

SOUTH CAROLINA STATE REGISTER DISCLAIMER

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SOUTH CAROLINA STATE REGISTER

PUBLISHED BY
THE LEGISLATIVE COUNCIL
of the
GENERAL ASSEMBLY

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Published December 24, 1999

Volume 23 Issue No.12

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.

THE 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 OF THE SOUTH CAROLINA STATE REGISTER

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 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.

2000 PUBLICATION SCHEDULE

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

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

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

REPRODUCING OFFICIAL DOCUMENTS

All documents appearing in the *South Carolina State Register* are prepared and printed at public expense. All media services are especially encouraged to give wide publicity to all documents printed in the *State Register*.

PUBLIC INSPECTION OF DOCUMENTS

A copy of each document filed with the Office of the State Register is available for public inspection during normal office hours, 8:30 A.M. to 5:00 P.M., Monday through Friday. The Office of the State Register is in the Legislative Council, Fourth Floor, Rembert C. Dennis Building, 1000 Assembly Street, in Columbia. Telephone inquiries concerning material in the *State Register* or the *South Carolina Code of Regulations* may be made by calling (803) 734-2145.

CERTIFICATE

Pursuant to Section 1-23-20, Code of Laws of South Carolina, 1976, this issue contains all previously unpublished documents required to be published and filed before the closing date of the issue.

Lynn P. Bartlett
Editor

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 renewable once.

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SUBSCRIPTIONS

The *State Register* is published on the fourth Friday of each month by the Legislative Council of the General Assembly of the State of South Carolina. Subscription rate is \$95.00 per year postpaid to points in the United States. Partial subscriptions may be ordered at the rate of \$8.00 per issue for the remainder of a subscription term. Subscriptions begin July 1 and end June 30.

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Enclosed is my check or money order for \$_____. Date _____

Name _____

Address _____

Telephone _____

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2 EXECUTIVE ORDERS

No. 99-61

WHEREAS, state law has traditionally provided the Governor with the authority to declare Christmas Eve a state holiday, and

WHEREAS, Section 63C.20 of the state Appropriations Act provides in part that:

Notwithstanding S.C. Code Section 53-5-20, and due to the December 25, 1999, holiday being observed on Friday, December 24, 1999, the Governor is hereby authorized to declare Thursday, December 23, 1999, as the Christmas Eve holiday for state government employees....

and,

WHEREAS, in previous years, state government employees have been granted three consecutive days off during the Christmas holiday season.

NOW, THEREFORE, pursuant to Section 63C.20 of the state Appropriations Act, I hereby declare Thursday, December 23, 1999, as the Christmas Eve holiday for state government employees.

GIVEN UNDER MY HAND AND THE GREAT SEAL OF THE
STATE OF SOUTH CAROLINA THIS 16th DAY OF NOVEMBER,
1999.

JIM HODGES
GOVERNOR

NO. 99-62

WHEREAS, S.C. Code Ann. § 1-3-240(B) states: “[a]ny person appointed to a state office by a Governor, either with or without the advice and consent of the Senate, other than those officers enumerated in subsection (C), may be removed from office by the Governor at his discretion by an Executive Order removing the officer”; and

WHEREAS, membership on the Board of Directors of the South Carolina Public Service Authority is a state office that is not listed among the exempt state offices enumerated in S.C. Code Ann. § 1-3-240(C); and

WHEREAS, John S. Rainey of Columbia, South Carolina, was previously named to the Board of Directors of the South Carolina Public Service Authority by former Governor Beasley;

NOW, THEREFORE, pursuant to the powers conferred upon me by the Constitution and Statutes of the State of South Carolina, I hereby remove John S. Rainey from the Board of Directors of the South Carolina Public Service Authority and declare the seat previously held by John S. Rainey to be vacant.

This Order shall take effect immediately.

GIVEN UNDER MY HAND AND THE GREAT SEAL OF THE
STATE OF SOUTH CAROLINA, THIS 3RD DAY OF DECEMBER,
1999.

JIM HODGES
GOVERNOR

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

In accordance with Section 44-7-200(C), Code of Laws of South Carolina, the public is hereby notified that a Certificate of Need application has been accepted for filing and publication December 24, 1999, for the following project(s). After the application is deemed complete, affected persons will be notified that the review cycle has begun. For further information, please contact Mr. Albert N. Whiteside, Director, Planning and Certification of Need Section, 2600 Bull St., Columbia, SC 29201 at (803) 737-7200.

Affecting Charleston County

Purchase of a Positron Emission Tomography (PET) Scanner to be added to the downtown hospital campus.
Roper Hospital, Inc.
Charleston, South Carolina
Project Cost: \$ 1,864,036

Affecting Horry County

Establishment of a freestanding multi-speciality ambulatory surgery center with four (4) operating rooms and one (1) endoscopy suite; the center is to be located in leased space in the Grand Dunes Center of Living Complex.
Grand Strand Outpatient Surgery Center
Myrtle Beach, South Carolina
Project Cost: \$ 4,083,036

Affecting Oconee County

Construction of a free-standing radiation oncology center with a linear accelerator on the campus of Oconee Memorial Hospital.
Cancer Centers of the Carolinas
Seneca, South Carolina
Project Cost: \$ 5,435,167

Affecting Richland County

Relocation and expansion of the South Carolina Comprehensive Breast Center within Richland Medical Complex.
Palmetto Richland Memorial Hospital
Columbia, South Carolina
Project Cost: \$ 2,233,589

In accordance with S.C. DHEC Regulation 61-15, the public and affected persons are hereby notified that the review cycle has begun for the following project(s) and a proposed decision will be made within 60 days beginning December 24, 1999. "Affected persons" have 30 days from the above date to submit comments or requests for a public hearing to Mr. Albert Whiteside, Director, Planning and Certification of Need Section, 2600 Bull Street, Columbia, S.C. 29201. For further information call (803) 737-7200.

Affecting Charleston County

Construction of a freestanding multi-specialty ambulatory surgery facility with three (3) operating rooms.
East Cooper Surgery Center
Mt. Pleasant, South Carolina
Project Cost: 4,640,900

4 NOTICES

Renovation and upgrade of an existing 16-bed unit to provide intermediate care nursing and cardiac monitoring capabilities via telemetry.

Roper Hospital, Inc.

Charleston, South Carolina

Project Cost: \$ 3,250,000

Affecting Oconee County

Construction of a free-standing radiation oncology center with a linear accelerator on the campus of Oconee Memorial Hospital.

Cancer Centers of the Carolinas

Seneca, South Carolina

Project Cost: \$ 5,435,167

Affecting York County

Purchase of the existing 44-bed nursing home, with the addition of 55 nursing home beds which will not participate in the Medicaid (Title XIX) Program, for a total of 99 nursing home beds.

Ebenezer Nursing Home

Rock Hill, South Carolina

Project Cost: \$ 4,741,465

Addition of ten (10) nursing home beds which will not participate in the Medicaid (Title XIX) Program for a total of 109 nursing home beds.

White Oak Manor-York

York, South Carolina

Project Cost: \$ 20,575

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

CHAPTER 61

Statutory Authority: Section 44-7-110, *et. seq.***Notice of Drafting:**

The Department of Health and Environmental Control proposes to revise Regulation 61-16, Standards For Licensing Hospitals and Institutional General Infirmaries. Interested persons may submit written comments to Jerry L. Paul, Director, Health Licensing Section, S.C. Department of Health and Environmental Control, 2600 Bull Street, Columbia, S.C. 29201. To be considered, all comments must be received no later than 5:00 p.m., January 24, 2000, the close of the drafting period.

Synopsis:

The Department proposes to revise the regulation to include, but not be limited to, the revision/update of those sections of the standards relating to perinatal care (Sections 607-610.4), specifically addressing the modification of Level II facility designation, technological capabilities, and supervision by a neonatologist.

Legislative review will be required.

6 PROPOSED REGULATIONS

Document No. 2496
CLEMSON UNIVERSITY
CHAPTER 27
Statutory Authority S. C. Code Section 47-4-30

R27-1015C.9.A Specific Requirements for Cattle

Preamble:

The State Livestock-Poultry Health Commission proposes to amend Regulation 27-1015.C.9.A pertaining to Brucellosis testing of cattle in livestock markets by changing testing procedures.

Section-by-Section Discussion:

Regulation 27-1015.C.9 is amended to reflect changes of the criteria by which blood samples are taken for Brucellosis Testing.

Notice of Public Hearing:

Should a hearing be requested pursuant to Section 1-23-110(b) of the 1976 Code, as amended, such hearing will be held at the Veterinary Diagnostic Center, 500 Clemson Road, Columbia, S. C. 29229, on February 4, 2000 at 1:00 a.m. Should no such request be received by 4:30 p.m. on February 1, 2000 such hearing will be cancelled without further notice. Written comments may be directed to Dr. Jones W. Bryan, State Veterinarian, P. O. Box 102406, Columbia, SC 29224, no later than February 1, 2000.

Preliminary Fiscal Impact Statement:

No additional state funding is requested.

Statement of Need and Reasonableness:

The amended regulation will update the regulations to reflect changes in the Brucellosis status in the State of South Carolina.

DESCRIPTION OF REGULATION:

PURPOSE: To protect the general health of the state's animal industry by requiring that cattle going through livestock markets are tested for Brucellosis if considered to be necessary by the State Veterinarian.

Legal Authority: 1976 Code Section 47-4-40

Plan for Implementation: The regulation will be disseminated to the livestock industry and will be published in various periodicals. After a reasonable notification period the regulation will be enforced by the Livestock-Poultry Health Division.

DETERMINATION OF NEED AND REASONABLENESS BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS: This state has been designated as Brucellosis-Free. Consequently a Brucellosis test is only required for transportation of cattle in interstate commerce, when the receiving state specifically requires such a test. The amendment will conform practice to current legal requirements and will free resources for other areas.

DETERMINATION OF COSTS AND BENEFITS: No additional costs will be incurred.

UNCERTAINTIES OF ESTIMATES: None

EFFECT ON THE PUBLIC HEALTH : Brucellosis can be transmitted to humans. However, under the current designation, this state is designated as Brucellosis-Free. The amendment of the regulation should have no effect on the public health.

DETRIMENTAL EFFECT ON THE PUBLIC HEALTH IF THE REGULATION IS NOT IMPLEMENTED: The state has been designated as Brucellosis-Free. The cessation of the current procedures for testing should free resources for other more pressing needs.

Text:

R27-10.C.9 Brucellosis Testing: When considered advisable by the State Veterinarian, the authorized representative of the State Veterinarian shall take a blood sample from cattle and shall test the blood in a manner approved by the State Veterinarian to determine if the cattle tested are free from serological evidence of the disease known as Brucellosis. This test will be a preliminary blood test and cattle sold as Brucellosis negative based upon the results of this test, will be sold as such subject to a re-test of the same blood by the Official State Brucellosis Laboratory.

Document No. 2497
CLEMSON UNIVERSITY
CHAPTER 27
Statutory Authority S. C. Code Section 47-4-30

R27-1026.2.C Quarantine of Garbage Fed Swine

The State Livestock-Poultry Health Commission Proposes to amend Regulation 27-1026.2.C by changing the definition of "Garbage".

Section by Section Discussion:

Regulation 27-1026.2.C is amended to reflect changes in the definition of "Garbage" for the Quarantine of Garbage Fed Swine.

Notice of Public Hearing:

Should a hearing be requested pursuant to Section 1-23-110(b) of the 1976 Code, as amended, such hearing will be held at the Veterinary Diagnostic Center, 500 Clemson Road, Columbia, SC 29229, on February 4, 2000 at 11:00 a.m. Should no such request be made by 4:30 p.m. on February 1, 2000, such hearing will be cancelled without further notice. Written comments may be directed to Dr. Jones W. Bryan, State Veterinarian, P. O. Box 102406, Columbia, SC 29224-2406, no later than February 1, 2000.

Preliminary Fiscal Impact Statement:

No additional state funding is requested.

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Statement of Need and Reasonableness:

It has been determined that there is little chance of transmission of diseases to swine via plant/vegetable wastes which have not been mixed with animal wastes. Consequently, in certain circumstances, the feeding of plant waste which has been developed in the processing of vegetable or plant matter will not harm swine and in fact, may serve as a valuable source of nutrients while avoiding disposal of such waste pursuant to current environmental regulations.

DESCRIPTION OF REGULATION;

PURPOSE: To narrow the definition of waste which may not be fed to swine.

Legal Authority: 1976 Code Section 47-4-40

Plan for Implementation: The regulation will be disseminated to the livestock industry and will be published in various periodicals. After a reasonable notification period the regulation will be enforced by the Livestock-Poultry Health Division.

DETERMINATION OF NEED AND REASONABLENESS BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS: It has been determined that there is no significant risk of transmitting diseases from plant (vegetable) waste to swine, provided that no animal wastes are mixed therein. Consequently this amendment will allow the feeding of discarded plant waste to swine, provided that no animal waste is mixed therein. This may allow a reduction of disposal of such vegetable waste in solid waste landfills or through other methods. Plant waste includes, but not limited to: cooked un-saleable bakery products, spoiled fruits and vegetables, and processed fruit and vegetable products which for various reasons cannot be offered to the general public.

DETERMINATION OF COSTS AND BENEFITS: No additional costs will be incurred.

UNCERTAINTIES OF ESTIMATES: None

DETRIMENTAL EFFECT ON THE PUBLIC HEALTH IF THE REGULATION IS NOT IMPLEMENTED: It is anticipated that there will be no significant adverse impact on the public health if the regulation is not implemented; however, it is believed that the plant wastes can be better utilized as food for swine, which will relieve some pressure on solid waste disposal facilities.

Text:

R27-1026.2.C Quarantine of Garbage Fed Swine: "Garbage" means any animal wastes, including unprocessed dairy products, resulting from handling, preparation, cooking and consumption of foods, including animal carcasses and/or parts thereof or contents of offal.

Document No. 2493
DEPARTMENT OF EDUCATION
CHAPTER 43

Statutory Authority: S.C. Code Ann. Sections 59-5-60(1) et 59-53-1810 (1990);
United States Code Sections 20 USCS 11-14, et seq.

43-233. South Carolina Four-Year State Plan for Career and Technology Education, Fiscal Years 2001-2004.

Preamble:

State Board of Education Regulation 43-233, Two-Year State Plan for Vocational-Technical Education, FY 1995-96 is being repealed and replaced in its entirety by State Board of Education Regulation 43-233, South Carolina Four-Year State Plan for Career and Technology Education, Fiscal Year: 2001-2004.

The Carl D. Perkins Vocational-Technical Education Act of 1998, Pub. L. No. 105-332, requires each state, in order to be eligible to receive federal funds, to prepare and submit a four-year state plan to the United States Secretary of Education on or before April 1, 2000.

The proposed regulation is subject to certain promulgation provisions of the South Carolina Administrative Procedures Act (APA). However, General Assembly review is not required for regulations promulgated to comply with federal law.

The Four-Year State Plan establishes the vision and goals for career and technology education in the State for the next four years. Accountability with local flexibility to achieve adjusted levels of performance is a major part of the plan. The plan establishes standards to meet federal core indicators in the federal Perkins legislation that the State must achieve to continue to receive funding. The secondary/postsecondary allocation of funds at the local level will change from a current 85 percent allocation for secondary and a 15 percent allocation for postsecondary to a 70 percent-30 percent split of local funds. This shift in funding is based on the relative enrollments in vocational/technical programs and would be phased in over four years.

Notice of Public Hearing and Opportunity for Public Comment:

This regulation will be promulgated by the State Board of Education on February 9, 2000. If you wish to comment on the proposed regulation, you may do so by submitting your comments in writing to James R. Couch, Director, Office of Career and Technology Education, 1429 Senate Street, Room 912A Rutledge Building, Columbia, SC 29201, no later than January 14, 2000. If required, a public hearing will be conducted on February 8, 2000, at 2:00 p.m. at the Rutledge Building.

Preliminary Fiscal Impact Statement:

Cost: Supported with federal funds (\$18.4 million)
Fund/Source: Federal Perkins Act

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION: 43-233, South Carolina Four-Year State Plan for Career and Technology Education, Fiscal Years 2001 – 2004.

- Purpose: To establish South Carolina's eligibility to receive nearly \$18.4 million dollars in federal funds.
- Legal Authority: S.C. Code Ann. Sections 59-5-60(1) and 59-53-1810 (1990); United States Code Sections 20 USCS 11-14, et seq.
- Plan for Implementation: The proposed regulation will take effect upon publication in the State Register as final. The proposed regulation will be implemented by providing copies of the regulation to educational officials and interested parties.

DETERMINATION OF NEED AND REASONABLENESS OF THE PROPOSED REGULATION BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS: This plan establishes South Carolina's eligibility to receive nearly \$18.4 million dollars in federal funds to support Tech Prep and Career and Technology Education programs and services throughout the State.

10 PROPOSED REGULATIONS

DETERMINATION OF COSTS AND BENEFITS:

Cost: None

Benefits: 18.4 million dollars in federal Perkins funds

UNCERTAINTIES OF ESTIMATES: Estimates are based on the actual federal Perkins allocation to South Carolina for FY2000 and are not expected to change significantly for the duration of this plan.

EFFECT OF ENVIRONMENT AND PUBLIC HEALTH: NONE

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

Text:

The full text of this regulation is available on the South Carolina General Assembly Home Page: www.lpitr.state.sc.us. If you do not have access to the Internet, the text may be obtained from the promulgating agency.

Document No. 2494

BOARD OF FINANCIAL INSTITUTIONS

CHAPTER 15

Statutory Authority: 1976 Code Section 34-1-60 and 34-1-110

Article 1. Banking, Commercial Paper and Finance

15-21 State Bank Investments, Fixed Assets.

15-25 Purchase of Property for Future Expansion.

Preamble:

The Board of Financial Institutions is proposing to amend Regulations 15-21 and 15-25. Regulation 15-21 concerns investments of State banks in fixed assets and Regulation 15-25 concerns the purchase of property acquired for future expansion by State chartered banks and savings and loan associations. The amendments are being proposed to provide State chartered banks and savings and loan associations parity with Federally chartered institutions.

Section by Section Discussion:

Regulation 15-21

The existing text is being amended to increase the amount a State chartered bank is allowed to invest in fixed assets from 60% to 100% of the combined outstanding capital stock, surplus, and capital notes and/or debentures of the bank.

Regulation 15-25

The existing text is being amended to extend the time at which the charge-off period begins from two to five years from the date of purchase on property acquired for future expansion that is not used for the purpose for which it was purchased by State chartered banks and savings and loan associations. This will extend the charge-off program from five to eight years.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(b) of the 1976 Code of Laws, as amended, such hearing will be conducted on February 8, 2000, at 10:00 a.m., in the Calhoun Building, 1015 Sumter Street, Room 309, Columbia, South Carolina 29201. Written comments may be directed to Louie A. Jacobs, Commissioner of Banking, P.O. Box 12549, Columbia, South Carolina 29211, no later than January 31, 2000.

Preliminary Fiscal Impact Statement:

These regulations are not subject to General Assembly review under Section 1-23-120 of the Code of Laws, and a fiscal impact statement is not required pursuant to Section 1-23-110(A)(3)(e).

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION:

15-21 State Bank Investments, Fixed Assets.

15-25 Purchase of Property for Future Expansion.

Purpose of Amendments: To provide State chartered banks and savings and loan associations parity with Federally chartered institutions.

Legal Authority: 1976 Code Section 34-1-60 and 34-1-110

Plan for implementation: The amended regulations will take effect upon publication in the *State Register*.

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

The proposed amendments will provide for State chartered banks and savings and loan associations to have parity with Federally chartered institutions.

DETERMINATION OF COSTS AND BENEFITS:

These amendments will impose no additional costs to the State. State chartered banks and savings and loan associations will benefit by having parity with Federally chartered institutions.

UNCERTAINTIES OF ESTIMATES: None

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH: None

Text:

The full text of this regulation is available on the South Carolina General Assembly Home Page: www.lpittr.state.sc.us. If you do not have access to the Internet, the text may be obtained from the promulgating agency.

12 PROPOSED REGULATIONS

Document No. 2499
DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
CHAPTER 61
Statutory Authority: 1976 Code Sections
44-96-60, 44-96-80, 44-96-100, 44-96-260, 44-96-290, and 44-96-450.

R.61-107. __. Solid Waste Management: Demonstration-of-Need, and Consistency

Preamble:

This regulation establishes the criteria for the demonstration-of-need for new and expansions of existing municipal solid waste landfills, municipal solid waste incinerators, industrial incinerators, industrial landfills, and Part IV (long-term) construction, demolition, and land-clearing debris landfills. This regulation also establishes the criteria for counties/regions and the state in determining consistency with county/regional solid waste management plans and the State Solid Waste Management Plan.

The Department's objective is to preserve the State's natural resources by limiting the number of landfills, while at the same time ensuring adequate long-term disposal capacity is available to manage the State's solid waste disposal needs at a reasonable cost.

A Notice of Drafting was published in the State Register on July 23, 1999.

Discussion:

General Requirements Applicable to Parts One and Two.

Section A: Addresses the purpose of the regulation and its applicability.

Section B: Addresses definitions of words/phrases that are used in Parts One and Two of this regulation.

Section C: Addresses violations, penalties, and appeals.

Section D: Addresses severability of any part of this regulation.

Part One: Addresses requirements applicable only to Part One, demonstration-of-need for solid waste disposal facilities.

Section A: Addresses general requirements for demonstration-of-need, including how it impacts permitting, identification of the types of facilities that require demonstration-of-need, and identification of the entity to make the determination.

Section B: Addresses additional definitions of words/phrases that are used only in Part One of this regulation.

Section C: Addresses submittal requirements and the process used for determining need, variances, and notification.

Part Two: Addresses requirements applicable only to consistency with county/region and State Solid Waste Management Plans.

Section A: Defines general requirements for determining consistency.

Section B: Addresses the requirements for determining consistency with the county/regional solid waste management plans including time frames for review by the local government, and responsibilities of the applicant.

Section C: Defines the required contents for letters of consistency.

Section D: Addresses the revocation of a letter of consistency.

Section E: Addresses the Department’s determination of consistency with the State Solid Waste Management Plan including time frames for making the determination.

Notice of Staff Informational Forums:

Staff of the Department of Health and Environmental Control invites interested members of the public and regulated community to attend staff-conducted informational forums scheduled as follows:

<u>Date:</u>	<u>Time:</u>	<u>Place:</u>
January 12, 2000	2:00 p.m.	Auditorium, Second Floor, Charleston County Main Library, 68 Calhoun St. Charleston, S.C.
January 14, 2000	2:00 p.m.	Greenville County Council Chambers, First Floor, 301 University Ridge, Greenville, S.C.
January 24, 2000	10:00 a.m.	G.S.T. Peeples Auditorium, Third Floor, Sims Building, Department of Health and Environmental Control, 2600 Bull Street, Columbia, S.C.
January 25, 2000	10:00 a.m.	Auditorium, First Floor, Florence County Health Department, 145 East Cheves St., Florence, S.C.

The purpose of the forums is to answer questions, clarify issues, and receive comments by interested persons on the proposed regulation. Comments received shall be considered by staff in formulating the final draft proposal for submission to the Board of Health and Environmental Control for the Board public hearing scheduled pursuant to S.C. Code Ann. Section 1-23-110 and 1-23-111 as noticed below.

Interested persons are also provided an opportunity to submit written comments to the staff forums by writing to Art Braswell, Bureau of Land and Waste Management, S.C. DHEC, 2600 Bull Street, Columbia, S.C. 29201. Written comments must be received no later than 5:00 p.m. on January 25, 2000. Comments received at the forums and by mail by the deadline shall be considered by the staff in formulating the final draft proposed regulation for submission to the Board for public hearing on February 10, 2000. Comments received from the forums and comment period shall be submitted to the Board in a Summary of Public Comments and Department Responses for consideration at the public hearing.

Copies of the proposed regulation for public notice and comment are available by contacting Ellen Jennings at the Bureau of Land and Waste Management, S.C. DHEC, 2600 Bull Street, Columbia, S.C. 29201, in person at 8901 Farrow Road, Columbia, S.C., or by phone at 803-896-4203.

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

Interested members of the public and regulated community are invited to make oral or written comments on the proposed regulation at a public hearing to be conducted by the Board of Health and Environmental Control at its regularly-scheduled meeting on February 10, 2000, to be held in the Board Room of the Commissioner’s Suite,

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third floor, Aycock Building of the Department of Health and Environmental Control, 2600 Bull Street, Columbia, S.C. The Board meeting commences at 10:00 a.m. at which time the Board will consider items on its agenda in the order presented. The Board's agenda will be published by the Department ten (10) days in advance of the meeting. Persons desiring to make oral comments at the hearing are asked to limit their statements to five (5) minutes and, as a courtesy, are asked to provide written comments of their presentation for the record.

Interested persons may also submit written comments on the proposed regulation by writing to Art Braswell, Bureau of Land and Waste Management, S.C. DHEC, 2600 Bull Street, Columbia, S.C. 29201. Written comments must be received no later than 5:00 p.m. on January 25, 2000, as noticed above. Comments received by the deadline date shall be submitted in a Summary of Public Comments and Department Responses for the Board's consideration at the public hearing.

Interested persons may obtain a copy of the final proposed regulation for public hearing by contacting Ellen Jennings at the above address.

Preliminary Fiscal Impact Statement:

Staff anticipates there will be no increased costs to the State or its political subdivisions.

Statement of Need and Reasonableness:

The statement of need and reasonableness of the proposed regulation was determined by staff analysis pursuant to S.C. Code Ann. Section 1-23-115(C)(1)-(3) and (9)-(11):

DESCRIPTION OF REGULATION: New Regulation, Solid Waste Management: Demonstration-of-Need and Consistency.

Purpose: The purpose of this regulation is to satisfy the requirements of the Solid Waste Policy and Management Act of 1991, S.C. Code Ann. Sections 44-96-260, 44-96-290. The regulation provides for establishing criteria for the demonstration-of-need for the construction of new and the expansion of existing municipal solid waste landfills, municipal solid waste incinerators, industrial incinerators, Part IV (long-term) construction, demolition, and land-clearing debris landfills, and industrial landfills. The new proposed regulation also establishes the criteria to be used by counties/regions and the Department in determining consistency with county/regional solid waste management plans and the State Solid Waste Management Plan for new and expanding solid waste management facilities.

Authority: The Solid Waste Policy and Management Act of 1991, S.C. Code Ann. Sections 44-96-60, 44-96-80, 44-96-100, 44-96-260, 44-96-290, and 44-96-450.

Plan for Implementation: The proposed regulation, as amended through public comment and Department response, and upon approval of the General Assembly and publication in the State Register, will be incorporated within R.61-107, Solid Waste Management. The proposed regulation will be implemented in the same manner in which other regulations are implemented.

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

Part One. Demonstration-of-Need. This part of the regulation is needed so that solid waste disposal capacity is managed to meet the long-term disposal needs of the State while protecting the State's natural resources. The regulation requires permit applicants to demonstrate the need for new landfills and expansions of existing landfills prior to obtaining a permit. This part of the regulation is reasonable because it limits the total number of landfills in the State, while at the same time ensuring there is more than adequate capacity to meet the State's disposal

needs. The regulation encourages competition within planning areas, and encourages the establishment of regional landfills.

Part Two. Consistency. The Solid Waste Policy and Management Act requires proposed new and expansions to existing solid waste management facilities be consistent with the county or regional solid waste management plan and the State Solid Waste Management Plan, but failed to establish guidelines to follow in determining consistency with the plans. This part of the regulation is needed to ensure that consistency determinations are made in a timely manner, based on factual information contained in the plan, and that an appeal process is established. This part of the regulation is reasonable because it allows the counties or regions to continue to determine consistency with the local plans in accordance with the Act while providing minimal criteria for counties/regions to follow in making the consistency determinations.

DETERMINATION OF COSTS AND BENEFITS:

Internal Costs: Implementation of this regulation should not require additional resources beyond those allowed in the Act.

External Costs: No additional costs for local governments are expected relating to the consistency requirements. Regarding the demonstration-of-need requirements, the regulation allows for competition within planning areas by allowing two (2) landfills under separate ownership within each planning area. The Department anticipates little or no increase in solid waste disposal costs as a result of this regulation.

UNCERTAINTIES OF ESTIMATES: None.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

This regulation encourages fewer, larger regional solid waste disposal facilities that are better designed and operated than numerous small facilities, thereby minimizing the impact of these facilities on the environment. The regulation ensures there is more than adequate disposal capacity in the State, so that solid waste may be properly disposed of in a safe manner, protecting public health and the environment.

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

The detrimental effect of not implementing this regulation would likely result in numerous smaller, less financially sound facilities in the State leading to inferior operation and maintenance. This would increase potential for contamination of the State's natural resources.

Text:

The full text of this regulation is available on the South Carolina General Assembly Home Page: www.lpitr.state.sc.us. If you do not have access to the Internet, the text may be obtained from the promulgating agency.

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Document No. 2500
DEPARTMENT OF INSURANCE
CHAPTER 69

Statutory Authority: 1976 Code Sections 38-3-110; 38-73-500; 1-23-10, *et seq.*

69-55. Five Percent Credit for Employers With Qualified Drug Testing Programs

Preamble:

The Department of Insurance proposes Regulation 69-55, Five Percent Credit for Employers With Qualified Drug Testing Programs, to provide guidance regarding S. C. Code Ann. Section 41-1-15, requiring an insurance premium rate credit of at least five percent for all insured employers and applicant employers which have established a qualified workplace drug and alcohol prevention program. This credit must be allowed to all qualified insured employers and all qualified applicant employers for all workers' compensation casualty insurance policies issued or renewed within this State on, or after, October 1, 1997.

Notice of Public Hearing:

The Administrative Law Judge Division will conduct a public hearing for the purpose of receiving oral comments on March 30, 2000 at 9:30 a.m. in Hearing Room at 1205 Pendleton Street, Columbia, South Carolina 29202. Interested persons should submit their views in writing to: Dean F. Kruger, South Carolina Department of Insurance, Post Office Box 100105, Columbia, South Carolina 29202-3105 on or before March 30, 1999.

Preliminary Fiscal Impact Statement:

No additional state funding is requested.

Statement of Need and Reasonableness:

The Department of insurance is required to promulgate regulations to establish the basis for this premium credit as described in S.C. Code Ann. Section 41-1-15.

Summary of Preliminary Assessment Report:

The promulgation of this regulation will not result in a substantial economic impact.

Text:

The full text of this regulation is available on the South Carolina General Assembly Home Page: www.lpitr.state.sc.us. If you do not have access to the Internet, the text may be obtained from the promulgating agency.

Document No. 2501
DEPARTMENT OF INSURANCE
CHAPTER 69

Statutory Authority: 1976 Code Sections 38-3-110; 38-73-70; 1-23-10, *et seq.*

69-56. Hurricane Deductible

Preamble:

The Department of Insurance proposes Regulation 69-56, Hurricane Deductible, to clarify the process for insurers to inform policyholders who purchase property policies insuring the peril of wind/hail which contains wind/hail deductibles and to require the signature of the policyholder prior to changing the amount of the wind/hail deductible.

Notice of Public Hearing:

The Administrative Law Judge Division will conduct a public hearing for the purpose of receiving oral comments on March 30, 2000 at 2:00 p.m. in Hearing Room at 1205 Pendleton Street, Columbia, South Carolina 29202. Interested persons should submit their views in writing to: Dean F. Kruger, South Carolina Department of Insurance, Post Office Box 100105, Columbia, South Carolina 29202-3105 on or before March 30, 1999.

Preliminary Fiscal Impact Statement:

No additional state funding is requested.

Statement of Need and Reasonableness:

The Department of Insurance is required to promulgate regulations to establish the basis for this premium credit as described in S.C. Code Ann. Section 38-73-70.

Summary of Preliminary Assessment Report:

The promulgation of this regulation will not result in a substantial economic impact.

Text:

The full text of this regulation is available on the South Carolina General Assembly Home Page: www.lpitr.state.sc.us. If you do not have access to the Internet, the text may be obtained from the promulgating agency.

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Document No. 2495
DEPARTMENT OF LABOR, LICENSING AND REGULATION
STATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS
AND LAND SURVEYORS
CHAPTER 49

Statutory Authority: 1976 Code Section 40-22-130

Preamble:

The Board of Registration for Professional Engineers and Land Surveyors is considering drafting regulations that would require all persons that have not renewed their license by September 30 to file a notarized affidavit certifying that they have not been engaged in the practice of engineering or land surveying during the period their certificates were not in a current status. These regulations would also eliminate the requirement that a registrant seeking to renew within three months of the lapse of his or her license be issued a new certificate number and eliminate the requirement that such a registrant file a new application to renew within the three month "grace period."

Section by Section Discussion:

Section 49-209(B)(1). Requires all persons that have not renewed their license by September 30 to file a notarized affidavit certifying that they have not been engaged in the practice of engineering or land surveying in South Carolina during the period their certificates were not in a current status.

Section 49-209(B)(4). Strikes the last sentence of the section which previously required the original certificate number to be voided and a new number issued after an application for reinstatement within a three month grace period was approved by the Board.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(b) of the 1976 Code, as amended, such hearing will be conducted at the Administrative Law Judge Division at 9 a.m. on Wednesday, February 23, 2000. Written comments may be directed to Jay Pitts, Administrator, South Carolina State Board of Registration for Professional Engineers and Land Surveyors, Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, South Carolina 29211-1329, no later than 5:00 p.m., Monday, January 24, 2000.

Preliminary Fiscal Impact Statement: There will be no additional cost incurred by the State or any political subdivision.

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION:

Purpose: To ensure continued professional competency of practicing engineers and land surveyors and to establish a retired/inactive status for persons previously licensed.

Legal Authority: Statutory Authority: 1976 Code Title 40, Chapter 22, Section 130.

Plan for Implementation: Administratively, the Board will see that these practices are implemented by educating and informing the licensees in communications from the Board and by administratively altering the process by which reinstatement of applications during the grace period are made.

DETERMINATION OF NEED AND REASONABLENESS BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS: These regulations need revision in order to comply with the most economically

reasonable method for reinstating licensees of registrants during the grace period. Compliance with these regulations will provide the agency with a simple procedure by which to process persons seeking reinstated licenses during the grace period.

DETERMINATION OF COSTS AND BENEFITS: There will be no cost incurred by the State or its political subdivisions.

UNCERTAINTIES OF ESTIMATES: There are no uncertainties of estimates concerning these regulations.

EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH: These regulations will have no effect on the environment and public health of this State.

DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION IS NOT IMPLEMENTED: These regulations will have no detrimental effect on the environment and public health of this State if these regulations are not implemented in this State.

Text:

The full text of this regulation is available on the South Carolina General Assembly Home Page: www.lpitr.state.sc.us. If you do not have access to the Internet, the text may be obtained from the promulgating agency.

Document No. 2498

DEPARTMENT OF TRANSPORTATION

CHAPTER 63

Statutory Authority 1976 Code Section 12-28-2930 and 49 CFR part 26

Preamble:

The Department of Transportation proposes to amend the regulations concerning its Disadvantaged Business Enterprises Program to conform to the requirements of 49 CFR Part 26 and to provide for hearings on certification decisions to be heard by the Administrative Law Judge Division. The amendments also change references to the "Department of Highways and Public Transportation" to the "Department of Transportation" and references to Section 12-27-1320 of the Code of Laws (1976), as amended (the old codification section of the State DBE law) to Section 12-28-2930 of the Code of Laws (1976), as amended (the new section where the State DBE law was recodified in 1995).

A Notice of Drafting for the proposed amendments was published in the State Register on August 27, 1999.

Section-by section analysis:

- 63-700. Requirements of 49 CFR Part 26 are incorporated in the State regulations by reference.
- 63-701. Revises some definitions to comply with the provisions of 49 CFR Part 26.
- 63-702. Makes clear that the State regulations incorporate standards and procedures for the Federal as well as State DBE Programs. Incorporates provision of Federal regulations that firms shall be certified for at least a three year period, rather than only one year periods, unless they become ineligible for any reason.
- 63-703. Makes clear that the Department certifies firms for participation in both the State and Federal DBE Programs. Incorporates the certification standards of 49 CFR Part 26 and eliminates the restatement of those standards in the current State regulations. Clarifies the definitions of the terms DBE's, MBE's and WBE's.

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- 63-704. Clarifies that the procedures in the State regulations also apply to firms applying for certification under the Federal Program. Deletes the detail of what information must be submitted to the Department in the application. Changes the appeal procedure so that appeals are heard by the Administrative Law Judge Division rather than within the Department of Transportation. Specifically states the requirement under 49 CFR Part 26 for the filing of an annual affidavit that there have been no changes in the firms circumstances that would affect eligibility for certification.
- 63-705. Deletes the "Third-Party Challenge Procedure" and substitutes the new procedure for "Ineligibility Complaints" required under 49 CFR Part 26.
- 63-706. Deletes the old procedure for Decertification and substitutes the new procedure required by 49 CFR Part 26 and provides for decertification hearings before the Administrative Law Judge Division.
- 63-700 - 63-718.
References to old Section 12-27-1320 changed to new Section 12-28-2930; References to the Office of Compliance changed to Office of DBE Program Development; References to Department officials revised to reflect correct titles due to internal Department restructuring.

Notice of Public Hearing and Opportunity for Public Comment:

Should a public hearing be requested pursuant to Section 1-23-110(b) of the 1976 Code of Laws, as amended, such a hearing will be conducted at 955 Park Street, Columbia, South Carolina, on February 10, 2000. Written comments or requests for a hearing may be directed to Deborah Brooks Durden, Governmental Liaison, PO Box 191, Columbia, South Carolina 29202. To be considered, comments should be received no later than January 24, 2000.

Preliminary Fiscal Impact Statement:

The South Carolina Department of Transportation estimates that there will be no additional costs incurred by the State or its political subdivisions in complying with the proposed amendments.

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION 63-700 *et seq.* Disadvantaged Business Enterprises Program.

Purpose of amendment: The Department of Transportation proposes to amend the regulations concerning its Disadvantaged Business Enterprises Program to conform to the requirements of 49 CFR Part 26 and to provide for hearings on certification decisions to be heard by the Administrative Law Judge Division.

Legal Authority: The legal authority for regulation 63-700 *et seq.* is section 12-28-2930, SC Code of Laws and Code of Federal Regulations Part 26.

Plan for Implementation: Because the regulations are promulgated to comply with federal law, no legislative review will be required. The proposed amendments will take effect following any public hearing and publication in the *State Register*.

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

The proposed amendments will benefit the public by deleting confusing and outdated information from the regulations and by conforming the regulation to the federal law.

DETERMINATION OF COSTS AND BENEFITS: There will be no costs imposed by these changes to the State. The Administrative Law Judge Division can absorb the appeals (approximately five per year) into their existing work load.

UNCERTAINTIES OF ESTIMATES: None.

EFFECT ON ENVIRONMENTAL AND PUBLIC HEALTH: None.

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

Text:

The full text of this regulation is available on the South Carolina General Assembly Home Page: **www.lpitr.state.sc.us**. If you do not have access to the Internet, the text may be obtained from the promulgating agency.

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Filed: November 22, 1999, 4:55 pm

Document No. 2491
DEPARTMENT OF LABOR, LICENSING AND REGULATION
BOARD OF PHARMACY
CHAPTER 99

Statutory Authority: 1976 Code Section 40-43-82

Emergency Situation:

The Board of Pharmacy has determined that special provisions are needed for the registration of volunteers working as pharmacy technicians in free medical clinics. Because of the charitable nature of the services provided to the citizens of the State at free medical clinics and the voluntary participation of certain persons in support of those services, the Board will waive the registration fee for pharmacy technicians working in free medical clinics and provide an on-site registration procedure that will eliminate the department's normal administrative costs of registration. It is imperative that the adoption of the new regulation as an acceptable method of registration be implemented as soon as possible in order to facilitate compliance with new requirements for the registration of pharmacy technicians and to allow applicants to be registered to perform pharmacy functions as pharmacy technicians in those special settings that provide medical services to the public at free medical clinics in this State.

Text:

99-44. Registration and Waiver of Fee for Pharmacy Technicians in Free Medical Clinics.

An individual who works as an unpaid volunteer under the personal supervision of a licensed pharmacist or who handles legend drugs in a pharmacy department of a free medical clinic staffed by a licensed pharmacist may be registered as a pharmacy technician and perform pharmacy functions as a pharmacy technician without payment of the registration fee or filing with the Board, provided that a register is maintained in the pharmacy department of the free medical clinic bearing the name of every such volunteer performing pharmacy functions as a pharmacy technician and documenting each volunteer's period of service. This special registration shall be valid only in the free medical clinic. The register must be kept in a readily available manner for inspection by representatives of the Board. The register must be kept for a period of three years. For the purpose of this section, free medical clinic means a permitted facility that provides medical services, including the dispensing of legend drugs and other medications, free of any charge to members of the public.

Statement of Need and Reasonableness:

The need to immediately establish these special requirements for registration in this State is imperative in order to prevent a disruption in the provision of medical services to the public at free medical clinics in this State.

DESCRIPTION OF REGULATION: A new regulation is adopted as Regulation 99-44.

Purpose: The adoption of the new regulation will establish special requirements for registration in this State in order to facilitate compliance with new requirements for the registration of pharmacy technicians and to allow applicants to be registered to perform pharmacy functions as pharmacy technicians in those special settings that provide medical services to the public at free medical clinics in this State.

Legal Authority: Statutory Authority: 1976 Code Title 40, Chapter 43, Section 82.

Plan for Implementation: Administratively, the Board will see that the new regulation is implemented by informing pharmacists, permit holders and technicians through written communications, newsletters and the Internet. The Board will also see that the regulation is enforced through inspections and audits.

DETERMINATION OF NEED AND REASONABLENESS BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS: The need to immediately establish the special requirements for registration in this State is imperative in order to prevent a disruption in the provision of medical services to the public at free medical clinics in this State.

DETERMINATION OF COSTS AND BENEFITS: There will be no additional costs incurred by the State or any political subdivision. The expected benefit is the elimination of cost for the agency to register this special class of pharmacy technicians who work as volunteers at free medical clinics in this State.

UNCERTAINTIES OF ESTIMATES: There are no uncertainties of estimates concerning this regulation.

EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH: The new regulation will have no effect on the environment and public health of this State.

DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION IS NOT IMPLEMENTED: The new regulation will have no detrimental effect on the environment and public health of this State if the regulations are not implemented in this State.

Filed: November 30, 1999, 8:30 am

Document No. 2492
DEPARTMENT OF NATURAL RESOURCES
CHAPTER 123
Statutory Authority: 1976 Code Section 50-11-2200

Emergency Situation:

This amended regulation sets seasons, bag limits and methods of hunting and taking of wildlife on Wildlife Management Areas. Amendments are needed to add additional WMA=s. Because hunting season started September 1 in these units, it is necessary to re-file these regulations as emergency so their effect will continue through the hunting season.

123-40 Hunt Units and Wildlife Management Area Regulations

1.2(B) Game Zone 2 - Western Piedmont Hunt Unit

Fants Grove WMA

Special Gun Hunts for youth, mobility impaired, women and primitive weapons.	As designated between December 8 and December 22	2 deer, either-sex
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1.2(D) Game Zone 4 - Central Piedmont Hunt Unit

Draper WMA

Horseback riding is prohibited on Draper WMA.

Small Game

Quail	Designated days or periods within Game Zone 4 seasons	10 per day
Rabbit	Designated days or periods within Game Zone 4 seasons	5 per day
Other Small Game (No fox squirrels)	Game Zone 4 seasons	Game Zone 4 limits

1.2(G) Francis Marion National Forest

Wambaw WMA

Deer

Tibwin Special Use Area is closed to hunting except for special hunts designated by the SCDNR.

1.2(H) Moultrie

Deer Total of 5 deer for all gun hunts.

Bluefield WMA (Adult/Youth Area)

Bluefield WMA is open only to youth 17 years of age or younger who must be accompanied by an adult at least 21 years of age. Adults will be allowed to carry a weapon and hunt.

Deer

Archery (No dogs)	Designated days or periods between Aug. 15 and Jan. 1	2 deer per day, buck only, except on either-sex days as prescribed by the Dept.
Primitive Weapons (No buckshot)	Designated days or periods between Aug. 15 and Jan. 1	2 deer per day, buck only, except on either-sex days as prescribed by the Dept.
Still Gun Hunts (No buckshot)	Designated days or periods between Aug. 15 and Jan. 1	2 deer per day, buck only, except on either-sex days as prescribed by the Dept.
Small Game (No Fox Squirrels)	Designated days or periods within Game Zone 6 seasons. No hunting before Sept. 1 or after Mar. 1.	Game Zone 6 bag limits.

Greenfield WMA

Deer

Archery (No dogs)	Designated days or periods between Aug. 15 and Jan. 1	2 deer per day, buck only, except on either-sex days as prescribed by the Dept.
Primitive Weapons (No buckshot)	Designated days or periods between Aug. 15 and Jan. 1	2 deer per day, buck only, except on either-sex days as prescribed by the Dept.
Still Gun Hunts (No buckshot)	Designated days or periods between Aug. 15 and Jan. 1	2 deer per day, buck only, except on either-sex days as prescribed by the Dept.
Small Game (No Fox Squirrels)	Designated days or periods within Game Zone 6 seasons. No hunting before Sept. 1 or after Mar. 1.	Game Zone 6 bag limits.

Hall WMA

Deer

Archery (No dogs)	Designated days or periods between Aug. 15 and Jan. 1	2 deer per day, buck only, except on either-sex days as prescribed by the Dept.
Primitive Weapons (No buckshot)	Designated days or periods between Aug. 15 and Jan. 1	2 deer per day, buck only, except on either-sex days as prescribed by the Dept.
Still Gun Hunts (No buckshot)	Designated days or periods between Aug. 15 and Jan. 1	2 deer per day, buck only, except on either-sex days as prescribed by the Dept.
Small Game (No Fox Squirrels)	Designated days or periods within Game Zone 6 seasons. No hunting before Sept. 1 or after Mar. 1.	Game Zone 6 bag limits.

North Dike WMA

Deer

Archery (No dogs)	Designated days or periods between Aug. 15 and Jan. 1	2 deer per day, buck only, except on either-sex days as prescribed by the Dept.
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Primitive Weapons (No buckshot)	Designated days or periods between Aug. 15 and Jan. 1	2 deer per day, buck only, except on either-sex days as prescribed by the Dept.
Still Gun Hunts (No buckshot)	Designated days or periods between Aug. 15 and Jan. 1	2 deer per day, buck only, except on either-sex days as prescribed by the Dept.
Small Game (No Fox Squirrels)	Designated days or periods within Game Zone 6 seasons. No hunting before Sept. 1 or after Mar. 1.	Game Zone 6 bag limits.

Porcher WMA

Deer

Archery (No dogs)	Designated days or periods between Aug. 15 and Jan. 1	2 deer per day, buck only, except on either-sex days as prescribed by the Dept.
Primitive Weapons (No buckshot)	Designated days or periods between Aug. 15 and Jan. 1	2 deer per day, buck only, except on either-sex days as prescribed by the Dept.
Still Gun Hunts (No buckshot)	Designated days or periods between Aug. 15 and Jan. 1	2 deer per day, buck only, except on either-sex days as prescribed by the Dept.
Small Game (No Fox Squirrels)	Designated days or periods within Game Zone 6 seasons. No hunting before Sept. 1 or after Mar. 1.	Game Zone 6 bag limits.

1.2(Q) Aiken Gopher Tortoise WMA

During still gun hunts for deer, there shall be no hunting or shooting from, on or across any road open to vehicular traffic. All reptiles and amphibians are protected. No turtles, tortoises, snakes, frogs, toads, salamanders, etc. can be captured, removed, killed or harassed.

Deer Hunts (No dogs)		Total 3 deer Not to include more than 2 bucks.
Archery (No dogs)	Designated days or periods between Aug. 15 and Jan. 1	1 deer per day, buck only, except on either-sex days as prescribed by the Dept.

Primitive Weapons (No buckshot)	Designated days or periods between Aug. 15 and Jan. 1	1 deer per day, buck only, except on either-sex days as prescribed by the Dept.
Still Gun Hunts (No buckshot)	Designated days or periods between Aug. 15 and Jan. 1	1 deer per day, buck only, except on either-sex days as prescribed by the Dept.
Small Game	Designated days or periods within Game Zone 3 seasons. No Fox Squirrels.	Game Zone 3 bag limits.

1.2(R) Santee Coastal Reserve

Deer Hunts (No dogs)		Total 3 deer per hunt period. Not to include more than 1 buck.
Archery (No dogs)	Designated days or periods between Aug. 15 and Jan. 1	1 deer per day, buck only, except on either-sex days as prescribed by the Dept.
Primitive Weapons (No buckshot)	Designated days or periods between Aug. 15 and Jan. 1	1 deer per day, buck only, except on either-sex days as prescribed by the Dept.
Still Gun Hunts (No buckshot)	Designated days or periods between Aug. 15 and Jan. 1	1 deer per day, buck only, except on either-sex days as prescribed by the Dept.
Small Game	Designated days or periods within Game Zone 6 seasons. No Fox Squirrels.	Game Zone 6 bag limits.
Raccoon/Opossum	Designated days or periods within Game Zone 6 seasons.	Game Zone 6 bag limits.

1.2 (BB) Great Pee Dee River WMA

Feral Hogs Rifle Only, No dogs	Special hunts as announced.	Limit as announced.
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1.2(PP) Dungannon WMA

Deer Hunts (No dogs)		Total 5 deer
Archery (No dogs)	Designated days or periods between Aug. 15 and Jan. 1	2 deer per day, buck only, except on either-sex days as prescribed by the Dept.
Primitive Weapons	Designated days or periods	2 deer per day, buck only,

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(No buckshot)	between Aug. 15 and Jan. 1	except on either-sex days as prescribed by the Dept.
Still Gun Hunts (No buckshot)	Designated days or periods between Aug. 15 and Jan. 1	2 deer per day, buck only, except on either-sex days as prescribed by the Dept.
Small Game (No Fox Squirrels)	Designated days or periods within Game Zone 6 seasons. No hunting before Sept. 1 or after Mar. 1.	Game Zone 6 bag limits.

3.2 For Special Primitive Weapons Seasons, primitive weapons include bow and arrow and muzzle-loading shotguns (20 gauge or larger) and rifles (.36 caliber or larger) with open or peep sights or scopes, which use black powder or Pyrodex only as the propellant charge; ignition at the breech must be by the old type percussion cap which fits on a nipple or by flintstone striking frizzen. The use of in-line muzzleloaders and muzzleloaders utilizing a shotgun primer in a Adisk \cong type ignition system is permitted. During primitive weapons season, no revolvers, pistols or revolving rifles are permitted. Only a person with an **upper limb handicap*** may use a crossbow to hunt deer or turkey, provided the person, while hunting, has in their immediate possession a medical doctor=s written statement certifying the extent of the disability. The statement, based on a physical exam by the certifying doctor shall describe the physical disability and shall state the person is not capable of operating a longbow, recurve bow or compound bow. The permanent physical disability must prohibit the person from holding the mass weight of a conventional bow and arrow at arm=s length perpendicular to the body, or drawing or pulling the bow string of a conventional bow or compound bow of a minimum draw weight of 40 pounds thus preventing that person from hunting with conventional archery equipment. ***Upper limb handicapped person** is a person that has a permanent and at least 80% impairment or loss of the use of fingers, hand, or arm as determined by a physician using the standards outlined in the AGuide to Evaluation of Permanent Impairment Rating, \cong published by the American Medical Association or missing one hand or arm in a manner that renders the person incapable of using a bow or other conventional archery equipment.

3.3 On WMA lands and all lands within the Central Piedmont, Western Piedmont and Mountain Hunt Units, big game hunters are not allowed to possess or use military or hard-jacketed bullets or .22 rimfire rifles. Buckshot is prohibited during still hunts for deer or hogs on the Santee Coastal Reserve, Bucksport, Pee Dee Station Site, Lewis Ocean Bay, Great Pee Dee, Crackerneck, Webb Center, Marsh Furniture, Manchester State Forest, Waccamaw River Heritage Preserve, Francis Marion, and Moultrie WMA lands.

3.4 On all WMA lands, during anytime when hunting is not permitted, all weapons must be unloaded and secured in a weapons case, or in the trunk of a vehicle, or in a locked toolbox. During periods when hunting is permitted weapons transported in vehicles must be unloaded, except on the Francis Marion Hunt Unit during deer hunts with dogs, loaded weapons may be transported in vehicles. Any shotgun, centerfire or rimfire rifle or pistol with a shell in the chamber or magazine or muzzleloader with a cap on the nipple or flintlock with powder in the flash pan is considered loaded.

10.13 Islands in Monticello Reservoir are closed to public access during the period April 1 through May 15. Camping is allowed on designated islands except during the period closed to access. Monticello Sub-impoundment is closed to hunting.

10.15 Category I Designated Waterfowl Areas include Beaverdam, Broad River, Santee Cooper, Sandy Beach, Samworth, Santee Coastal Reserve, Santee-Delta, Bear Island, and Donnelley Wildlife Management Areas. Hunting in Category I Designated Waterfowl Areas is by special permit obtained through annual computer drawing.

10.16 Category II Designated Waterfowl Areas include Lake Cunningham, Russell Creek, Monticello Reservoir, Parr Reservoir, Duncan Creek, Dunaway, Dungannon, Enoree River, Moultrie, Hatchery, Turtle Island, Little Pee Dee River Complex (including Ervin Dargan, Horace Tilghman), Great Pee Dee River, Samson Island Unit (Bear Island), Tyger River and Tibwin Waterfowl Management Areas. Hunting on Category II Designated Waterfowl Areas is in accordance with scheduled dates and times.

CATEGORY II WATERFOWL MANAGEMENT AREAS

Dungannon	Wednesdays during Federal waterfowl season. From legal shooting hours until 12:00 noon.	Federal Limits
Enoree River	Saturdays during Federal waterfowl season. From legal shooting hours until 12:00 noon.	Federal Limits

Filed: November 29, 1999, 3:00 p.m.

Document No. 2490

DEPARTMENT OF TRANSPORTATION

CHAPTER 63

STATUTORY AUTHORITY: 1976 CODE SECTION 12-27-1320

Section 63-700

Emergency Situation:

Federal Regulations published at Section 49 Code of Federal Regulations, Parts 23 and 26 published February 2, 1999, require that South Carolina Department of Transportation, as a recipient of Federal Highway Funds, must revise its Disadvantaged Business Enterprise Program. This regulation adopts the federal requirements and provides for hearings on appeal of agency decisions related to the Disadvantaged Business Enterprise Program while the new Disadvantaged Business Enterprise Program is being developed.

Text:

Amend Regs. 63-700 as follows:

A. The South Carolina Department of Transportation (hereinafter "Department") promulgates these regulations to carry out the disadvantaged business enterprises program mandated by 12-28-2930 of the Code of Laws (1976), as amended (hereinafter "State DBE Program") and to comply with the requirements of 49 CFR Part 26 regarding the disadvantaged business enterprises program required by federal law and regulations (hereinafter "Federal DBE Program").

B. (Same as current language)

C. (Same as current language)

D. The Department, as a recipient of federal-aid highway and federal transit funds, is required to implement a Federal DBE Program in accordance with 49 CFR Part 26. Therefore, the Department incorporates by reference

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the provisions of 49 CFR Part 26 and specifically provides that its Federal DBE Program shall be carried out in compliance therewith.

E. The hearings procedures provided for herein in Reg. 63-704 and 63-706 are applicable to firms desiring to participate in both the Federal DBE Program and the State DBE program.

Amend 23A S. C. Code Regs. 63-704 as follows:

I. Requests for Hearing. All requests for hearing shall be made in writing and shall be filed with the Department's Office of Compliance within fifteen (15) days of the receipt of the Notice of Denial and shall include:

- (1) The name and address of the party making the request;
- (2) A statement that the party is requesting a hearing before an Administrative Law Judge pursuant to S. C. Code Section 1-23-600;
- (3) A reference to the Notice of Denial of the application

K. Hearings. All hearings requested shall be conducted by an Administrative Law Judge in accordance with S. C. Code Section 1-23-600 under contested case procedures.

- (3) Amend 23A S. C. Code Regs. 63-706 as follows:

D. All requests for hearings shall be made in writing and filed with the Office of Compliance within fifteen (15) days of the receipt of the Notice of Decertification and/or Revocation. The request shall include:

- (1) The name and address of the firm making the request;
- (2) A statement that the firm is requesting a hearing before an Administrative Law Judge pursuant to S. C. Code Section 1-23-600;
- (3) A reference to the Notice of Decertification and/or Revocation and the specific grounds upon which the proposed action is being challenged.

F. If the firm requests a hearing, the hearing shall be conducted by an Administrative Law Judge in accordance with S. C. Code Section 1-23-600 under contested case procedures.

DESCRIPTION OF REGULATION:

Purpose:

Federal Regulations published at 49 Code of Federal Regulations Parts 23 and 26 on February 2, 1999 require that South Carolina Department of Transportation, as a recipient of Federal Highway Funds, must revise its Disadvantaged Business Enterprise Program. This regulation adopts the Federal requirements and provides for hearings before the State Administrative Law Judge Division for appeals of certification agency decisions related to the Disadvantaged Business Enterprise Program while the new Disadvantaged Business Enterprise Program is being developed.

Legal Authority:

South Carolina Department of Transportation's Disadvantaged Business Enterprise Program Regulations are promulgated pursuant to South Carolina Code of Laws, 1976, Section 12-28-2930 and to comply with the requirements of Federal Regulations found at 49 CFR Part 26.

Plan for Implementation:

South Carolina Department of Transportation will permanently promulgate this Emergency Regulation along with any additional regulation amendments which may be necessitated by the new Disadvantaged Business Enterprise Program. In addition, South Carolina Department of Transportation is holding a series of public meetings with interested parties to develop details of the new Disadvantaged Business Enterprise Program required under these regulations.

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

These regulations are needed in order to comply with Federal requirements and to keep South Carolina eligible to continue to receive Federal Highway Funds.

DETERMINATION OF COSTS AND BENEFITS:

The Regulation is not expected to create an additional cost to the State.

UNCERTAINTIES OF ESTIMATES:

Not Applicable.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

Not Applicable.

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

Not Applicable.