Revenue is considering amending SC Regulation 117-334 concerning the sales and use tax and interstate commerce. The proposal would amend the regulation to clarify which tax applies, the sales tax or the use tax, to goods being shipped into South Carolina. The proposal represents the longstanding position of the Department of Revenue and is designed to assist South Carolina purchasers in determining when they are liable for the use tax.

Discussion

The South Carolina Department of Revenue is considering amending SC Regulation 117-334 concerning the sales and use tax and interstate commerce. The proposal would amend the regulation to clarify which tax applies, the sales tax or the use tax, to goods being shipped into South Carolina. The proposal represents the longstanding position of the Department of Revenue and is designed to assist South Carolina purchasers in determining when they are liable for the use tax.

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.

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Notice of Public Hearing:

The S.C. Department of Revenue has scheduled a public hearing before the Administrative Law Court in the Edgar Brown Building (Suite 224) on the Capitol Complex (1205 Pendleton Street) in Columbia, South Carolina for January 26, 2006 at 11:30 am if the requests for a hearing meet the requirements of Code Section 1-23-110(A)(3). The public hearing, if held, will address a proposal by the Department to amend SC Regulation 117-334 concerning the sales and use tax and interstate commerce. The proposal would amend the regulation to clarify which tax applies, the sales tax or the use tax, to goods being shipped into South Carolina. The proposal represents the longstanding position of the Department of Revenue and is designed to assist South Carolina purchasers in determining when they are liable for the use tax.

The department will be asking the Administrative Law Court, in accordance with S.C. Code Ann. ' 1-23-111 (2005), to issue a report that the proposal to amend the regulation is needed and reasonable.

Comments:

All comments concerning this proposal should be mailed to the following address by December 28, 2005:

S.C. Department of Revenue
Legislative Services - Mr. Meredith Cleland
P.O. Box 125
Columbia, South Carolina 29214

Preliminary Fiscal Impact Statement:

There will be no impact on state or local political subdivisions expenditures in complying with this proposed legislation.

Summary of the Preliminary Assessment Report:

A preliminary assessment report is not required for this proposal.

Preliminary Assessment Report:

A preliminary assessment report is not required for this proposal.

Statement of Need and Reasonableness:

The proposal to amend this regulation is needed to reduce any taxpayer confusion as to which tax applies, the sales tax or the use tax, to goods being shipped into South Carolina. The proposal to amend this regulation is also reasonable in that it is the department's responsibility to maintain regulations that are clear and understandable and it represents the longstanding position of the Department of Revenue.

Statement of Rationale:

The purpose of this proposal is to amend SC Regulation 117-334 concerning the sales and use tax and interstate commerce. The proposal would amend the regulation to clarify which tax applies, the sales tax or the use tax, to goods being shipped into South Carolina. The proposal represents the longstanding position of the Department of Revenue and is designed to assist South Carolina purchasers in determining when they are liable for the use tax. The proposal to amend this regulation is needed to reduce any taxpayer confusion as to which tax applies, the sales tax or the use tax, to goods being shipped into South Carolina. The proposal to amend this regulation is also reasonable in that it is the department's responsibility to maintain regulations that are clear and understandable and it represents the longstanding position of the Department of Revenue.

Document No. 3032
DEPARTMENT OF REVENUE
CHAPTER 117
Statutory Authority: 1976 Code Section 12-4-320

Regulation 117-318.1

Preamble:

The South Carolina Department of Revenue is considering repealing SC Regulation 117-318.1 since this regulation is no longer needed due to a change in the sales and use tax law on warranty agreements that became effective October 1, 2005 as a result of Act 161, Section 19, of 2005. This regulation concerns the application of the sales and use tax to charges for warranty agreements.

Discussion

The South Carolina Department of Revenue is considering repealing SC Regulation 117-318.1 since this regulation is no longer needed due to a change in the sales and use tax law on warranty agreements that became effective October 1, 2005 as a result of Act 161, Section 19, of 2005. This regulation concerns the application of the sales and use tax to charges for warranty agreements.

Text:

117-318.1 is repealed.

Notice of Public Hearing:

The S.C. Department of Revenue has scheduled a public hearing before the Administrative Law Court in the Edgar Brown Building (Suite 224) on the Capitol Complex (1205 Pendleton Street) in Columbia, South Carolina for January 26, 2006 at 9:30 am if the requests for a hearing meet the requirements of Code Section 1-23-110(A)(3). The public hearing, if held, will address a proposal by the department to repeal SC Regulation 117-318.1 concerning the application of the sales and use tax to charges for warranty agreements. This regulation is no longer needed due to a change in the sales and use tax law on warranty agreements that became effective October 1, 2005 as a result of Act 161, Section 19, of 2005.

The department will be asking the Administrative Law Court, in accordance with S.C. Code Ann. ' 1-23-111 (2000), to issue a report that the proposal to repeal the regulation is needed and reasonable.

Comments:

All comments concerning this proposal should be mailed to the following address by December 28, 2005

S.C. Department of Revenue
Legislative Services - Mr. Meredith Cleland
P.O. Box 125
Columbia, South Carolina 29214

Preliminary Fiscal Impact Statement:

There will be no impact on state or local political subdivisions expenditures in complying with this proposed legislation.

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Summary of the Preliminary Assessment Report:

A preliminary assessment report is not required for this proposal.

Preliminary Assessment Report:

A preliminary assessment report is not required for this proposal.

Statement of Need and Reasonableness:

The proposal to repeal this regulation is needed to reduce any taxpayer confusion that may result from having a published regulation that is no longer needed. The proposal to repeal this regulation is also reasonable in that it is the department's responsibility to maintain regulations that are up-to date and consistent with the law.

Statement of Rationale:

The purpose of this proposal is to repeal SC Regulation 117-318.1 concerning the application of the sales and use tax to charges for warranty agreements. Since the sales and use tax law on warranty agreements changed effective October 1, 2005 as a result of Act 161, Section 19, of 2005, SC Regulation 117-318.1 is no longer needed. The proposal to repeal this regulation is needed to reduce any taxpayer confusion that may result from having a published regulation that is no longer needed. The proposal to repeal this regulation is also reasonable in that it is the department's responsibility to maintain regulations that are up-to date and consistent with the law.