

SOUTH CAROLINA STATE REGISTER DISCLAIMER

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SOUTH CAROLINA STATE REGISTER

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of the
GENERAL ASSEMBLY

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

SOUTH CAROLINA STATE REGISTER

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

STYLE AND FORMAT

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

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

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

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

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

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

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

Executive Orders are actions issued and taken by the Governor.

2014 PUBLICATION SCHEDULE

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

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

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

REPRODUCING OFFICIAL DOCUMENTS

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

PUBLIC INSPECTION OF DOCUMENTS

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

ADOPTION, AMENDMENT AND REPEAL OF REGULATIONS

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

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

EMERGENCY REGULATIONS

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

REGULATIONS PROMULGATED TO COMPLY WITH FEDERAL LAW

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

EFFECTIVE DATE OF REGULATIONS

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

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

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4419	Adult Education	Tolled	State Board of Education
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4385	Requirements of Licensure in Mixed Martial Arts		State Athletic Commission

COMMITTEE LIST OF REGULATIONS SUBMITTED TO GENERAL ASSEMBLY 3

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

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4335	Administrative Citations and Penalties	Medical, Military, Pub & Mun Affairs	Labor, Commerce and Industry
4313	Child Support Guidelines	Judiciary	Judiciary
4342	Nurse Licensure Compact	Medical, Military, Pub & Mun Affairs	Medical Affairs
4378	Office of State Fire Marshal	Labor, Commerce and Industry	Labor, Commerce and Industry
4347	Law Enforcement Officer and E-911 Officer Training & Certification	Judiciary	Judiciary
4284	Limited Herbicide Applicators License	Agriculture and Natural Resources	Agriculture and Natural Resources
4316	Employer-Employee Relationship	Labor, Commerce and Industry	Labor, Commerce and Industry
4389	Requirements of Licensure in the Field of Speech-Language Pathology and Audiology	Medical, Military, Pub & Mun Affairs	Medical Affairs
4411	Seasons, Limits, Methods of Take and Special Use Restrictions on Wildlife Management Areas	Agriculture and Natural Resources	Fish, Game and Forestry
4399	Lump Sum Payment	Labor, Commerce and Industry	Judiciary
4403	Displaying the Flag	Education and Public Works	Education
4409	Teacher Grants	Education and Public Works	Education
4392	Interscholastic Activities	Education and Public Works	Education
4401	Accreditation Standards Filed	Education and Public Works	Education
4396	Utilization of General Teacher Certification	Education and Public Works	Education
4404	Minimum Standards of Student Conduct and Disciplinary Enforcement Procedures to be Implemented by Local School Districts	Education and Public Works	Education
4405	Operation and Funding of Teacher Training Courses in Mathematics, Science, Reading and Computer Education	Education and Public Works	Education
4397	School Admission	Education and Public Works	Education
4400	Accreditation Criteria	Education and Public Works	Education
4391	School Superintendent Compensation and Benefits/Expenses	Education and Public Works	Education
4408	Student Attendance	Education and Public Works	Education
4414	Additional Requirements Applicable to Specific Properties	Agriculture and Natural Resources	Fish, Game and Forestry
4388	Air Pollution Control Regulations and Standards	Agriculture and Natural Resources	Medical Affairs
4386	Coastal Division Regulations	Agriculture and Natural Resources	Agriculture and Natural Resources
4428	Homemade Watercraft	Agriculture and Natural Resources	Fish, Game and Forestry
4425	Water Classifications and Standards	Agriculture and Natural Resources	Agriculture and Natural Resources
4434	Vaccination, Screening and Immunization Regarding Contagious Diseases	Medical, Military, Pub & Mun Affairs	Medical Affairs
4432	Solid Waste Management: Yard Trash and Land-clearing Debris; and Compost	Agriculture and Natural Resources	Medical Affairs
4431	Public Swimming Pools	Agriculture and Natural Resources	Medical Affairs
4433	Standards for Licensing In-Home Care Providers	Medical, Military, Pub & Mun Affairs	Medical Affairs
4429	Critical Congenital Heart Defects Screening on Newborns	Medical, Military, Pub & Mun Affairs	Medical Affairs
4430	Minimum Standards for Licensing Hospitals and Institutional General Infirmaries	Medical, Military, Pub & Mun Affairs	Medical Affairs
4424	Retail Food Establishments	Agriculture and Natural Resources	Medical Affairs
4421	Defined Program for the Palmetto Unified School District (PUSD)	Education and Public Works	Education
4382	Qualification of Special Inspectors	Labor, Commerce and Industry	Labor, Commerce and Industry
4410	Amend Regulations in Conformance with its Practice Act	Agriculture and Natural Resources	Labor, Commerce and Industry
4418	Regulations Administering Fire Protection Sprinkler Systems Act	Labor, Commerce and Industry	Labor, Commerce and Industry
4423	Board of Registration for Geologists	Agriculture and Natural Resources	Labor, Commerce and Industry
4439	Requirements of Licensure in the Practice of Psychology	Medical, Military, Pub & Mun Affairs	Medical Affairs
4438	Financial Responsibility	Labor, Commerce and Industry	Labor, Commerce and Industry
4436	Board of Registration for Foresters	Agriculture and Natural Resources	Fish, Game and Forestry
4435	IRC Section 312.2 Window Fall Protection	Labor, Commerce and Industry	Labor, Commerce and Industry
4437	Establish and Amend Schedules of Fees for Certain Professional and Occupational Licensing Boards and Commissions	Labor, Commerce and Industry	Labor, Commerce and Industry
4427	Tobacco Enforcement	Agriculture and Natural Resources	Finance
4426	Real Estate Appraisers Board	Labor, Commerce and Industry	Labor, Commerce and Industry
4445	Office of State Fire Marshal	Labor, Commerce and Industry	Labor, Commerce and Industry
4446	Enforcement of Violations	Labor, Commerce and Industry	Labor, Commerce and Industry
4447	Code of Ethics	Medical, Military, Pub & Mun Affairs	Medical Affairs
4443	Seasons, Limits, Methods of Take and Special Use Restrictions on Wildlife Management Areas	Agriculture and Natural Resources	Fish, Game and Forestry

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Agency Request Withdrawal

4345	Adjudication of Misconduct Allegations (Reporting of Misconduct by Law Enforcement Officers)	Judiciary	Judiciary
4372	Certification	Judiciary	Judiciary
4374	Application for Issuance or Re-issuance of Certification	Judiciary	Judiciary
4370	Requirement of Good Character (E-911 Operators)	Judiciary	Judiciary
4376	Assignment of Costs for Agency Level Contested Case Hearings	Judiciary	Judiciary
4369	Allow E-911 Operators One Year to Attend Training at the Academy	Judiciary	Judiciary
4344	Adjudication of Misconduct Allegations (Contested Case Hearing Process)	Judiciary	Judiciary

Committee Request Withdrawal

4337	Requirements of Licensure in the Field of Cosmetology (Sanitation and Salons)	Medical, Military, Pub & Mun Affairs	Labor, Commerce and Industry
4368	Authority of Director	Judiciary	Judiciary
4406	Requirements for Certification at the Advanced Level	Education and Public Works	Education
4407	South Carolina Virtual School Program	Education and Public Works	Education
4419	Adult Education	Education and Public Works	Education
4420	Adult Education Program	Education and Public Works	Education
4422	Requirements for Additional Areas of Certification	Education and Public Works	Education

Permanently Withdrawn

4329	Cheese & Butter	Agriculture and Natural Resources	Agriculture and Natural Resources
4379	Requirements of Licensure in Real Estate Appraisal	Labor, Commerce and Industry	Labor, Commerce and Industry
4384	Requirements of Licensure for Professional Boxing, Wrestling, Kick Boxing, and Off the Street Boxing	Labor, Commerce and Industry	Labor, Commerce and Industry
4385	Requirements of Licensure in Mixed Martial Arts	Labor, Commerce and Industry	Labor, Commerce and Industry

Executive Order No. 2014-14

WHEREAS, by Executive Order 2014-11, a state of emergency for the State of South Carolina was declared because of hazardous weather conditions caused by a winter storm; and

WHEREAS, the severe winter storm, which began on February 11, 2014 and resulted in accumulations of snow, ice, and freezing rain throughout the State, has concluded and no longer poses a significant statewide danger to the health, safety, and welfare of the public.

NOW, THEREFORE, by virtue of the power and authority vested in me as Governor, pursuant to the Constitution and Statutes of the State of South Carolina, I hereby declare that a state of emergency no longer exists and hereby declare that Executive Order 2014-11 is canceled, rescinded, and from this date declared null and void.

This order takes effect at 12:00 p.m. today.

**GIVEN UNDER MY HAND AND THE GREAT
SEAL OF THE STATE OF SOUTH CAROLINA,
THIS 19th DAY OF FEBRUARY, 2014.**

NIKKI R. HALEY
Governor

Executive Order No. 2014-15

WHEREAS, a one count indictment was filed against Michael L. Johnson, Sheriff of Williamsburg County, on February 19, 2014, in the United States District Court for the District of South Carolina, Columbia Division stating charges of Conspiracy to Commit Wire Fraud in violation of Title 18, United States Code Section 1349, to include unlawfully, knowingly, and willfully conspiring to combine, confederate, and agree with another to devise a scheme and artifice to defraud, and to obtain money and property by means of false and fraudulent pretenses, representations, and promises, and to transmit and cause to be transmitted by means of wire communications in interstate commerce, writing, signs, and signals for the purpose of executing such scheme and artifice; and

WHEREAS, South Carolina law recognizes that “an act in which fraud is an ingredient involves moral turpitude...,” see *State v. Horton*, 248 S.E.2d 263 (1978); *In re Derrick*, 392 S.E.2d 180 (1990), and the above-referenced indictment includes a crime that involves moral turpitude; and

WHEREAS, Michael L. Johnson is an officer of a political subdivision of the State and Article VI, Section 8, of the South Carolina Constitution provides that “[a]ny officer of the State or its political subdivisions...who has been indicted by a grand jury for a crime involving moral turpitude...may be suspended by the Governor until he shall have been acquitted;” and

WHEREAS, a certified true copy of the indictment against Michael L. Johnson has been provided to me.

NOW, THEREFORE, pursuant to the authority vested in me by the Constitution and Statutes of the State of South Carolina, I hereby suspend Michael L. Johnson from the office of Sheriff of the Williamsburg County until such time as he shall be formally acquitted or convicted. This action in no manner addresses the question of the guilt or innocence of the Michael L. Johnson and should not be construed as an expression of any opinion one way or another on such question.

6 EXECUTIVE ORDERS

This order shall take effect immediately.

**GIVEN UNDER MY HAND AND THE GREAT
SEAL OF THE STATE OF SOUTH CAROLINA,
THIS 19th DAY OF FEBRUARY, 2014.**

**NIKKI R. HALEY
Governor**

Executive Order No. 2014-16

WHEREAS, a severe winter weather storm was reported by the National Weather Service to occur throughout the State of South Carolina between February 11, 2014 and February 14, 2014; and

WHEREAS, accumulations of snow, ice, and freezing rain for multiple days made road conditions extremely hazardous for the general public, endangering the health, safety, and welfare of South Carolinians; and

WHEREAS, because of the dangerous conditions, state government offices were closed as follows: On Tuesday, February 11, 2014, state government offices were closed in Fairfield; closed at 4:00 p.m. in Laurens; closed at 3:30 p.m. in Marion; closed at 3:00 p.m. in Darlington, Newberry, and Spartanburg; closed at 2:30 p.m. in Lee; closed at 2:00 p.m. in Florence; closed at 1:30 p.m. in Chester and Saluda; closed at 1:00 p.m. in Kershaw and McCormick; closed at 12:30 p.m. in Anderson; closed at 12:00 p.m. in Chesterfield, Dillon, and Union; and closed at 11:00 a.m. in Cherokee, Lancaster, and Marlboro. On Wednesday, February 12, 2014, state government offices were delayed until 10:30 a.m. and dismissed at 2:00 p.m. in Horry; delayed until 11:00 a.m. in Georgetown; and closed in the remaining 44 counties with the exception of Beaufort, Colleton, and Jasper. On Thursday, February 13, 2014, state government offices were delayed until 10:30 a.m. in Beaufort and Horry; delayed until 11:00 a.m. in Jasper; delayed until 12:00 p.m. in Williamsburg; and closed in the remaining 43 counties with the exception of Georgetown. On Friday, February 14, 2014, state government offices were delayed until 9:30 a.m. in Marlboro and McCormick; delayed until 10:00 a.m. in Anderson, Clarendon, Greenville, and Greenwood; delayed until 10:30 a.m. in Abbeville, Calhoun, Cherokee, Dillon, and Newberry; delayed until 11:00 a.m. in Kershaw and Orangeburg; delayed until 11:30 a.m. in Chesterfield and Lexington; delayed until 12:00 p.m. in Darlington, Spartanburg, Sumter and Williamsburg; delayed until 1:00 p.m. in Chester; and closed in Aiken, Allendale, Bamberg, Barnwell, Colleton, Dorchester, Edgefield, Fairfield, Florence, Lancaster, Laurens, Lee, Marion, Richland, Saluda, and York.

NOW, THEREFORE, pursuant to § 8-11-57 of the South Carolina Code of Laws, all state employees absent from work as directed on February 11, 12, 13, and 14, 2014 due to the closing of state offices caused by hazardous weather conditions are hereby granted leave with pay.

This order shall take effect immediately.

**GIVEN UNDER MY HAND AND THE GREAT
SEAL OF THE STATE OF SOUTH CAROLINA,
THIS 24th DAY OF FEBRUARY, 2014.**

**NIKKI R. HALEY
Governor**

Executive Order No. 2014-17

WHEREAS, by Executive Order 2014-11, a State of Emergency was declared in South Carolina due to a severe winter storm that occurred beginning on February 11, 2014, the effects of which lasted through February 19, 2014; and

WHEREAS, it became necessary for many banks and savings and loan institutions to close as a result of the hazardous weather that occurred between February 11, 2014 and February 19, 2014; and

WHEREAS, Section 53-5-55 of the South Carolina Code of Laws authorizes the Governor to declare legal holidays for banks and savings and loan institutions whenever the Governor finds such additional holidays to be necessary or appropriate; and

WHEREAS, it is necessary and appropriate to declare as legal holidays the days on which a State of Emergency was in effect.

NOW, THEREFORE, by virtue of the power and authority vested in me as Governor, pursuant to the Constitution and Laws of the State of South Carolina, I hereby declare February 11, 12, 13, 14, 15, 18, and 19, 2014 to be legal holidays for banks and savings and loan institutions in the State of South Carolina.

**GIVEN UNDER MY HAND AND THE GREAT
SEAL OF THE STATE OF SOUTH CAROLINA,
THIS 26th DAY OF FEBRUARY, 2014.**

NIKKI R. HALEY
Governor

Executive Order No. 2014-18

WHEREAS, on February 19, 2014, by Executive Order 2014-15, Michael L. Johnson was suspended from the office of Sheriff of Williamsburg County for conspiracy to commit wire fraud in violation of Title 18, United States Code Section 1349; and

WHEREAS, a vacancy exists in the office of Williamsburg County Sheriff as a result of the aforementioned suspension; and

WHEREAS, the Governor of the State of South Carolina is authorized to appoint a Sheriff in the event of a vacancy pursuant to Section 23-11-40(C) of the South Carolina Code of Laws; and

WHEREAS, John H. Bartell, Jr., residing at 1376 Old Georgetown Road in Hemingway, South Carolina, is a fit and proper person to serve as Williamsburg County Sheriff.

NOW, THEREFORE, pursuant to the authority vested in me by the Constitution and Statutes of this State, I hereby appoint John H. Bartell, Jr. as Sheriff of Williamsburg County until the suspended sheriff is acquitted, or the indictment is otherwise disposed of, or until a sheriff is elected and qualifies in the next general election for county sheriffs, whichever event occurs first.

8 EXECUTIVE ORDERS

This appointment shall be effective immediately.

**GIVEN UNDER MY HAND AND THE GREAT SEAL
OF THE STATE OF SOUTH CAROLINA, THIS 26th
DAY OF FEBRUARY, 2014.**

NIKKI R. HALEY
Governor

Executive Order No. 2014-19

WHEREAS, on February 24, 2014, the City of Belton Election Commission (hereinafter, "Commission") submitted to the Governor's Office a request to reschedule the election scheduled for February 11, 2014, which was postponed due to a snow and ice storm; and

WHEREAS, the Commission has ruled that a new election for Mayor and City Council members must be held; and

WHEREAS, the Commission has requested that the new election be held on April 22, 2014, in order to comply with the notice provisions in the South Carolina Code of Laws and the notice provisions in the City of Belton Code of Ordinances; and

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

NOW, THEREFORE, pursuant to the powers conferred upon me by the Constitution and Statutes of the State of South Carolina, I hereby order a new election to be held for City of Belton on April 22, 2014 and designate the City of Belton Election Commission to perform the necessary official duties pertaining to the election to declare the result.

**GIVEN UNDER MY HAND AND THE GREAT
SEAL OF THE STATE OF SOUTH CAROLINA,
THIS 4th DAY OF FEBRUARY, 2014.**

NIKKI R. HALEY
Governor

Executive Order No. 2014-20

WHEREAS, the Congress and the President of the United States enacted the American Recovery and Reinvestment Act of 2009 (ARRA) to include the Health Information Technology for Economic Clinical Health Act of 2009, which set forth a plan for advancing the appropriate use of health information technology to improve quality of care and establish a foundation for health care reform; and

WHEREAS, Executive Order 2009-15 established the Interim Governance Committee (IGC) for the purpose of recommending strategies and policies to successfully implement and sustain a statewide Health Information Exchange, known as the South Carolina Health Information Exchange (SCHIEx), the development for which the State Health Information Exchange Cooperative Agreement Grant was awarded; and

WHEREAS, the South Carolina Department of Health and Human Services and the Office of Research and Statistics at the State Budget and Control Board developed the IGC, which, in lieu of the General Assembly creating a permanent governing body to sustain a statewide Health Information Exchange, selected a non-profit governance structure, known as the South Carolina Health Information Partners (SC-HIP), to operate a secure health information exchange for the State of South Carolina; and

WHEREAS, it has been reported to me that the IGC has fulfilled the directives set forth in Executive Order 2009-15 and that the ARRA grant is set to close March 14, 2014.

NOW, THEREFORE, pursuant to the powers conferred upon me by the Constitution and Statutes of the State of South Carolina and the United States, I hereby release the Interim Governance Committee from any further responsibilities related to the operation of South Carolina's statewide Health Information Exchange and hereby declare that Executive Order 2009-15 is canceled, rescinded, and from this date declared null and void.

This order takes effect immediately.

**GIVEN UNDER MY HAND AND THE GREAT
SEAL OF THE STATE OF SOUTH CAROLINA,
THIS 13th DAY OF MARCH, 2014.**

NIKKI R. HALEY
Governor

Executive Order No. 2014-21

WHEREAS, as a result of the winter storm, which occurred between February 11, 2014 and February 13, 2014, it is estimated that 1.5 million acres of forest and timber land across 24 counties have been significantly damaged, causing an immediate loss of \$360 million in direct damage to the State's economy; and

WHEREAS, it is necessary to expedite the removal and delivery of the damaged timber to consuming manufacturers both inside and outside of the State of South Carolina in order to salvage, use, and market as much timber as possible as quickly as possible so as to minimize total waste and rottage of this valuable and perishable natural resource; and

WHEREAS, it is in the best interests of the public's health, safety, and welfare to reduce the risk of wildfire, disease, and insect infestation of residual standing timber; and

10 EXECUTIVE ORDERS

WHEREAS, pursuant to Section 56-5-70(A) of the South Carolina Code of Laws, the Governor may suspend requirements relating to length, width, weight, load, and time of service for commercial and utility vehicles during a state of emergency and for thirty days thereafter; and

WHEREAS, Executive Order 2014-13 lifting the aforementioned restrictions expires on March 13, 2014, yet I find that a continued emergency exists in the State of South Carolina in response to the damage caused by the winter storm warranting the extension of the waiver of these restrictions for debris removal operations and for the timber industry at large.

NOW, THEREFORE, pursuant to the authority vested in me by the Constitution and Statutes of this State, I hereby suspend the requirements relating to length, width, weight, load, and time of service for commercial and utility vehicles carrying unmanufactured forest products, including but not limited to timber, timber byproducts, logs, woodchips, and vegetative debris, through and throughout South Carolina and direct the South Carolina Department of Transportation and the South Carolina Department of Public Safety, and the State Transport Police as needed, to comply with this order.

IT IS FURTHER ORDERED that:

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

(b) Posted bridges may not be crossed.

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

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

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

FURTHER, nothing herein shall be construed as an exemption from the Commercial Driver's License requirements set forth in 49 C.F.R. § 383 or the financial requirements set forth in 49 C.F.R. § 387.

This Order takes effect upon the expiration of Executive Order 2014-13, which is set to statutorily occur at 11:59 p.m. on March 13, 2014, and will remain in effect until 11:59 p.m. on April 12, 2014.

**GIVEN UNDER MY HAND AND THE GREAT
SEAL OF THE STATE OF SOUTH CAROLINA,
THIS 13th DAY OF MARCH, 2014.**

NIKKI R. HALEY
Governor

Executive Order No. 2014-22

WHEREAS, in November 2011, the National Center for Disease Control and Prevention classified prescription drug abuse as a national epidemic; and

WHEREAS, the South Carolina State Inspector General published a report in May of 2013 entitled, "South Carolina Lacks a Statewide Drug Abuse Strategy," which illustrates that South Carolina is not immune from this epidemic, and in fact, South Carolina ranked 23rd highest per capita in both opioid painkiller prescriptions and in overdose deaths, with 225 prescription overdose deaths in 2011; and

WHEREAS, this epidemic has a significant financial and emotional impact on South Carolina families and a negative economic impact on the State, including rising healthcare costs for opioid use in pregnant women and drug-dependent infants and rising emergency room and rehabilitation costs, with an estimated 30 percent of South Carolina Medicaid recipients receiving an opioid prescription in 2010 at a cost of \$24 million; and

WHEREAS, the State Inspector General's report highlights five South Carolina state agencies with regulatory and enforcement roles in the prescription drug abuse issue and the lack of a comprehensive, proactive plan to combat the problem; and

WHEREAS, many state agencies have begun to address prescription drug abuse and are committed to protecting and improving the lives of South Carolinians.

NOW, THEREFORE, pursuant to the authority vested in me by the Constitution and Statutes of the State of South Carolina, I hereby establish the Governor's Prescription Drug Abuse Prevention Council (the "Council") to develop a comprehensive State Plan to combat and prevent prescription drug abuse. The Council shall be composed of ten members to include a representative from the South Carolina Law Enforcement Division; South Carolina Department of Health and Environmental Control; South Carolina Department of Labor, Licensing and Regulation; South Carolina Board of Dentistry; South Carolina Board of Medical Examiners; South Carolina Board of Nursing; South Carolina Board of Pharmacy; a representative from a South Carolina Solicitor's Office; South Carolina Department of Health and Human Services; and the South Carolina Department of Alcohol and Other Drug Abuse Services.

I hereby direct the Council as follows:

1. The Council shall develop a comprehensive State Plan to proactively combat and prevent prescription drug abuse in South Carolina that incorporates all state and local agencies that have a regulatory, enforcement, or treatment role in this issue.
2. The Council shall invite participation from legislators, professional associations, other state agencies, and other entities as necessary to enhance the development and implementation of a comprehensive State Plan.
3. The Council shall integrate data from State and federal agencies, overdose death records, state narcotics units, and other sources as necessary to evaluate and identify the extent of prescription drug abuse in South Carolina.
4. The Council shall identify the extent of prescription drug abuse in South Carolina, shall track and report such data in the final State Plan, and shall continue to report such data at least annually to the Governor.
5. The Council shall assist and encourage local communities to engage existing community coalitions or to establish new coalitions at the local level, recognizing that prescription drug abuse is as much a local issue as a State issue.

12 EXECUTIVE ORDERS

6. The Council shall provide an Interim Report to the Governor and the State Inspector General on the status of the Council's work no later than May 30, 2014. The Council shall submit the final comprehensive State Plan to the Governor and the State Inspector General no later than October 1, 2014. The Council shall meet as frequently as necessary to meet the above deadlines.

This Order shall take effect immediately.

**GIVEN UNDER MY HAND AND THE GREAT
SEAL OF THE STATE OF SOUTH CAROLINA,
THIS 14th DAY OF MARCH, 2014.**

NIKKI R. HALEY
Governor

DEPARTMENT OF CONSUMER AFFAIRS
NOTICE OF GENERAL PUBLIC INTEREST

CHANGES IN DOLLAR AMOUNTS

The Administrator of the Department of Consumer Affairs announces changes in Dollar Amounts in Regulation 28-62, pursuant to Sections 37-1-109 and 37-6-104(1)(e). The changes will adjust certain dollar amounts in the Consumer Protection Code which are subject to change on July 1 of every even numbered year based on the changes in the Consumer Price Index for December of the prior year. The dollar amounts will increase 10% from the original amount, with the exception of Sections 37-2-203(2) and 37-3-203(2) which have a self-executing formula of 40% of the amount in Sections 37-2-203(1) and 37-3-203(1). The designated dollar amount figures are Sections 37-2-104(1)(e), 37-2-106(1)(b), 37-2-203(1), 37-2-407(1), 37-2-705(1)(a), 37-2-705(1)(b), 37-3-104(1)(d), 37-3-203(1), 37-3-510, 37-3-511, 37-3-514, 37-5-103(2), (3) and (4), 37-10-103, and 37-23-80. Pursuant to Section 1 of Act No. 82 of 2001, the Department is required to announce these changes by publication in the State Register by April 30 of each even numbered year. Section 1 of Act No. 42 of 2003, added Sections 37-10-103 and 37-23-80 to the amounts subject to change.

Section		Change Dollar Amount	
		From	To
		7/1/2012 to 6/30/2014	7/1/2014 to 6/30/2016
2.104(1)(e)	Consumer Credit Sale	87,500.00	90,000.00
2.106(1)(b)	Consumer Lease	87,500.00	90,000.00
2.203(1)	Delinquency Charge – Sales	17.50	18.00
2.203(2)	Minimum Delinquency Charge	7.00	7.20
2.407(1)	Security Interest – Sales	1,050.00 3,500.00	1,080.00 3,600.00
2.705(1)(a)	Delinquency Charge – Rental Purchase	10.00	10.40
2.705(1)(b)	Delinquency Charge – Rental Purchase	5.40	5.60
3.104(1)(d)	Consumer Loans	87,500.00	90,000.00
3.203(1)	Delinquency Charge – Loans	17.50	18.00
3.203(2)	Minimum Delinquency	7.00	7.20
3.510	Land as Security – Supervised Loans	3,500.00	3,600.00
3.511	Maximum Loan Term	1,050.00 3,500.00	1,080.00 3,600.00
3.514	Attorney’s Fees – Supervised Loans	3,500.00	3,600.00
5.103(2), (3) & (4)	Deficiency Judgment	5,300.00	5,450.00
10.103	Prepayment Penalty	240,000.00	255,000.00
23.80	Prepayment Penalty	240,000.00	255,000.00

14 NOTICES

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

NOTICE OF GENERAL PUBLIC INTEREST

GENERAL CONDITIONAL MAJOR – TEXTILE OPERATIONS

(Bureau of Air Quality Notice #14-022-GCM-M)

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

The South Carolina Department of Health and Environmental Control (DHEC) is proposing to issue a modification to the general air pollution operating permits for Textile Operations. Interested persons may review the materials drafted and maintained by DHEC for this permit and submit written comments by 5:00 p.m. on April 28, 2014, to Karen Lee at SC DHEC, Engineering Services Division, Bureau of Air Quality, 2600 Bull Street, Columbia, SC 29201 or by e-mail at: leeka@dhec.sc.gov. This public notice is being published in the *State Register* on March 28, 2014, and may also be viewed, along with the draft permit and Statement of Basis, through April 28, 2014, on DHEC's website: <http://www.scdhec.gov/environment/baq/publicnotice.asp>.

Where there is a significant amount of public interest, DHEC may hold a public hearing to receive additional comments. If a public hearing is scheduled, notice will be given in the *State Register* and local newspapers thirty (30) days in advance. Public hearing requests can be made in writing or by e-mail to Karen Lee at the address or e-mail above. All comments received by April 28, 2014, will be considered when making a decision to approve, disapprove, or modify the draft permits.

If you have questions concerning the draft permits, please contact Mareesa Singleton at (803) 898-4123. A final review request may be filed after the permit decision has been made. Information regarding final review procedures is available from DHEC's legal office by calling (803) 898-3350.

Synopsis:

The purpose of a general permit is to cover a large number of facilities that have similar operations. Such permits limit a facility's potential to emit below major source thresholds for the Title V permit program and contain conditions to assure that these facilities are operated as non-major sources.

DHEC has examined Textile Operations and has concluded that the general permit, as proposed, is consistent with state and federal air pollution regulations. This permit is being modified to classify a boiler(s) as a "Limited Use Boiler" as defined in Subpart 6J, Section 63.11237. The facility must limit the average annual capacity factor to less than or equal to 10 percent and keep records of fuel use for the days the boiler is in operation.

Once a general permit is issued, any eligible facility may request coverage under that permit. DHEC will maintain a list of those facilities that receive authorization to operate under a general permit.

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

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

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

Pursuant to Section IV.B.1., the Department is required to place a list of those contractors requesting certification on public notice and accept comments from the public for a period of thirty (30) days. If you wish to provide comments regarding the companies and/or individuals listed below, please submit your comments in writing, no later than April 21, 2014 to:

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

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

Class I

The Booth Company, Inc.
Attn: Amanda Hynes
2411 Oak Street, Ste 404
Myrtle Beach, SC 29577

Georgia Oilmen's Services, Inc.
Attn: Kurt D. Hausner, P.G.
1775 Spectrum Dr, Ste B, Building 2
Lawrenceville, GA 30043

16 DRAFTING NOTICES

CLEMSON UNIVERSITY STATE CROP PEST COMMISSION CHAPTER 27

Statutory Authority: 1976 Code Sections 46-9-40 and 46-9-50

Notice of Drafting:

The State Crop Pest Commission is considering the implementation of new regulations which govern, to the extent authorized by the S.C. Code, Title 46, Chapter 9, designation, monitoring and control of plant pests in South Carolina.

Interested parties should submit written comments to Dr. Stephen E. Cole, Interim Director, Regulatory Services, Clemson University, 511 Westinghouse Road, Pendleton, SC 29670. To be considered, comments should be received no later than April 30, 2014, the close of the drafting comment period.

Synopsis:

The proposed amendments will, update, clarify and increase the efficiency of the process for designating plant pests in South Carolina.

These proposed regulations will require legislative action.

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL CHAPTER 61

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

Notice of Drafting:

The Department of Health and Environmental Control (Department) is proposing to amend Regulation 61-62, Air Pollution Control Regulations and Standards, and the South Carolina Air Quality Implementation Plan (State Implementation Plan or SIP). Interested persons are invited to present their views concerning these amendments in writing to Michael C. Monroe, Air Regulation and SIP Management Section, Bureau of Air Quality, 2600 Bull Street, Columbia, SC 29201, or via electronic mail at monroemc@dhec.sc.gov. To be considered, the Department must receive comments by 5:00 p.m. on April 28, 2014, the close of the drafting comment period.

Synopsis:

The United States Environmental Protection Agency (EPA) promulgates amendments to 40 CFR Parts 50, 51, 52, 60 and 63 throughout each calendar year. Recent federal amendments include clarification, guidance and technical amendments regarding state implementation plan (SIP) requirements, New Source Performance Standards (NSPS) and National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories.

The Department proposes to amend Regulation 61-62.1, Definitions and General Requirements, to incorporate amendments to the definition of Volatile Organic Compounds (VOCs) in 40 C.F.R. 51.

The Department also proposes to amend Regulation 61-62.5, Standard No. 2, Ambient Air Quality Standards, to incorporate the EPA's revision to the National Ambient Air Quality Standards for Fine Particulate Matter (PM_{2.5}), Sulfur Dioxide (SO₂), and Nitrogen Dioxide (NO₂). 40 C. F. R. 50. Additionally, the Department proposes to amend Regulations 61-62.60, South Carolina Designated Facility Plan and New Source Performance Standards, and 61-62.63, National Emission Standards for Hazardous Air Pollutants (NESHAP)

for Source Categories, to incorporate by reference recent federal amendments promulgated from January 1 through December 31, 2013.

The Department may also propose other changes to Regulation 61-62 that may include corrections for internal consistency, clarification, reference, punctuation, codification, formatting, and spelling to improve the overall text of Regulation 61-62 as necessary.

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

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
CHAPTER 61

Statutory Authority: 1976 Code Sections 44-61-30 and 44-78-65

Notice of Drafting:

The South Carolina Department of Health and Environmental Control (Department) proposes to amend S.C. Regulation 61-7, *Emergency Medical Services*. Interested persons are invited to submit their views and recommendations in writing to Robert Wronski, EMS Director, DHEC Division of EMS and Trauma, 2600 Bull Street, Columbia, South Carolina 29201, or by email at wronskra@dhec.sc.gov. To be considered, written comments must be received no later than 5:00 p.m. on April 28, 2014, the close of the drafting comment period.

Synopsis:

The Department proposes to amend R.61-7 to incorporate changes in the state Emergency Medical Services Act, S.C. Code Ann. § 44-61-10 et. seq. (Supp. 2012). Specifically, the amendments will incorporate updated statutory requirements for EMT certification and training; eliminate the vehicle equipment list; modify the ground ambulance requirement to reflect the latest standards; change the air ambulance requirements to reflect the latest statutory amendments; include additional certified personnel into the regulation; and modify names of certain response agencies.

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

Legislative review will be required.

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
CHAPTER 61

Statutory Authority: 1976 Code Sections 44-7-110 through 44-7-394 and 44-41-10(d)

Notice of Drafting:

The Department of Health and Environmental Control proposes to amend Regulation 61-16, *Minimum Standards for Licensing Hospitals and Institutional General Infirmaries*. Interested persons may submit written comments to Gwen C. Thompson, Bureau Chief, Bureau of Health Facilities Licensing, South Carolina Department of Health and Environmental Control, 2600 Bull Street, Columbia, South Carolina 29201. To be considered, all comments must be received no later than 5:00 p.m., April 28, 2014, the close of the comment period.

18 DRAFTING NOTICES

Synopsis:

The Department of Health and Environmental Control proposes to amend Regulation 61-16. The amendment will be limited to provisions in the regulation relating to perinatal care. The Perinatal Care Sections were last amended April 26, 2002. The Department proposes amending the Perinatal Care Sections to account for evolving practices and to improve overall quality and effectiveness.

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

Legislative review of this amendment is required.

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

CHAPTER 61

Statutory Authority: 1976 Code Section 44-1-140

Notice of Drafting:

The Department of Health and Environmental Control proposes to amend R.61-34.1, *Pasteurized Milk and Milk Products*. This notice supersedes the Notice of Drafting to amend R.61-34.1 that was published in State Register Volume 37, Issue 7 on July 26, 2013. Interested persons may submit comments to Ms. Sandra D. Craig, Director, Division of Food Protection and Rabies Prevention, Bureau of Environmental Health Services, South Carolina Department of Health and Environmental Control, 2600 Bull Street, Columbia, SC 29201. Comments submitted must be received by 5:00 p.m. on April 28, 2014, the close of the drafting comment period. Staff, in development of the proposed regulation, will consider any comments received from the prior noticing, along with any new comments received from this current noticing.

Synopsis:

R.61-34.1, *Pasteurized Milk and Milk Products*, was last amended in 2005. South Carolina's regulatory dairy program is a participant and voting entity in the National Conference of Interstate Milk Shipments (NCIMS). The proposed amendments will bring the regulation into compliance with the most updated procedures of the NCIMS. Specifically, in accordance with Sections VI. and VII. of *Procedures Governing the Cooperative State-Public Health Service Food and Drug Administration Program of the National Conference of Interstate Milk Shipments*, the proposed amendments will put R.61-34.1 in substantial compliance with the current edition of the Grade "A" *Pasteurized Milk Ordinance (PMO)* to allow South Carolina milk producers and processors to ship their products in interstate commerce and market their milk products as Grade "A." The Department may make other changes as necessary to improve the overall quality of the regulation, including, but not limited to, stylistic changes for internal consistency, clarification in wording, and corrections of references, grammatical errors, outlining/codification.

Legislative review is required.

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
CHAPTER 61

Statutory Authority: 1976 Code Sections 1-23-320, 1-23-500, and 44-1-50

Notice of Drafting:

The Department of Health and Environmental Control proposes repeal of Regulation 61-72, *Procedures for Contested Cases*. Interested persons are invited to submit written comments to Rupinderjit S. Grewal, Assistant General Counsel, 2600 Bull Street, Columbia, South Carolina 29201 or via email at grewalrs@dhec.sc.gov. To be considered, all written comments must be received no later than 5:00 p.m. on April 28, 2014, the close of the drafting comment period.

Synopsis:

With the 1976 Code Section 1-23-500 creation of the Administrative Law Court, adjudicatory hearings as prescribed in R.61-72 no longer occur. The requirements and procedures of R.61-72 no longer apply. As such, the Department proposes repeal of R.61-72.

Legislative review is required.

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
CHAPTER 61

Statutory Authority: 1976 Code Section 44-7-260

Notice of Drafting:

The Department of Health and Environmental Control proposes to amend Regulation 61-91, *Standards for Licensing Ambulatory Surgical Facilities*. Interested persons may submit written comments to Gwen C. Thompson, Bureau Chief, Bureau of Health Facilities Licensing, South Carolina Department of Health and Environmental Control, 2600 Bull Street, Columbia, South Carolina 29201. To be considered, all comments must be received no later than 5:00 p.m. April 28, 2014, the close of the comment period.

Synopsis:

The Department of Health and Environmental Control proposes to amend Regulation 61-91. This amendment will be limited to design, construction, and fire and life safety sections of the regulation. The purpose of this amendment is to revise the language to remove unduly financial burden on an entity involved in a licensee change.

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

Legislative review will be required.

20 DRAFTING NOTICES

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL CHAPTER 61

Statutory Authority: 1976 Code Section 44-7-260

Notice of Drafting:

The Department of Health and Environmental Control proposes to amend Regulation 61-93, *Standards for Licensing Facilities that Treat Individuals for Psychoactive Substance Abuse or Dependence*. Interested persons may submit written comments to Gwen C. Thompson, Bureau Chief, Bureau of Health Facilities Licensing, South Carolina Department of Health and Environmental Control, 2600 Bull Street, Columbia, South Carolina 29201. To be considered, all comments must be received no later than 5:00 p.m. April 28, 2014, the close of the comment period.

Synopsis:

The Department of Health and Environmental Control proposes to amend Regulation 61-93. This amendment will be limited to urine testing, emergency procedures, design, construction, and fire and life safety sections of the regulation. The purpose of this amendment is to revise the language to remove unduly financial burden on entities involved in a licensee change.

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

Legislative review will be required.

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL CHAPTER 61

Statutory Authority: 1976 Code Sections 40-25-10 et seq.

Notice of Drafting:

The Department of Health and Environmental Control proposes to amend Regulation 61-3, *The Practice of Selling and Fitting Hearing Aids*. Interested persons may submit written comments to Gwen C. Thompson, Bureau Chief, Bureau of Health Facilities Licensing, South Carolina Department of Health and Environmental Control, 2600 Bull Street, Columbia, South Carolina 29201. To be considered, all comments must be received no later than 5:00 p.m. April 28, 2014, the close of the comment period.

Synopsis:

The Department of Health and Environmental Control proposes to amend Regulation 61-3. This amendment will be limited to procedures and inspections. The purpose of the amendment is to ensure that the regulation conforms to governing statutory authority.

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

Legislative review will be required.

Document No. 4459
CLEMSON UNIVERSITY
STATE CROP PEST COMMISSION
CHAPTER 27
Statutory Authority: 1976 Code Section 46-26-30

27-180. Minimum Screening and Calcium Carbonate Equivalent Standards
28-181. Investigational Allowances or Tolerances and Penalties

Preamble:

The State Crop Pest Commission proposes to add language to clarify the use of Landplaster for Agricultural purposes.

Section-by-Section Discussion

27-180. Minimum Screening and Calcium Carbonate Equivalent Standards.

New Text

Add that all landplaster offered for sale or distribution must have minimum label guarantees.
Add section C, minimum label guarantees are listed.

27-181. Investigational Allowances or Tolerances and Penalties.

New Text

Add section D language regarding penalty assessment for improper landplaster application.
Add section E language defining the term “unit” as it is used in reference to landplaster .

A Notice of Drafting regarding the subject matter of the proposed regulation was published in the *State Register* on December 27, 2013.

Notice of Public Hearing and Opportunity for Public Comment:

All written comments and requests for a public hearing should be sent to Dr. Stephen E. Cole, Interim Director, Regulatory Services, Clemson University, 511 Westinghouse Road, Pendleton, SC 29670. A hearing will be held on April 30, 2014, unless no written requests are made by April 28, 2014, at which time the hearing on April 30, 2014 will be cancelled.

Preliminary Fiscal Impact Statement:

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

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION:

Purpose: The proposed amendments will clarify and provide standards related to the quality of land plaster, as well as the inspection and registration of commercially sold land plaster used for agricultural purposes.

Legal Authority: S.C. Code Ann. Section 46-26-30.

Plan for Implementation: Clemson University’s Department of Plant Industry will allow a six month compliance assistance period, where no penalties will be assessed. DPI plans to communicate this and provide outreach and assistance to all commercial fertilizer dealers selling land plaster in South Carolina. DPI’s field

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staff will pull land plaster samples and send them to DPI's fertilizer lab to be analyzed. The dealers will then be notified of the lab's findings and if they are in compliance with South Carolina's laws to sell land plaster.

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

Currently there are no standards in place for land plaster to support determining investigational allowances for commercial land plaster. Land plaster standards and regulations will be based APFCO guidelines.

DETERMINATION OF COSTS AND BENEFITS:

No increases in costs are expected at this time.

UNCERTAINTIES OF ESTIMATES:

These estimates are based upon historical land plaster tonnage data and the number of samples processed in the fertilizer lab, therefore creating minimal uncertainties of estimates for this regulation.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

By passing this regulation South Carolina ensures quality control for commercial land plaster and will provide assurances to South Carolina farmers regarding the quality of the land plaster products purchased and applied to the land.

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

If this regulation is not implemented there will be a minimal effect on the environment and public health.

Statement of Rationale:

Since 2012 land plaster has been regulated through the Agricultural Liming Materials and Landplaster Act (S.C. Code Ann. Section 46-26-10 et al.). Each year approximately 65,000 tons of land plaster is sold in South Carolina. This regulation will give Clemson University's Department of Plant Industry the ability to adapt and follow the Association of American Plant Food Control Officials (AAPFCO) guidelines for land plaster investigational allowances. By analyzing land plaster samples, South Carolina farmers will have assurance they are receiving the proper amounts of gypsum as the guaranteed analysis of each product suggests.

Text:

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

Document No. 4460

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
CHAPTER 61

Statutory Authority: 1976 Code Sections 48-2-50 (1993), 48-39-145 et seq., and Clean Air Act, 42 U.S.C.A. 7401 et seq.

61-30. Environmental Protection Fees

Preamble:

The South Carolina Department of Health and Environmental Control (Department) proposes to amend R.61-30, Environmental Protection Fees. The amendment will revise Section 61-30.G.(3), Schedule of Air Quality Fees, to increase fees in order to cover the cost of its Title V Permit program. “Such costs are defined as those necessary to administer the permit program, the Small Business Stationary Source Technical and Environmental Compliance Assistance Program, support staff, equipment, legal services, contracts with consultants and program expenses listed in Section 502(b)(3)(a) of Title V of the 1990 amendments to the Federal Clean Air Act.” Regulation 61-30.G.(3)(a)(i).

The Clean Air Act, 42 U.S.C. 7401 *et seq.*, sets forth the minimum requirements for air quality in the United States and requires states to develop and maintain a Title V permit program. 40 C.F.R. Section 70.9(b)(1) provides “...[t]he State program shall establish a fee schedule that results in the collection and retention of revenues sufficient to cover the permit program costs.” The legal authority for R. 61-30, Environmental Protection Fees, is S.C. Code Section 48-2-50 (2008 & Supp. 2012) *et seq.* and Clean Air Act, 42 U.S.C. Section 7401 *et seq.*

This amendment is being promulgated to comply with federal law and does not require legislative review. S.C. Code Ann. Section 1-23-120(H).

A Notice of Drafting was published in the *State Register* on December 27, 2013. The comment period closed on January 27, 2014. No comments were received.

Discussion of Proposed Revisions:

SECTION CITATION/EXPLANATION OF CHANGE:

Regulation 61-30.G.(3)(a), General.

Regulation 61-30.G.(3)(a)(i):

Paragraph (i) is proposed to be amended to remove the word “permit” such that the fees assessed are sufficient to cover the reasonable costs associated with the whole “air quality program.”

Regulation 61-30.G.(3)(a)(ii):

Paragraph (ii) is proposed to be amended to add the word “Section” before the citation “G(3)(a)(i).” for consistency and clarification per the 2011 South Carolina Legislative Council’s Standards Manual.

Regulation 61-30.G.(3)(a)(iv):

Paragraph (iv) is proposed to be added to provide a point of reference (Regulation 61-62.1) for the definitions and types of permits used in this schedule of fees.

Regulation 61-30.G.(3)(a)(v):

Paragraph (3)(a)(v) is proposed to be added to provide clarity related to the applicable fees assessed and to be clear that both annual fees and annual maintenance fees are to apply to sources subject to Regulation 61-62.70.

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Regulation 61-30.G.(3)(b)(i):

Paragraph (b)(i) is proposed to be amended to add the abbreviation “CPI” after the phrase “Consumer Price Index” to clarify the abbreviation used later in the regulation.

Regulation 61-30.G.(3)(b)(iii):

Paragraph (b)(iii) is proposed to be removed here and codified in a later section of the regulation.

Regulation 61-30.G.(3)(c):

Paragraph (3)(c) is proposed to be added to allow for the collection of a new annual Title V program maintenance fee.

Regulation 61-30.G.(3)(c) (Table 1):

Table 1 is proposed to be added to (3)(c) to establish the amount and types of sources that will be subject to the new annual Title V program maintenance fee.

Regulation 61-30.G.(3)(d):

Paragraph (d) (formally paragraph (3)(b)(iii)) is recodified and proposed to be amended to cover the distribution of funds in the non-reverting account.

Regulation 61-30.G.(3)(e):

Paragraph (e) (formally paragraph (3)(c)) is recodified.

Notice of Staff Informational Forum and Public Comment Period:

Staff of the Department of Health and Environmental Control invites the public and regulated community to attend a staff-conducted informational forum to be held on April 28, 2014, at 10:00 a.m. in Room 2380 at the South Carolina Department of Health and Environmental Control, 2600 Bull Street, Columbia, SC. The purpose of the forum is to present the proposed regulation and receive comments from interested persons.

Interested persons are also provided an opportunity to submit written comments on the proposed amendments by writing to Robert J. Brown at Bureau of Air Quality, South Carolina Department of Health and Environmental Control, 2600 Bull Street, Columbia, SC 29201; by facsimile at (803) 898-4487; or by e-mail at brownrj@dhec.sc.gov. To be considered, comments must be received no later than 5:00 p.m. on April 28, 2014, the close of the comment period.

Comments received at the forum and/or submitted in writing by the close of the comment period on April 28, 2014, shall be considered by staff in formulating the final proposed regulations for public hearing on June 12, 2014, as noticed below. Comments received shall be submitted in a Summary of Public Comments and Department Responses for the Board of Health and Environmental Control’s consideration at the public hearing.

Copies of the proposed amendments for public comment as published in the *State Register* on March 28, 2014, may be obtained in the Department’s Regulation Development Update on the Department’s Regulatory Internet site at: <http://www.dhec.sc.gov/administration/regs/reg-update.htm>. In the Update, click on the Air category and scan down to this proposed amendment. A copy can also be obtained by contacting Robert J. Brown, 2600 Bull Street, Columbia, SC 29201; by calling (803) 898-4105; or by emailing brownrj@dhec.sc.gov.

Notice of Public Hearing and Opportunity for Public Comment:

Interested members of the public and regulated community are invited to comment on the proposed amendments to R.61-30, Environmental Protection Fees, at a public hearing to be conducted by the Board of the South Carolina Department of Health and Environmental Control at its regularly-scheduled meeting on June 12, 2014. The Board will conduct the public hearing in room 3420 (Board Room), Third floor, Aycock Building of the South Carolina Department of Health and Environmental Control, 2600 Bull Street, Columbia, SC 29201. The Board meeting commences at 10:00 a.m., at which time the Board will consider items on its agenda in the order presented. The order of presentation for public hearings will be noted in the Board's agenda to be published by the Department twenty-four hours in advance of the meeting at the following address: <http://www.scdhec.gov/administration/board-agenda.htm>. The agenda will also provide notice of cancellation or any change in meeting times. Persons desiring to make oral comments at the hearing are asked to limit their statements to five minutes or less, and as a courtesy, are asked to provide written copies of their presentation to the Clerk of the Board for inclusion 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.

Statement of Need and Reasonableness:

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

DESCRIPTION OF REGULATION: Regulation 61-30, Environmental Protection Fees.

Regulation 61-30 prescribes those fees applicable to applicants and holders of permits, licenses, and certifications, and registrations and established schedules for timely action on permit applications. This regulation also establishes procedures for the payment of fees, provides for the assessment of penalties for nonpayment, and establishes an appeal process to contest the calculation or applicability.

Purpose: This amendment would revise Regulation 61-30.G.(3), Schedule of Air Quality Fees, to increase fees in order to cover the cost of its Title V permit program. These costs include, but are not limited to, administering the permit program, support staff, equipment, legal services, contracts with consultants, program expenses associated with compliance assistance, and public notification requirements.

Legal Authority: The Clean Air Act requires that the Administrator promulgates regulations establishing the elements of a permit program. 40 C.F.R. Section 70.9(b)(1) provides "...[t]he State program shall establish a fee schedule that results in the collection and retention of revenues sufficient to cover the permit program costs." The legal authority for R. 61-30, Environmental Protection Fees, is S.C. Code Section 48-2-50 (2008 & Supp. 2012) *et seq.* and Clean Air Act, 42 U.S.C. Section 7401 *et seq.*

This amendment is being promulgated to comply with federal law and does not require legislative review. S.C. Code Ann. Section 1-23-120(H).

Plan for Implementation: The proposed amendments will take effect upon approval by the Board of Health and Environmental Control and publication in the *South Carolina State Register*. The proposed amendments will be implemented in South Carolina by providing the regulated community with copies of the regulation, publishing associated information on our website at <http://www.scdhec.gov/administration/regs/>, sending an email to stakeholders, and communicating with effected facilities during the permitting process and via annual emission inventory communications.

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

The Title V permitting program is a federal program designed to standardize air quality permits and the permitting process for major sources of emissions across the country. The EPA promulgated regulations which require state and local permitting authorities to develop and submit a federally enforceable operating permit program for EPA approval. 40 CFR Section 70.9.

The Department developed and submitted its Title V permit program in 1993. The EPA in turn approved this program on June 26, 1995 (60 FR 32913). Requirements for this approval (see 40 CFR 70.4(b)(7)) include adequate state resources to administer the state's program.

The federal regulations state that the Administrator may withdraw the program support for a state that fails to, "collect, retain, or allocate fee revenue consistent with §70.9 of this part." 40 C.F.R. Section 70.10(c)(1)(ii)(D). If the Administrator withdraws support of a state program, the Administrator may collect fees from sources if the Administrator determines that the state fee provisions do not meet the requirements of section 70.9. These federal fees may be collected without regard to fees already collected by the state under section 70.9. 40 C.F.R. Section 70.10(d).

Revenue supporting the Title V program (air emission fees) has declined significantly over the last few years. The installation of air pollution control technology on major stationary sources, the retirement or curtailment of operations by major sources including certain coal-fired power plants, and the conversion at many major facilities from burning coal or oil to burning natural gas has resulted in the decreased emission of regulated pollutants that are subject to annual emission fees. Eleven (11) coal-fired electric generating units (EGU) that were operating in South Carolina in 2011 have either closed (9) or have been converted to burn natural gas (2). Two additional EGUs are scheduled to close in the spring of 2016. In addition, several large coal-fired boilers at industrial facilities have been replaced with biomass or natural gas boilers.

As a result, the Bureau of Air Quality's fee collection has dropped significantly. By 2016, the program projects a total loss of \$2.6 million in TV program fee revenue. Additional appropriations have been approved by the legislature, but a deficit of approximately \$900,000 will remain. In addition, the Department continues to make significant strides in increasing efficiencies and streamlining the permitting process which has and will also led to decreases in the amount of fees collected. As changes are made to increase the stringency of the National Ambient Air Quality Standards (NAAQS), as more complex regulations are promulgated, and as program staff continues to decrease due to budget cuts, more resources are needed in order to sustain the Bureau's Title V permit program.

Based on this projected deficit, the Department is proposing to amend R. 61-30 to establish additional fees in order to provide the Department with the funds necessary to administer the Title V permit program. These fees have been prorated among the Title V regulated facilities based on quantity of emissions and permit complexity, and only assess additional fees sufficient to meet the program deficit and provide funds sufficient to cover all reasonable (direct and indirect) costs required to administer the Title V permit program. Without this additional fee, "The Administrator may withdraw approval of the state program and apply sanction, including administering a Federal program under title V of the Act." 40 C.F.R. 70.10(b)(2). Therefore, these amendments are reasonable as they will ensure that the Department collects and maintains the funds necessary to administer the Title V permit program as mandated by federal law.

DETERMINATION OF COSTS AND BENEFITS:

There will necessarily be an increased cost to members of the regulated community that are subject to the Title V permit program. Title V facilities are considered "major" emitters because of the amount or type of pollutants they emit and must be regulated by states or EPA. Of the 2254 air permitted facilities currently in South Carolina, the Department estimates that approximately 265 are Title V facilities and will be affected by

this proposed revision. However, the Department believes the increased cost (by way of a tiered approach) is being done in a way that is equitable to all the affected sources. This proposal includes an annual maintenance fee to include six tiers ranging from \$500 for sources emitting less than 10 tons per year to \$10,000 for sources emitting greater than 1000 tons per year. This fee structure was developed after extensive stakeholder outreach to include a broad range of stakeholders. Support for this tiered approach is based on the Department's attempt to account for the quantity and types of emissions from the affected sources as well as the relative complexity of each associated permit.

There are no expected costs to public resources as the fees collected would be used to administer the Title V permit program.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates relative to the costs to the State or its political subdivisions.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

Federal regulations are expected to continually increase and become even more stringent in the near future. Adoption of the fee increase through the proposed amendments will provide continued protection of the environment and public health. In addition, this fee increase will ensure that the Department collects fees that are sufficient to retain its current authority to administer the Title V permit program and maintain a program that is acceptable to the EPA.

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

The State's authority to implement federal requirements, which are beneficial to the public health and environment, would be compromised if these amendments were not adopted in South Carolina.

Text:

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

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Document No. 4457
DEPARTMENT OF SOCIAL SERVICES
CHAPTER 114

Statutory Authority: 1976 Code Section 43-1-80; Section 4004 of the Middle Class Tax Relief and Job Creation Act of 2012 (P.L. 112-96)

114-1140. Financial Criteria

114-1150. Determination of Benefits

Preamble:

The South Carolina Department of Social Services is amending Regulations 114-1140 and 114-1150 regarding the Family Independence program.

Section-by-Section Discussion:

114-1140. Financial Criteria.

A.-Q(1)(c)(iii). No changes.

Q(1)(c)(iv). Adds restrictions for the use of TANF benefits.

Q(1)(d)-Q(6). No changes.

114-1150. Determination of Benefits.

A-E. No changes.

F. Adds restrictions for the use of TANF benefits.

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

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such hearing will be conducted before the Deputy State Director for Economic Services, South Carolina Department of Social Services, 1535 Confederate Avenue Extension, Columbia, S.C. 29202-1520 on May 5, 2014 at 10:00 a.m. Written comments may be directed to Ms. Amber Gillum, Deputy State Director for Economic Services, South Carolina Department of Social Services, Post Office Box 1520, Columbia, S.C. 29202-1520, no later than 5:00 p.m., May 2, 2014. If a qualifying request pursuant to Section 1-23-110(A)(3) is not timely received, the hearing will be canceled.

Preliminary Fiscal Impact Statement:

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

Statement of Need and Reasonableness:

Section 4004 of the Middle Class Tax Relief and Job Creation Act of 2012 (P.L. 112-96) requires that states receiving Temporary Assistance for Needy Families (TANF) grants “maintain policies and practices as necessary to prevent assistance provided under the State program funded under this part from being used in any electronic benefit transfer transaction in any liquor store; any casino, gambling casino, or gaming establishment; or any retail establishment which provides adult-oriented entertainment in which performers disrobe or perform in an unclothed state for entertainment.”

DESCRIPTION OF REGULATION:

Purpose: To comply with Section 4004 of the Middle Class Tax Relief and Job Creation Act of 2012 (P.L. 112-96).

Legal Authority: 1976 Code Section 43-1-80; Section 4004 of the Middle Class Tax Relief and Job Creation Act of 2012 (P.L. 112-96).

Plan for Implementation: The amended regulation is exempt from General Assembly review and will take effect upon publication in the State Register.

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

The proposed regulation is necessary to order to ensure compliance with Section 4004 of the Middle Class Tax Relief and Job Creation Act of 2012 (P.L. 112-96).

DETERMINATION OF COSTS AND BENEFITS:

There will be no increased costs to 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 effect on the environment of this State. This regulation will contribute to the Department's function of protecting public welfare in the State of South Carolina.

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

There will be no detrimental effect on the environment of the State. The Department's ability to protect public welfare of this State could be affected, as failure to comply with the Federal mandate could result in a reduction of TANF funds to the State.

Statement of Rationale:

The proposed regulation is necessary to order to ensure compliance with Section 4004 of the Middle Class Tax Relief and Job Creation Act of 2012 (P.L. 112-96).

Text:

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

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Document No. 4449

CLEMSON UNIVERSITY
STATE LIVESTOCK-POULTRY HEALTH COMMISSION
CHAPTER 27

Statutory authority: 1976 Code Sections 47-4-30 and 47-17-130

27-1023. State Meat Inspection Regulation

Synopsis:

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

The Notice of Drafting was published in the *State Register* on November 22, 2013.

Instructions:

Replace R.27-1023 with the following amendment.

Text:

27-1023. State Meat Inspection Regulation.

A. Definitions.

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

B. Permit Required; Fee; Application; Refusal, Revocation or Suspension.

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

C. Adoption of Federal Meat Inspection Regulations.

The United States Department of Agriculture, Food Safety and Inspection Service, Meat Inspection Regulations, 9 CFR, Chapter III, Subchapter A, Parts 300-321, 325, 329, 332, 335, 352 and 354, and Subchapter E, Parts 412, 416-418, 424, 430, 441, 442 and 500 and all changes thereto in effect as of April 1, 2014 are hereby adopted as the State Meat Inspection Regulations, with exceptions as noted below.

D. Exceptions to the Federal Meat Inspection Regulations.

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

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

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

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

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

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

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

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

Document No. 4450

CLEMSON UNIVERSITY

STATE LIVESTOCK-POULTRY HEALTH COMMISSION

CHAPTER 27

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

27-1022. State Poultry Products Inspection Regulation

Synopsis:

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

The Notice of Drafting was published in the *State Register* on November 22, 2013.

Instructions:

Replace R.27-1022 to the regulations.

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Text:

27-1022. State Poultry Products Inspection Regulation.

A. Definitions.

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

B. Adoption of Federal Poultry Products Regulations.

The United States Department of Agriculture, Food Safety and Inspection Service, Poultry Products Inspection Regulations, 9 CFR, Chapter III, Subchapter A, Parts 362 and 381 and Subchapter E. Parts 412, 416-418, 424, 430, 441, 442 and 500 and all changes thereto in effect as of April 1, 2014 are hereby adopted as the State Poultry Inspection Regulations, with exception as noted below.

C. Exceptions to the Federal Poultry Products Inspection Regulations.

(1) Subchapter A, Part 362, Voluntary Poultry Inspection Regulations, Section 362.5. Fees and charges for voluntary inspection services will be established, as required, by the Commission.

(2) Subchapter A, Part 381, Subpart G, Facilities for Inspection, Section 381.38. State holidays as designated by the State Budget and Control Board will be utilized by the state inspection program.

(3) Subchapter A, Part 381, Subpart G, Facilities for Inspection, Section 381.39. Fees and charges for overtime and holiday inspection services will be established, as required, by the Commission.

(4) Subchapter A, Part 381, Subpart M, Official Marks, Devices and Certificates. Official state marks, devices and certificates of inspection will be utilized by the state inspection program.

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

Document No. 4347

SOUTH CAROLINA CRIMINAL JUSTICE ACADEMY

CHAPTER 38

Statutory Authority: 1976 Code Sections 23-23-10 et seq. and 23-47-20(C)(15)

38-001. through 38-065. Article 1, Criminal Justice Academy

Synopsis:

The General Assembly passed Act 317 and Act 335 (South Carolina Code §23-23-10, et seq.) separating the South Carolina Criminal Justice Academy from the Department of Public Safety. S.C. Code §23-23-10, et seq. requires the Criminal Justice Academy to train, certify, and evaluate eligibility for certification of candidates for law enforcement certification in the state of South Carolina. S.C. Code 23-47-20(C)(15) requires telecommunication operators or dispatchers to be trained and certified by the Law Enforcement Training Council (Criminal Justice Academy). The Act allows the Criminal Justice Academy to promulgate regulations as are necessary for the administration of Act 317. The proposed changes to the regulations will address inconsistencies between S.C. Code §23-23-10, et seq., S.C. Code §23-47-20(C)(15), and the current regulations.

Notice of Drafting for the proposed amendments was published in the *State Register* on January 25, 2013.

Instructions:

Replace the regulation as shown below. All other items and sections not listed remain unchanged.

Text:

SUBARTICLE 1

LAW ENFORCEMENT TRAINING

38-001. Authority of Director.

A. The Director is authorized to issue orders directing that public law enforcement agencies and law enforcement officers certified in this state comply with Chapter 23, Title 23 Code of Laws of South Carolina, 1976, as amended, and the regulations promulgated pursuant thereto.

B. All orders so issued shall be reviewed and ratified by the Council prior to their issuance.

38-002. Application for Re-issuance of Certification.

All applications for re-issuance of law enforcement certification shall be submitted to the Academy within fifteen days after hiring on a form prescribed by the Council.

38-003. Requirement of Good Character.

A. Background Investigations.

Every agency who requests certification of any class of law enforcement officer shall conduct a background investigation in accordance with guidelines issued by the Council.

B. Certification to the Council.

Every agency who requests certification of any class of law enforcement officer shall certify to the Council that, in the opinion of the employing agency, the candidate is of good character and has not engaged in misconduct as defined in R.38-004.

C. Availability of Background Information.

Information obtained in any background investigation made in response to these regulations, shall be available, upon request, to the Academy and/or Council for its review and to any future prospective law enforcement employers to assist them in a determination of an applicant's good character for law enforcement certification.

38-004. Denial of Certification for Misconduct.

A. The Council may deny certification based on evidence satisfactory to the Council that the candidate has engaged in misconduct. For purposes of this section, misconduct means:

1. Conviction, plea of guilty, plea of no contest or admission of guilt (regardless of withheld adjudication) to a felony, a crime punishable by a sentence of one year or more (regardless of the sentence actually imposed, if any), or a crime of moral turpitude in this or any other jurisdiction;
2. Unlawful use of a controlled substance;
3. The repeated use of excessive force in dealing with the public and/or prisoners;
4. Dangerous and/or unsafe practices involving firearms, weapons, and/or vehicles which indicate either a willful or wanton disregard for the safety of persons or property;
5. Physical or psychological abuses of members of the public and/or prisoners;
6. Misrepresentation of employment-related information;
7. Dishonesty with respect to his/her employer;
8. Untruthfulness with respect to his/her employer.

B. In considering whether to deny certification based on misconduct, the Council may consider the seriousness, the remoteness in time and any mitigating circumstances surrounding the act or omission constituting or alleged to constitute misconduct.

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38-005. Firearms Qualification Requirement.

Each law enforcement agency shall maintain proof of completion of a firearms qualification program and keep on file, available for inspection, proof that the firearms qualification program was administered by an Academy accredited firearms instructor.

38-006. Certification.

Certification will occur upon the successful completion of the prescribed training course as set out in 38-007. No candidate may be certified in more than one class at any one time and certification shall be that required for the most recent employing agency.

38-007. Training Requirements for Basic Law Enforcement Certification.

A. Class 1 Certifications.

1. Candidates for basic certification as law enforcement officers with full powers shall successfully complete a training program as approved by the Council and will be certified as Class 1-LE.

2. Candidates for basic certification as both law enforcement officers with full powers and as local detention facility officers (jailers) shall successfully complete the requirements to be certified as Class 1-LE and Class 2-LCO and will be certified as Class 1-LECO.

B. Class 2 Certifications.

1. Candidates for basic certification as local detention facility officers (jailers) shall successfully complete a training program as approved by the Council and will be certified as Class 2-LCO.

2. Candidates for basic certification as correctional officers with the Department of Corrections shall successfully complete a training program as approved by the Council and will be certified as Class 2-SCO.

3. Candidates for basic certification as juvenile correction officers with the Department of Juvenile Justice shall successfully complete a training program as approved by the Council and will be certified as Class 2-JCO.

C. Class 3 Certifications.

Candidates for basic certification as law enforcement officers with limited powers of arrest or special duties shall successfully complete a training program as approved by the Council and will be certified as Class 3-SLE.

38-008. Equivalent Training.

A. Other States.

All candidates who have received law enforcement training in other states shall submit satisfactory proof of successful completion and a verified copy of the courses taken. Training will be reviewed on a case by case basis and each candidate will be given credit for any training deemed equivalent to training offered by the Academy. All candidates must satisfy legal and firearms training as well as remedy any deficiencies in prior training.

B. Federal Training.

All candidates who have received law enforcement training with U.S. federal agencies shall submit satisfactory proof of successful completion and a verified copy of the courses taken. Training will be reviewed on a case by case basis and each candidate will be given credit for any training deemed to be equivalent to training offered by the Academy. All candidates must satisfy legal and firearms training as well as remedy any deficiencies in prior training.

C. Military Training.

All candidates who have received law enforcement training as U.S. military police shall submit satisfactory proof of successful completion and a verified copy of the courses taken. Training will be reviewed on a case by case basis and each candidate will be given credit for any training deemed to be equivalent to training offered by the Academy. All candidates must satisfy legal and firearms training as well as remedy any deficiencies in prior training.

D. Prior Training with Break in Service.

1. All certification lapses when an individual terminates active law enforcement duty.
2. A candidate with a break in service of less than one year will be re-certified by the Academy upon receiving a request by his department and upon providing proof of no disabilities at law.
3. A candidate with a break in service of one year but less than three years will be re-certified upon submission of the application with appropriate documents as set out in Section 23-23-60 and R.38-002.
4. A candidate with a break in service of three years or more must complete all the requirements of Section 23-23-60 and R.38-002, R.38-005 and R.38-006.
5. When a candidate becomes subject to new training requirements, as set forth in R.38-007, as a result of a transfer from one agency to another with different training requirements, the candidate must successfully complete the training requirements for the class of certification the candidate will occupy with the new agency.
6. A candidate who has been continuously certified in this state, in any class, and who transfers to a class in which he/she has been previously certified, will be certified in the prior class upon successful completion of the firearms qualification requirement.

38-009. Separation from Law Enforcement Employment.

A. All law enforcement agencies and other employers of law enforcement officers are required to notify the Academy when an officer leaves the employment of the agency/employer, regardless of the reason for the separation within 15 days of separation.

B. Such notification shall take place on a form as prescribed by the Council, contain the facts and circumstances leading to the separation, and be for the Academy and Council's confidential use and subsequent safekeeping.

C. In the event that such notification contains allegations of misconduct, a copy of such notice shall be sent to the law enforcement officer and the officer shall be informed of the provisions of Section 23-23-90 and allowed to file a response for the Academy and Council's use and safekeeping.

D. A willful failure by law enforcement agencies and other employers of law enforcement officers to supply the facts and circumstances of separation shall subject the violator to a civil penalty as provided by law.

38-010. Reserve Police.

A. Definition.

In addition to the definition required by law, a "reserve" officer is not paid by the agency for which the officer performs law enforcement duties.

B. Documentation and Reporting.

1. Each agency having a reserve law enforcement officer program shall keep on file, available for inspection, all documentation required for regularly salaried law enforcement officers and as set out in R.38-002.

2. Each agency shall certify to the Academy, using a form prescribed by the Council, that such documentation is on file in the agency.

C. In-Service Requirement.

Each agency having a reserve law enforcement officer program shall keep on file, and make available for inspection, documentation that each reserve officer has completed the in-service requirement as required by law.

D. Transfers.

1. A reserve officer who desires to transfer to regular law enforcement status shall complete all the requirements as set forth by law and under R.38-008 as appropriate for the class of certification which the reserve officer will occupy.

2. A certified law enforcement officer who transfers to reserve status for a period of time not to exceed three years, shall be deemed to have no break in service as defined in R.38-008. Should the period of time exceed three years, the officer shall be deemed to have a break in service and shall complete all the requirements as set forth by law and under R.38-007, as appropriate for the class of certification which the reserve officer will occupy.

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E. Operational Procedures.

Any law enforcement agency wishing to establish a Reserve Officer program must meet minimum department sponsored certification criteria as required by the Academy Standards Section.

38-011. Traffic Radar Operator.

A. Qualification.

Only Class 1 certified law enforcement officers and appointed reserve officers may be accredited as traffic radar operators.

B. Accreditation.

To be accredited as a traffic radar operator, a law enforcement officer must complete a course of training taught by a certified law enforcement traffic radar instructor.

38-012. Application for Re-certification.

An application for re-certification must be submitted on a form approved by the Council and is deemed complete when the form, with the necessary information as set out in R.38-013, is received by the Academy.

38-013. Continuing Law Enforcement Education Requirements for Re-certification.

A. Eligibility.

No law enforcement officer is eligible for re-certification unless, in addition to the requirements of R.38-012, the officer has successfully completed, at a minimum, the number of approved continuing law enforcement education hours as appropriate for the officer's certification class, as specified in R.38-007. Such education hours shall be designated as Continuing Law Enforcement Education (CLEE) hours in the context of these regulations.

B. Class 1 Re-Certification Requirements:

1. Officers possessing a current Class 1-LE Certification shall be required to obtain forty CLEE hours in a three year period. The forty CLEE hours shall consist of at least one legal update course and one domestic violence course, presented or approved by the Academy, each year of the three year period. The remaining required CLEE hours in the three year period may come from any source approved by the Academy.

2. Officers possessing a current Class 1-LECO certification shall be required to complete the number of hours of in-service instruction per year as specified by the Jail Standards Committee and approved by the Academy. Each officer shall also be required to complete at least one legal update course and one domestic violence course, presented or approved by the Academy, each year of the three year period.

C. Class 2 Re-certification Requirements:

1. Officers possessing a current Class 2-LCO Certification shall be required to complete the number of hours of in-service instruction per year as specified by the Jail Standards Committee and approved by the Academy.

2. Officers possessing a current Class 2-SCO Certification shall be required to complete a Academy approved agency in-service program of at least forty hours every three years. At least one course each year shall be a legal update course.

3. Officers possessing a current Class 2-JCO Certification shall be required to complete a Academy approved agency in-service program of at least forty hours every three years. At least one course each year shall be a legal update course.

D. Class 3 Re-certification Requirements:

Officers possessing a current Class 3 Certification shall be required to complete at least one legal update course, presented by the Academy, each year of the three year period.

38-014. Approval of Continuing Law Enforcement Education Hours for Re-certification Requirements.

A. The Academy shall approve courses for CLEE hours toward officer re-certification upon application made on a form approved by the Academy and containing the following information concerning the courses:

1. The name of the course sponsor and its address;
2. The course agenda showing the actual number of hours of instruction;
3. A listing of course faculty with educational and professional credentials for each faculty member;
4. A copy of the course written materials, including a lesson plan and any test instruments which will be used;

5. Any supporting material which the course offeror wishes to submit for the Academy's consideration.

B. The Academy shall maintain a listing of courses which are approved for CLEE hours towards officer re-certification and shall indicate after each course the number of CLEE hours for which the course is approved. The listing shall be updated on an annual basis.

C. Courses, once approved, shall be added to the listing maintained by the Academy. In order to receive continuing approval for course offerings, the offeror of each course must provide, on each successive second anniversary of the course's being placed on the listing, an updated application form and supporting documentation as stated in paragraph (A) of this section. Failure to comply with this requirement shall result in the course being removed from the listing and having its approval withdrawn.

38-015. Extension of Certification Renewal Date.

A certified law enforcement officer who is unable to complete the requirements of R.38-013 within the three year period specified will be granted an extension to his/her renewal date in the following cases:

A. Military Leave.

Any officer called to active military duty for a period of more than thirty consecutive days shall be granted an extension to his/her renewal date, as specified in Section 23-23-60(C) of the South Carolina Code of Laws, for the duration of the active duty, plus ninety days.

B. Medical Disability or Administrative Leave.

1. Any officer who is on disability leave, medical leave, administrative leave as a result of an assault by an inmate, patient or client, or other administrative leave granted by the employing agency, with or without pay, for a period of more than thirty consecutive days, shall be granted an extension to his/her renewal date, as specified in Section 23-23-60(C) of the South Carolina Code of Laws, for the duration of the leave, provided such extension does not exceed one year.

2. Any officer on medical leave, disability leave, administrative leave as a result of an assault by an inmate, patient or client, or other administrative leave granted by the employing agency, for a period of one year or more shall be treated under R.38-008(C)(3) or (4).

C. Eligibility and Application for Extension of Renewal Date.

1. Only officers whose law enforcement responsibilities have been suspended will be eligible for an extension of renewal date.

2. Application by the employing agency for an extension of renewal date shall be made within forty-five days of the beginning of military leave, medical leave, disability leave, administrative leave as a result of an assault by an inmate, patient or client, or other administrative leave granted by the employing agency, on a form prescribed by the Council.

3. Notification by the employing agency of a return to active law enforcement duty shall be made within fifteen days of return to active law enforcement duty on a form prescribed by the Council.

38-016. Withdrawal of Certification of Law Enforcement Officers.

A. A law enforcement officer, certified pursuant to the provisions of R.38-007 and R.38-008, shall have his or her certification as a law enforcement officer withdrawn by the Council upon the occurrence of any one or more of the following events:

1. The officer is found to have falsified any application for certification and training based upon which the officer was admitted for training.

2. The officer is found to be ineligible for service as a law enforcement officer because of his or her failure to meet prerequisite qualifications for training and certification, as set by law, even though such ineligibility is not discovered until after the officer's initial certification.

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3. The officer is convicted of a criminal offense under the law of any jurisdiction which would, by the laws of this State, disqualify the officer from obtainment of certification as provided for in R.38-007 and R.38-008.

4. Evidence satisfactory to the Council that the officer has engaged in misconduct. For purposes of this section, misconduct means:

- a. Conviction, plea of guilty, plea of no contest or admission of guilt (regardless of withheld adjudication) to a felony, or a crime punishable by a sentence of more than one year (regardless of the sentence actually imposed, if any), or a crime of moral turpitude in this or any other jurisdiction;
- b. Unlawful use of a controlled substance;
- c. The repeated use of excessive force in dealing with the public and/or prisoners;
- d. Dangerous and/or unsafe practices involving firearms, weapons, and/or vehicles which indicate either a willful or wanton disregard for the safety of persons or property;
- e. Physical or psychological abuse of members of the public and/or prisoners;
- f. Misrepresentation of employment-related information;
- g. Dishonesty with respect to his/her employer;
- h. Untruthfulness with respect to his/her employer;
- i. Violations of criminal law resulting from administrative inquiries.

Provided however that in considering whether to withdraw certification based on misconduct, the Council may consider the seriousness, frequency and any mitigating circumstances surrounding the act or omission constituting or alleged to constitute misconduct.

B. The officer's certification expires due to the officer's failure to meet re-certification requirements as set out in R.38-013.

38-017. Reporting of Events Requiring Withdrawal of Certification.

A. It shall be the responsibility of the sheriff or the chief executive officer of every law enforcement agency or department within the State to report to the Academy the occurrence of any event or series of events, set forth in R.38-016 which requires the withdrawal of certification of a law enforcement officer who is currently or was last employed by his or her agency.

B. The report shall be made within fifteen days of the final agency or department action resulting from the internal investigation conducted by the agency or department, and shall be on a form prescribed by the Council.

C. A willful failure to report information shall subject the violator to a civil penalty as provided by the Council.

D. Only events which are determined as founded by the department or agency shall be reported as provided herein above.

38-018. Investigation of Events Requiring Withdrawal of Certification; Notification to Officer.

A. Upon receipt of a report pursuant to R.38-017(A), the Council shall initiate an investigation into reported events which may require withdrawal of the law enforcement officer's certification.

B. The Director and/or Council may suspend the certification of any law enforcement officer pending the outcome of an investigation initiated pursuant to paragraph (A) above.

C. A law enforcement officer who is the subject of an investigation shall be notified of its initiation on a form prescribed by the Council, sent by certified mail to the current address on file at the Academy, return receipt requested, as soon as practicable after the investigation is initiated.

D. Duplicate of such notice shall be sent, in the same manner prescribed in paragraph (C) above, to the current sheriff or chief executive officer of the employing agency or department of the law enforcement officer.

E. The Council may direct that the investigation, on its behalf, be conducted. The investigation shall be sent to the Council for its confidential use and review.

F. Where the Council's investigation indicates that withdrawal of the law enforcement officer's certification is not warranted, the Council shall notify the law enforcement officer and the sheriff or chief executive officer of the employing law enforcement agency of its finding, in accordance with the notice provisions of paragraph (C) and (D) above.

G. Where the Council's investigation indicates that withdrawal of the law enforcement officer's certification is warranted, the Council shall proceed in accordance with R.38-019.

38-019. Notification of Withdrawal of Certification.

A. Prior to the withdrawal of a law enforcement officer's certification pursuant to R.38-016, the Council shall notify the officer whose certification is to be withdrawn on a form prescribed by the Council sent by registered mail, to the current address on file at the Academy, return receipt requested, to the officer.

B. Such notice shall be provided to the officer ten days in advance of the effective date of withdrawal of the certification.

C. Duplicate of such notice shall be sent in the same manner as in paragraph (A) above, to the current sheriff or the chief executive officer of the law enforcement agency or department of the law enforcement officer.

38-020. Confidentiality of Notification.

All notifications to law enforcement officers and their respective employing law enforcement agencies pursuant to R.38-017, R.38-018, and R.38-019 shall be handled in a confidential and sensitive manner.

38-021. Law Enforcement Emergency Vehicle Training Requirement.

A. Every agency which employs one or more law enforcement officers who uses emergency vehicles shall make provision for the training set out in R.38-022 as appropriate for each such officer's law enforcement duty requirements prior to any such officer's certification as qualified by the Council.

B. Officers holding valid certification on the effective date of these regulations must successfully complete the training set out in R.38-022, as is appropriate for such officer's law enforcement duty requirements within 180 days of such date.

38-022. Law Enforcement Emergency Vehicle Training Requirement.

A. Non-Emergency Response Training.

1. Every law enforcement officer who drives or operates an emergency vehicle shall successfully complete a course of instruction as approved by the Academy relating to non-emergency operation of the law enforcement emergency vehicle.

2. Every law enforcement agency required to make provisions for the training prescribed in R.38-022(A)(1) and shall promulgate written policy and procedure concerning non-emergency vehicle response, consistent with the provisions of the course of instruction as approved by the Academy, which shall be included as part of the training provided to its officers.

B. Emergency Response Training.

1. Every Class 1 law enforcement officer and any other law enforcement officer who drives or operates a law enforcement emergency vehicle in response to an emergency, as defined in these regulations, shall successfully complete a course of instruction as approved by the Academy relating to emergency response operation of the law enforcement emergency vehicle.

2. Every agency required to make provision for the training prescribed in R.38-022(B)(1) shall promulgate written policy and procedure concerning emergency response with the law enforcement emergency vehicle, consistent with the provisions of the course of instruction as approved by the Academy, which shall be included as part of the training program provided to its officers.

C. Pursuit Training.

1. Every Class 1 law enforcement officer and any other law enforcement officer who drives or operates a law enforcement emergency vehicle in pursuit of an actual or suspected violator of the law, as defined in these

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regulations, shall successfully complete a course of instruction as approved by the Academy relating to pursuit operation of the law enforcement emergency vehicle.

2. Every agency required to make provision for the training prescribed in R.38-022(C)(1) shall promulgate written policy and procedure concerning pursuit operation of the law enforcement emergency vehicle, consistent with the provisions of the course of instruction as approved by the Academy which shall be included as a part of the training program provided to its officers.

38-023. Notification of Training Compliance.

A. Every agency required to conduct training pursuant to R.38-022 shall provide proof of completion of the required training programs, including appropriate instruction in the written policies and procedures of the agency concerning operation of the law enforcement emergency vehicle as required by R.38-022.

B. A law enforcement officer who transfers from one agency to another shall be required to successfully complete the training program appropriate for the agency to which transfer has occurred, in accordance with R.38-022. Provided, however, that an officer who has successfully completed a training program pursuant to R.38-022 within a period of one year of the date of transfer to another agency, where the successfully completed program is appropriate for the officer's law enforcement duty with the agency to which transferred, shall not be required to complete another training program upon such a transfer, but rather the employing agency to which transferred shall provide appropriate instruction to the transferred officer in the written policies and procedures of the agency concerning operation of the law enforcement emergency vehicle as required by R.38-022. This training shall be reported to the Academy as required in R.38-023(A).

38-024. Continuing Training Requirement.

A. The training required by R.38-022 shall be conducted on a continuing basis no less frequently than annually. Every agency shall report, on the form prescribed by the Academy, the provision of appropriate training on or before the expiration of the current certification. Nothing in these regulations shall be construed to prohibit such training on a basis more frequently than annually.

B. Officers successfully completing appropriate required emergency vehicle training shall be provided CLEE hours in accordance with R.38-013 appropriate for the number of hours of instruction received.

38-025. Approval of Training Programs.

A. All agencies required to conduct training programs pursuant to R.38-022 shall, prior to initiation of the required training, submit training materials as required by the Academy for review and approval.

B. CLEE hours shall be awarded only for materials properly submitted and approved by the Academy.

38-026. Equivalent Law Enforcement Emergency Vehicle Training.

Training provided by other states, the federal government or private training providers, will be evaluated in a fashion consistent with the provisions of R.38-008. In each instance where an agency or officer submits a request for credit for equivalent training, the employing agency must provide verification that appropriate instruction in the written policies and procedures of the agency has occurred, in accordance with the directives of R.38-023(B) regarding transferred officers.

38-027. Effect of Failure to Comply.

A. Any agency which willfully fails to comply with the directives of R.38-021 through 38-026, shall be subject to a civil penalty as provided by law.

B. Any law enforcement officer found not to be in compliance with the directives of R.38-021 through 38-026, shall have his or her certification as a law enforcement officer withdrawn in accordance with R.38-026(A)(2) and his or her authority to exercise law enforcement powers shall cease, and the officer's certification shall be deemed to have lapsed.

38-028. Definitions.

A. For purposes of R. 38-001 – 38-028, the following definitions shall apply:

1. “Agency” means local government or public safety agency employing law enforcement officers.
2. “Director” means the Director of the South Carolina Criminal Justice Academy.
3. “Academy” means the South Carolina Criminal Justice Academy.
4. “Council” means the Law Enforcement Training Council.

B. For purposes of R.38-021 and 38-022, the following definitions shall apply:

1. “Emergency” means a sudden or unexpected occurrence involving an imminent threat to human life or immediate potential for extreme property damage under conditions requiring immediate response to curtail imminent harm to human life.

With respect to the suspected commission of a criminal offense and law enforcement response to such offense, the classification of the crime as felony or misdemeanor shall not be the sole determinative factor of whether an emergency is present; but rather all known factors, in accordance with the first paragraph above, will be weighed in a determination of whether an emergency exists.

2. “Non-Emergency” means a situation involving conditions routinely encountered in line of law enforcement duty which does not pose an imminent threat to human life or immediate potential for extreme property damage which would require immediate response to curtail harm to human life.

3. “Pursuit” means a event involving a law enforcement officer attempting to apprehend a person in a motor vehicle while that person is trying to avoid capture by willfully failing to yield to the officer’s signal to stop. It also includes the closing of the distance between a law enforcement vehicle and the violator’s vehicle under circumstances where the violator is not yet aware of the law enforcement action.

4. “Emergency Response” means the driving of a law enforcement emergency vehicle by a law enforcement officer in response to an emergency, as defined herein, where the response is conducted in accordance with state law and department policy.

5. “Non-Emergency Response” means the driving of a law enforcement emergency vehicle by a law enforcement officer in response to a non-emergency, as defined herein. This response involves operation of the law enforcement emergency vehicle in all modes other than emergency response or pursuit mode.

6. “Law Enforcement Emergency Vehicle” means a motor vehicle, as defined by the laws of this state, whether marked or unmarked, used by a law enforcement agency in the conduct of law enforcement operations, in accordance with state law and department policy.

SUBARTICLE 3

E-911 SYSTEM

38-060. Definitions.

- A. “Operator” means a telecommunications operator or dispatcher employed in an E-911 system.
- B. “Agency” means local government or public safety agency employing operators.
- C. “Director” means the Director of the South Carolina Criminal Justice Academy.
- D. “Academy” means the South Carolina Criminal Justice Academy.
- E. “Council” means the Law Enforcement Training Council.

38-061. Minimum Requirements for E-911 Operator Enrollment in Training.

A. All agencies having operators as candidates for training and certification shall submit to the Academy, the following:

1. an application under oath in a format prescribed by the Council;
2. evidence satisfactory to the Council that the candidate possesses a high school diploma or equivalent recognized and accepted by the South Carolina Department of Education;
3. evidence satisfactory to the Council that the candidate’s present age is not less than eighteen years;

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4. evidence satisfactory to the Council that the candidate has not been convicted of any criminal offense that carries a possible sentence of more than one year.

B. Nothing in this regulation shall be construed to preclude any agency from establishing qualifications or standards for hiring that exceed these minimum standards.

38-062. Training Requirements for Certification.

A. Candidates for certification as operators shall successfully complete a prescribed course of training as approved by the Council and will be certified as Class 4-TCO.

B. Candidates employed as operators prior to June 27, 1997 may be certified without completing the training referenced in paragraph (A) above if the candidate has:

1. two years continuous employment as an emergency services dispatcher and no break in service of longer than six months; or

2. one year continuous employment as an emergency services dispatcher, no break in service of more than six months, and prior training accredited by the Academy, and the candidate successfully passes a comprehensive test as approved by the Director and administered by the Academy. No retest will be offered.

38-063. Break in Service after Certification.

A. All certification lapses upon separation from employment.

B. Candidates with prior certification and a break in service of less than one year will be recertified upon a request by the employing agency, provided the agency produces evidence satisfactory to the Council that the candidate has not been convicted of any criminal offense that carries a possible sentence of more than one year.

C. Candidates with prior certification and a break in service of more than one year must meet the requirements of 38-061 and 38-062(A).

38-064. Separation from Employment.

Agencies shall notify the Academy of the separation from employment of any certified operator. If the separation is a result of the conviction for a criminal offense carrying a possible sentence of more than one year, such conviction shall be reported to the Academy. All reports shall take place on a form approved by the Director.

38-065. Cost of Training.

The cost of training shall be established by the Academy. Agencies shall forward an authorized purchase order for this amount with each application for training.

Fiscal Impact Statement:

There is no increase in cost due to these changes.

Statement of Rationale:

Revisions to these regulations are necessary to finalize the split of CJA from DPS and to make the regulations consistent with the statutes (Training Act).

Document No. 4458
DEPARTMENT OF LABOR, LICENSING AND REGULATION
OFFICE OF OCCUPATIONAL SAFETY AND HEALTH
 CHAPTER 71
 Statutory Authority: 1976 Code Section 41-15-210

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

The South Carolina Department of Labor, Licensing and Regulation, Division of Labor, Office of Occupational Safety and Health, hereby promulgate the following changes to South Carolina Regulations:

In Subarticle 6 (General Industry):

Revisions to Sections 1910.6, 1910.97, 1910.145, 1910.217 and 1910.261 as amended in Federal Register, Volume 78, No. 114, dated Thursday, June 13, 2013, pages 35559 through 35567; Federal Register, Volume 78, No. 215, dated Wednesday, November 6, 2013, pages 66641 through 66642; Federal Register, Volume 78, No. 215, dated Wednesday, November 6, 2013, pages 66642 through 66643; and Federal Register, Volume 78, No. 224, dated Wednesday, November 20, 2013, pages 69543 through 69550.

In Subarticle 7 (Construction):

Revisions to Sections 1926.6, 1926.200, 1926.201 and 1926.202 as amended in Federal Register, Volume 78, No. 114, dated Thursday, June 13, 2013, pages 35559 through 35567; Federal Register, Volume 78, No. 215, dated Wednesday, November 6, 2013, pages 66641 through 66642; and Federal Register, Volume 78, No. 215, dated Wednesday, November 6, 2013, pages 66642 through 66643.

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

Document No. 4342
BOARD OF NURSING
 CHAPTER 91
 Statutory Authority: 1976 Code Sections 40-1-70, 40-33-10(E) and (I), 40-33-1335(4), and 40-33-1345(C)

91-2. Nurse Licensure Compact

Synopsis:

To satisfy the requirements of licensure in the field of nursing, Regulation 91-2 must be updated in conformance with the Board of Nursing Practice Act and the Nurse Licensure Compact Administrators rules and regulations.

Notice of Drafting was published in the *State Register* on January 25, 2013.

Instructions:

The following section of Chapter 91 is modified as provided below. All other items and sections remain unchanged.

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Text:

91-2. Nurse Licensure Compact.

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

A. Definition of Terms in the Compact.

For the Purpose of the Compact:

1. "Board" means party state's regulatory body responsible for issuing nurse licenses.
2. "Information system" means the coordinated licensure information system.
3. "Primary state of residence" means the state of a person's declared fixed permanent and principal home for legal purposes; domicile.
4. "Public" means any individual or entity other than designated staff or representatives of party state boards or the National Council of State Boards of Nursing, Inc.

Other terms used in these rules are to be defined as in the Interstate Compact.

B. Issuance of a License by a Compact Party State.

For the purpose of this Compact:

1. As of July 1, 2005, no applicant for initial licensure will be issued a compact license granting a multi-state privilege to practice unless the applicant first obtains a passing score on the applicable NCLEX examination or its predecessor examination used for licensure.
2. A nurse applying for a license in a home party state shall produce evidence of the nurse's primary state of residence. Such evidence shall include a declaration signed by the licensee. Further evidence that may be requested and may include but is not limited to:
 - a. Driver's license with a home address;
 - b. Voter registration card displaying a home address;
 - c. Federal income tax return declaring the primary state of residence;
 - d. Military Form No. 2058 – state of legal residence certificate; or
 - e. W2 from US Government or any bureau, division or agency thereof indicating the declared state of residence.
3. A nurse on a visa from another country applying for licensure in a party state may declare either the country of origin or the party state as the primary state of residence. If the foreign country is declared the primary state of residence, a single state license will be issued by the party state.
4. A license issued by a party state is valid for practice in all other party states unless clearly designated as valid only in the state which issued the license.
5. When a party state issues a license authorizing practice only in that state and not authorizing practice in other party states (i.e. a single state license), the license shall be clearly marked with words indicating that it is valid only in the state of issuance.
6. A nurse changing primary state of residence from one party state to another party state may continue to practice under the former home state license and multi-state licensure privilege during the processing of the nurse's licensure application in the new home state for a period not to exceed ninety (90) days.
7. The licensure application in the new home state of a nurse under pending investigation by the former home state shall be held in abeyance and the ninety (90) day period shall be stayed until resolution of the pending investigation.
8. The former home state license shall no longer be valid upon the issuance of a new home state license.
9. If a decision is made by the new home state denying licensure, the new home state shall notify the former home state within ten (10) business days and the former home state may take action in accordance with that state's laws and rules.

C. Limitations on Multi-state Licensure Privilege; Discipline.

1. Home state boards shall include in all licensure disciplinary orders and/or agreements that limit practice and/or require monitoring the requirement that the licensee subject to said order and/or agreement will agree to limit the licensee's practice to the home state during the pendency of the disciplinary order and/or agreement. This requirement may, in the alternative, allow the nurse to practice in other party states with prior written authorization from both the home state and such other party state boards.

2. An individual who had a license which was surrendered, revoked, suspended, or an application denied for cause in a prior state of primary residence, may be issued a single state license in a new primary state of residence until such time as the individual would be eligible for an unrestricted license by the prior state(s) of adverse action. Once eligible for licensure in the prior state(s), a multistate license may be issued.

D. Information System.

1. Levels of access

a. The public shall have access to nurse licensure information limited to:

- i. the nurse's name,
- ii. jurisdiction(s) of licensure,
- iii. license expiration date(s),
- iv. licensure classification(s) and status(es),
- v. public emergency and final disciplinary actions, as defined by contributing state authority, and
- vi. the status of multi-state licensure privileges.

b. Non-party state boards shall have access to all Information System data except current significant investigative information and other information as limited by contributing party state authority.

c. Party state boards shall have access to all Information System data contributed by the party states and other information as limited by contributing non-party state authority.

2. The licensee may request in writing to the home state board to review the data relating to the licensee in the Information System. In the event a licensee asserts that any data relating to him or her is inaccurate, the burden of proof shall be upon the licensee to provide evidence that substantiates such claim. The Board shall verify and within ten (10) business days correct inaccurate data to the Information System.

3. The Board shall report to the Information System within ten (10) business days

a. disciplinary action, agreement or order requiring participation in alternative programs or which limit practice or require monitoring (except agreements and orders relating to participation in alternative programs required to remain nonpublic by contributing state authority),

b. dismissal of complaint, and

c. changes in status of disciplinary action, or licensure encumbrance.

4. Current significant investigative information shall be deleted from the Information System within ten (10) business days upon report of disciplinary action, agreement or order requiring participation in alternative programs or agreements which limit practice or require monitoring or dismissal of a complaint.

5. Changes to licensure information in the Information System shall be completed within ten (10) business days upon notification by a board.

Fiscal Impact Statement:

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

Statement of Rationale:

This regulation is updated in conformance with the current Board of Nursing Practice Act.

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Document No. 4313
DEPARTMENT OF SOCIAL SERVICES
CHAPTER 114

Statutory Authority: 1976 Code Sections 43-5-580(b), 63-17-470(d) and 45 CFR 302.56

114-4710 – 114-4750. Child Support Guidelines

Synopsis:

The Department of Social Services is required to perform a quadrennial review of the Child Support Guidelines. The Guidelines are used to calculate the appropriate amount of child support to be paid and they are used to review and adjust existing orders for support. The following regulation is the product of the most recent Guidelines Review Committee, which included representatives from the Department of Social Services, members of the private bar, advocates for both primary residential parents and the parents with a legal duty to pay support, and representatives from the Legislature and Court Administration. Issues covered include the update of the support tables and charts themselves, deviation from the guidelines, periodic review, and an enhancement of the language concerning medical support. The latter two issues were prompted by the passage of the Deficit Reduction Act of 2005 and the revisions of the medical support provisions to the Federal Code, contained in 45 CFR §303.31(a)(1).

Notice of Drafting for the proposed amendments was published in the *State Register* on October 26, 2012.

Instructions:

Replace Regulation 114-4710. (Use of the Guidelines) as printed below.
Replace Regulation 114-4720. (Determination of Child Support Awards) as printed below.
Replace Regulation 114-4730. (Unusual Custody Arrangements) as printed below.
Replace Regulation 114-4740. (Periodic Review) as printed below.

Text:

114-4710. Use of the Guidelines.

A. The Child Support Guidelines are available to be used for temporary and permanent orders, actions for separate maintenance and support, divorce and child support awards. Additionally, the guidelines are to be used to assess the adequacy of agreements for support and encourage settlement of this issue between parties.

1. In any proceeding in which child support is an issue, the amount of the award which would result from the application of these guidelines is the amount of the child support to be awarded. However, a different amount may be awarded upon a showing that application of the guidelines is inappropriate. When the court orders a child support award that varies significantly from the amount resulting from the application of the guidelines, the court shall make specific, written findings of those facts upon which it bases its conclusion supporting that award.

2. In cases where the parents' combined monthly gross income is less than \$750.00, the guidelines provide for a case-by-case determination of child support, which should ordinarily be set at no less than \$100.00 per month. In those cases, the court should take care to award an amount of child support that would not jeopardize the ability of the parent with the legal obligation to pay support to live at a minimum level of subsistence. However, the guidelines encourage that a specific amount of child support always be ordered to establish in the payer's mind the principle of the parent's obligation to pay as well as lay the basis for increased/decreased orders if income changes in the future.

3. These guidelines provide for calculated amounts of child support for a combined parental gross income of up to \$30,000 per month, or \$360,000 per year. Where the combined gross income is higher, courts should determine child support awards on a case-by-case basis.

B. Deviation from the guidelines should be the exception rather than the rule. When the court deviates, it must make written findings that clearly state the nature and extent of the variation from the guidelines. These Child Support Guidelines do not take into account the economic impact of the following factors which can be possible reasons for deviation.

1. Educational expenses for the child(ren) or the spouse (i.e., those incurred for private, parochial, or trade schools, other secondary schools, or post-secondary education where there is tuition or related costs);
2. Equitable distribution of property;
3. Consumer debts;
4. Families with more than six children;
5. Unreimbursed extraordinary medical/dental expenses for either parent, or extraordinary travel expenses for court-ordered visitation;
6. Mandatory deduction of retirement pensions and union fees;
7. Child-related unreimbursed extraordinary medical expenses;
8. Monthly fixed payments imposed by court or operation of law;
9. Significant available income of the child(ren);
10. Substantial disparity of the parents' incomes;
11. Alimony. Because of their unique nature, lump sum, rehabilitative and reimbursement alimony may be considered by the court as a possible reason for deviation from these guidelines;
12. Agreements Reached Between Parties. The court may deviate from the guidelines based on an agreement between the parties if both parties are represented by counsel or if, upon a thorough examination of any party not represented by counsel, the court determines the party fully understands the agreement as to child support. The court still has the discretion and the independent duty to determine if the amount is reasonable and in the best interest of the child(ren).

114-4720. Determination of Child Support Awards.

A. Income

1. Definition

The guidelines define income as the actual gross income of the parent, if employed to full capacity, or potential income if unemployed or underemployed. Gross income is used in order to avoid contention over issues of deductibility which would otherwise arise if net income were used. The guidelines are based on the assumption that the parent with the legal obligation to pay support will have only one federal exemption and will have higher taxes than the parent to whom support is owed. Adjustments have been made in the Schedule of Basic Child Support Obligation for lower child support payments. Other factors included in the schedule are South Carolina taxes, FICA, and earned income.

2. Gross Income

Gross income includes income from any source including salaries, wages, commissions, royalties, bonuses, rents (less allowable business expenses), dividends, severance pay, pensions, interest, trust income, annuities, capital gains, Social Security benefits (but not Supplemental Social Security Income), workers' compensation benefits, unemployment insurance benefits, Veterans' benefits and alimony, including alimony received as a result of another marriage and alimony which a party receives as a result of the current litigation. Unreported case income should also be included if it can be identified.

A. The court may also take into account assets available to generate income for child support. For example, the court may determine the reasonable earning potential of any asset at its market value and assess against it the current treasury bill interest rate or some other similar appropriate method of computing income.

B. In addition to determining potential earnings, the court should impute income to any non-income producing assets of either parent, if significant, other than a primary residence or personal property. Examples of such assets are vacation homes (if not maintained as rental property) and idle land. The current rate determined by the court is the rate at which income should be imputed to such nonperforming assets.

3. Gross income does not include:

A. Benefits received from means-tested public assistance programs, such as Temporary Assistance to Needy Families (TANF), Supplemental Security Income (SSI), Food Stamps and General Assistance;

B. Income derived by other household members; and/or

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C. In-kind income; however, the court should count as income expense reimbursements or in-kind payments received by a parent from self-employment or operation of a business if they are significant and reduce personal living expenses, such as a company car, free housing, or reimbursed meals. With regard to military allotments, individuals not receiving Housing allotments should be imputed with the BAH-II amount for dependents. This differential is consistent and unrelated to the domicile location of the service member, as well as easily obtained.

4. Income from Self-Employment or Operation of a Business

For income from self-employment, proprietorship of a business, or ownership or a partnership or closely held corporation, gross income is defined as gross receipts minus ordinary and necessary expenses required for self-employment or business operation, including employer's share of FICA. However, the court should exclude from those expenses amounts allowed by the Internal Revenue Service for accelerated depreciation of investment tax credits for purposes of the guidelines and add those amounts back in to determine gross income. In general, the court should carefully review income and expenses from self-employment or operation of a business to determine actual levels of gross income available to the parent to satisfy a child support obligation. As may be apparent, this amount may differ from the determination of business income for tax purposes.

5. Potential Income

If the court finds that a parent is voluntarily unemployed or underemployed, it should calculate child support based on a determination of potential income which would otherwise ordinarily be available to the parent. If income is imputed to a parent to whom support is owed, the court may also impute reasonable day care expenses. Although Temporary Assistance to Needy Families (TANF) and other means-tested public assistance benefits are not included in gross income, income may be imputed to these recipients. However, the court may take into account the presence of young children or handicapped children who must be cared for by the parent, necessitating the parent's inability to work.

A. The court may also wish to factor in considerations of rehabilitative alimony in order to enable the parent to become employed.

B. In order to impute income to a parent who is unemployed or underemployed, the court should determine the employment potential and probable earnings level of the parent based on that parent's recent work history, occupational qualifications, and prevailing job opportunities and earning levels in the community.

6. Income Verification

Ordinarily, the court will determine income from verified financial declarations required by the Family Court rules. However, in the absence of any financial declaration, or where the amounts reflected on the financial declaration may be an issue, the court may rely on suitable documentation of current earnings, preferably for at least one month, using such documents as pay stubs, employer statements, or receipts and expenses if the parent is self-employed. Verification of current earnings, whether reflected on a financial declaration or not, can be supported with copies of the most recent tax returns filed by the payer. Income can also be verified through the Employment Security Commission or through the State Department of Revenue.

7. Monthly Alimony (this action)

Any award of alimony between the parties should be taken into consideration by the court when utilizing these guidelines as a deduction from the payer spouse's gross income, and as gross income received by the recipient spouse. Because of their unique nature, lump sum, rehabilitative reimbursement, or any other alimony the court may award, may be considered by the court as a possible reason for deviation from these guidelines. The purpose of this adjustment is not to give priority to alimony or child support payments, but to recognize that each parent's proportional share of total combined monthly income changes with the introduction of any alimony award between the parties, and to provide for a sharing of the Total Combined Monthly Child Support Obligation based upon each parent's actual percentage share of the total combined monthly income, taking into consideration the financial impact of any alimony award between them, rather than the parent's share of the total combined monthly income as it existed before any alimony award. Accordingly, the court, in its discretion, may consider any modification or termination of any alimony award between the parties of a child support award made under these guidelines. This adjustment does not affect the Total Combined Monthly Child Support Obligation of both parents as determined under these guidelines, which may be determined

before any determination on the issue of alimony, as the total combined monthly income of both parties will remain the same irrespective of any income shifting between the parents as the result of an alimony award.

8. Other Monthly Alimony or Child Support Paid

Any previous or existing court orders requiring the payment of child support, alimony, or both, should be protected by any subsequent child support order. Alimony actually paid as a result of another marriage or child support actually paid for the benefit of children other than those considered in this computation, to the extent such payment or payments are required by a previous or existing court order, should be deducted from gross income.

9. Other Children in the Home

Either parent shall receive credit for additional natural or adopted children living in the home, but not for step-children, unless a court order establishes a legal responsibility. Such credit shall be given whether or not such children are supported by a third party. The basis of this is to recognize the responsibility of the parent to whom support is owed and share in supporting those other children in the home just like that parent's responsibility and share to the child or children in the present calculation.

Using the income of the parent with the additional child(ren) in the home only, the basic child support obligation for the number of additional dependents living with that parent (from the Schedule of Basic Child Support Obligations) is determined for that parent. This figure is multiplied by .75 and the resulting credit is subtracted from that parent's gross income.

10. Basic Child Support Obligation

The court can determine the basic child support obligation using the Schedule of Basic Child Support Obligations. "Combined gross income" refers to the combined monthly gross incomes of the parents. Where combined gross income amounts fall between the amounts reflected in the Schedule of Basic Child Support Obligations, the court is encouraged to extrapolate upwardly to set the basic award. The number of children refers to that number for whom the parents share support responsibility and for whom support is being sought.

11. Self Support Reserve

A self support reserve allows a low-income parent with the legal duty to pay support to retain a minimal amount of income before being assessed a full percentage of child support. This insures that the parent with the legal duty to pay support has sufficient income available to maintain a minimum standard of living which does not affect negatively his or her earning capacity, incentive to continue working, and ability to provide for him or herself. These Guidelines incorporate a self support reserve of \$748.00 per month. In order to safeguard the self support reserve in cases where the income of the parent with the obligation to pay support and corresponding number of children fall within the shaded area of the Schedule of Basic Child Support Obligations, the support obligation must be calculated using the obligor's income only. To include the income of the parent to whom support is owed in the calculation of such cases, or include any adjustments like medical insurance or day care expense, would reduce the net income of the parent with the legal duty to pay support to an amount below the self support reserve.

12. Health Insurance

The court shall consider provisions for the children's health care needs through health insurance coverage and/or cash medical support. The court should require coverage by one or both parents who can obtain the most comprehensive coverage through an employer or otherwise, at the most reasonable cost. If either or both parents carry health insurance for the child(ren) who is to receive support, the cost of the coverage should be added. If the employer provides some measure of coverage, only that amount actually paid by the employee or contributed by the employee should be added. This amount should be determined by the difference between self-only coverage and family coverage, or the cost of private medical insurance for the child. If the amounts for self-only and family coverage cannot be verified, the total cost of the premium should be divided by the total number of persons covered by the policy and then multiplied by the number of children in the support order. The party responsible for paying the health insurance premium will receive a credit. The guidelines are based on the assumption that the parent to whom support is owed will be responsible for up to \$250.00 per year per child in uninsured medical expenses. The Schedule of Basic Child Support Obligations includes \$250 per child per year for uninsured medical expenses such as co-pays, over-the-counter medicines and similar expenses. Reasonable and necessary unreimbursed medical expenses in excess of this \$250 per child per year shall be divided in pro rata percentages based on the proportional share of combined monthly adjusted gross

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income. The determination of “reasonable and necessary”, e.g. orthodontia and professional counseling, would be at the discretion of the court.

13. Child Care Costs

The cost of day care the parent incurs due to employment or the search for employment, net of the federal and state income tax credit for such day care, is to be added to the basic obligation. This is to encourage parents to work and generate income for themselves as well as their children. However, day care costs must be reasonable, not to exceed the level required to provide high quality care for children from a licensed provider.

As parents to whom support is owed may be eligible for qualified tax credits, the actual day care expense should be adjusted to recognize this credit. This adjustment may take place in two ways. In cases where the primary residential parent’s gross income exceeds the thresholds listed below, the actual or allowed day care cost is multiplied by .27 to simulate the federal and state income tax credits. The lesser of the simulated amount and \$67.50 for one child and \$135 for two or more children is subtracted from the actual or allowed day care cost. It is entered as the adjusted amount on the appropriate line 6.c.

	One Child	Two Children	Three Children	Four Children	Five Children	Six Children
Primary Residential Parent’s Monthly Income	\$1,950	\$2,600	\$2,900	\$3,200	\$3,500	\$3,800

These thresholds are based upon the standard deduction for head-of-household, dependent exemptions, and the intricate application of the child care tax credit. While these will hold true in most cases, judges can always review child care costs with the actual credit method, below. The maximum amounts for the tax credits that can be subtracted from actual or allowed day care are based on the maximum qualifying child care expense according to federal and state tax code.

The other method would be to take the actual costs and subtract the actual value of the federal and state tax credit such as determined by the last filed IRS Form 2441 and SC 1040, Line 11. This adjusted amount would then be entered on line 6.c.

14. Computation of Child Support

The court can determine a total child support obligation by adding the basic child support obligation, health insurance premium (portion covering children), and work related child care costs.

A. The total child support obligation is divided between the parents in proportion to their income. Each parent’s proportional share of combined adjusted gross income must be calculated. Compute the obligation of each parent by multiplying each parent’s share of income by the total child support obligation, and give the necessary credit for adjustments to the basic combined child support obligation.

B. Although a monetary obligation is computed for each parent, the guidelines presume that the parent to whom support is owed will spend that parent’s share directly on the child in that parent’s custody. In cases of joint custody or split custody, where both parents have responsibility of the child for a substantial portion of the time, there are provisions for adjustments.

114-4730. Unusual Custody Arrangements.

A. Shared Parenting Arrangements

When both parents are deemed fit, and other relevant logistical circumstances apply, active participation in the life of the child(ren) by the parent without custody should be encouraged in order to ensure the maximum involvement by both parents in the life of the child(ren). . The amount of visitation, however, is left to the discretion of the judge in consideration of the various factors of the Children’s Code, and the use of the calculation on Worksheet C in shared physical custody cases is advisory and not compulsory. The court should

consider each case individually before applying the adjustment to ensure that it does not produce a substantial negative effect on the child(ren)'s standard of living.

For the purpose of this section, shared physical custody means that each parent has court-ordered visitation with the children overnight for more than 109 overnights each year (30%) and that both parents contribute to the expenses of the child(ren) in addition to the payment of child support.

If a parent with shared physical custody does not exercise it as ordered by the court, the parent to whom support is owed may petition the court for a reversion to the level of support calculated under the guidelines without the shared parenting adjustment. The shared physical custody adjustment is an annual adjustment only and should not be used when the proportion of overnights exceeds 30% for a shorter period, e.g., a month. For example, child support is not abated during a month-long summer visitation. This adjustment should be applied without regard to legal custody of the child(ren). Legal custody refers to decision-making authority with respect to the child(ren). If the 109 overnights threshold is reached for shared physical custody, this adjustment may be applied even if one parent has sole legal custody.

1. Child support for cases with shared physical custody shall be calculated using Worksheet C. This worksheet should be used only for shared physical custody as defined above.

2. The basic child support obligation shall be multiplied by 1.5 to arrive at a shared custody basic child support obligation. The shared custody basic child support obligation is apportioned to each parent according to his or her income. In turn, a child support obligation is computed for each parent by multiplying that parent's portion of the shared custody child support obligation by the percentage of time the child(ren) spend(s) with that parent. The respective basic child support obligations are then offset, with the parent owing more basic child support paying the difference between the two amounts, subject to the provisions below. The transfer for the basic obligation for the parent owing less basic child support shall be set at zero dollars.

3. If a parent has more than 109 overnights but less than 128 overnights, a graduated support obligation should be determined. The graduated support obligation reflects a transition between the full shared-physical custody obligation and the sole custody obligation, thus requiring the completion of both Worksheet A and Worksheet C. The sole custody amount is calculated from Worksheet A and the full shared-physical custody order is calculated from Worksheet C. The graduated support obligation is determined by subtracting an amount from the Worksheet A obligation. This amount is the difference between the worksheet A and worksheet C values, multiplied by the number of overnights more than 109 divided by the difference between 128 and 110 overnights. If positive, the graduated support obligation would then be treated as the basic child support obligation for that parent. Otherwise, it would be treated as the basic child support obligation for the other parent.

4. Adjustments for each parent's additional direct expenses on the child(ren) are made by adding child(ren)'s share of any reimbursed child health care expenses, work-related child care expenses and any other extraordinary expenses agreed to by the parents or ordered by the tribunal, less any extraordinary credits agreed to by the parent or ordered by the tribunal according to their income share. In turn, each parent's net share of additional direct expenses is determined by subtracting the parent's actual direct expenses on the child(ren)'s share of any unreimbursed child health care expenses, work-related child care expenses and any other extraordinary expenses agreed to by the parents or ordered by the tribunal from their share. The parent with a positive net share of additional direct expenses owes the other parent the amount of his or her net share of additional direct expenses. The parent with the zero or a negative net share of additional expenses owes zero dollars for additional direct expenses.

5. The final amount of the child support order is determined by summing what each parent owes for the basic support obligation and additional direct expenses as defined in subsections (2), (3) and (4) of this section. The respective sums are then offset, with the parent owing more paying the other parent the difference between the two amounts.

B. Split Custody

Split custody refers to custody arrangements where there are two or more children and each parent has physical custody of at least one child. Using these guidelines, the court should determine a theoretical support payment for the child or children in the custody of the other. In split custody arrangements the guidelines arrive at separate computations for the child or children residing with each parent. The obligations are then offset, with the parent owing the larger amount paying the difference to the other parent.

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114-4740. Periodic Review.

Every three years, if there is an assignment under part A of Title IV of the Social Security Act, or upon the request of either parent where an assignment exists under part D of Title IV of the Social Security Act, the Department of Social Services shall with respect to a support order being enforced under this part, taking into account the best interests of the child involved, review and, if appropriate, adjust the order in accordance with the guidelines if the amount of child support award under the order differs from the amount that would be awarded in accordance with the guidelines. Adjustments to support orders can only be done for those with assignments under part A of Title IV of the Social Security Act or part D of Title IV of the Social Security Act, and must be done pursuant to Article 5 of Chapter 17 of the South Carolina Children's Code.

114-4750. Child Support Guidelines Schedule and Worksheets.

South Carolina Child Support Guidelines Schedule and worksheets are specifically incorporated into these regulations by reference. Copies of the Schedule and worksheets are on file with the Legislative Council and may also be obtained from the State Department of Social Services and local clerks of court offices.

Fiscal Impact Statement:

No additional state funding is requested. The South Carolina Department of Social Services estimates that no additional costs will be incurred by the State and its political subdivisions in complying with the proposed revisions to Regulation 114, Sections 4710 - 4750.

Statement of Rationale:

In accordance with the Mission Statement of the Department of Social Services, it is incumbent upon the Child Support Enforcement Division to, “. . . ensure the safety and health of children . . . and to assist those in need . . .” The purpose of the quadrennial review of the Guidelines is to ensure that the integrity of the Income Shares Model is maintained by ongoing assessment and reassessment of the numerous issues inherent in the formulae. This model, based on the concept that children should receive the same proportion of parental income that they would have received had the parents lived together, is the one best suited to the needs of the children and families of South Carolina.