

SOUTH CAROLINA STATE REGISTER DISCLAIMER

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SOUTH CAROLINA STATE REGISTER

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

SOUTH CAROLINA STATE REGISTER

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

STYLE AND FORMAT

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

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

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

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

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

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

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

Executive Orders are actions issued and taken by the Governor.

2010 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	1/8	2/12	3/12	4/9	5/14	6/11	7/9	8/13	9/10	10/8	11/12	12/10
Publishing Date	1/22	2/26	3/26	4/23	5/28	6/25	7/23	8/27	9/24	10/22	11/26	12/24

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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TABLE OF CONTENTS

REGULATIONS SUBMITTED TO GENERAL ASSEMBLY

Status and Legislative Review Expiration Dates.....	1
Committee List of Regulations Submitted to General Assembly.....	2

EXECUTIVE ORDERS

Executive Order No. 2010-08 Appointing Williamsburg County Sheriff.....	3
-------------------------------------------------------------------------	---

NOTICES

HEALTH AND ENVIRONMENTAL CONTROL, DEPARTMENT OF

Certification of Need.....	4
Underground Storage Tank.....	5

LABOR, LICENSING AND REGULATION, DEPARTMENT OF

Fire Marshal, Office of State

National Fire Protection Association 14, Standard for the Installation of Standpipe and Hose Systems, 2010 Edition.....	6
----------------------------------------------------------------------------------------------------------------------------	---

DRAFTING NOTICES

ARCHIVES AND HISTORY, DEPARTMENT OF

Rehabilitation of Designated Historic Buildings.....	7
------------------------------------------------------	---

HEALTH AND ENVIRONMENTAL CONTROL, DEPARTMENT OF

Standards for Licensing Community Residential Care Facilities.....	7
Water Classifications and Standards.....	8

FINAL REGULATIONS

CLEMSON UNIVERSITY

State Crop Pest Commission

Document No. 4105 Citrus Greening (Candidatus Liberibacter Asisticus) Quarantine.....	9
Document No. 4106 Phytosphthora ramorum Quarantine.....	10

FUNERAL SERVICE, BOARD OF

Document No. 4068 Funeral Service Practice Act.....	11
-----------------------------------------------------	----

TABLE OF CONTENTS

NATURAL RESOURCES, DEPARTMENT OF

Document No. 4090	Seasons, Limits, Methods of Take and Special Use Restrictions on Wildlife Management Areas; Turkey Hunting Rules and Seasons.....	15
Document No. 4069	Species or Subspecies of Non-game Wildlife.....	27

SECRETARY OF STATE

Document No. 4078	Uniform Real Property Recording Act	30
-------------------	-------------------------------------------	----

REGULATIONS SUBMITTED TO GENERAL ASSEMBLY 1

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.htm>

DOC. NO.	RAT. NO.	FINAL ISSUE	SUBJECT	EXP. DATE	AGENCY
4043		SR34-2	Amend and Add Regulations to Chapter 67 to Reflect Changes in Title 42 Necessitated by the Approval of Act 111 on June 25, 2007	1/13/10	Workers' Compensation Commission
4054		SR34-3	Registration of Immigration Assistance Services	2/22/10	LLR
4055		SR34-3	Illegal Aliens and Private Employment	2/22/10	LLR
4058		SR34-3	Insurance Holding Company Systems	3/08/10	Department of Insurance
4059		SR34-3	South Carolina Reinsurance Facility Recoupment	3/08/10	Department of Insurance
4060		SR34-3	Life Insurance Disclosure	3/08/10	Department of Insurance
4061		SR34-3	Valuation of Investments	3/08/10	Department of Insurance
4068		SR34-4	Funeral Service Practice Act	4/08/10	Board of Funeral Service
4066			Long Term Care Insurance	4/21/10	Department of Insurance
4067			Law Enforcement Officer and E-911 Officer Training & Certification	4/28/10	S.C. Criminal Justice Academy
4063			Workers' Compensation Insurance and Use of Leased Vehicles	5/12/10	Public Service Commission
4075			Requirements of Licensure in the Field of Cosmetology	5/12/10	Board of Cosmetology
4070			Air Pollution Control Regulations and Standards	5/12/10	Department of Health and Envir Control
4083			Use of Senior-Specific Certifications and Professional Designations in the Sale of Life Insurance and Annuities	5/12/10	Department of Insurance
4088			Annuity and Deposit Fund Disclosure	5/12/10	Department of Insurance
4080			Hazardous Waste Management	5/12/10	Department of Health and Envir Control
4069	R165	SR34-4	Species or Subspecies of Non-game Wildlife	5/12/10	Department of Natural Resources
4085			Air Pollution Control Regulations and Standards	5/12/10	Department of Health and Envir Control
4090	R155	SR34-4	Seasons, Limits, Methods of Take and Special Use Restrictions on WMA's; Turkey Hunting Rules and Seasons	5/12/10	Department of Natural Resources
4109			Child Support Guidelines	5/12/10	Department of Social Services
4091			Seeds	5/12/10	Department of Agriculture
4073			Definitions for Charter Bus, Equipped to Carry and Passenger	5/12/10	Public Service Commission
4078	R153	SR34-4	Uniform Real Property Recording Act	5/12/10	Secretary of State
4105	R150	SR34-4	Citrus Greening Quarantine	5/12/10	Clemson University-State Crop Pest Comm.
4106	R151	SR34-4	Phytophthora ramorum Quarantine	5/12/10	Clemson University-State Crop Pest Comm.
4097			Continuing Insurance Education	5/12/10	Department of Insurance
4098			Annual Audited Financial Reporting Regulation	5/12/10	Department of Insurance
4099			Dates for Payment of Annual License Fees/Appointment Fee for Insurance Agents Brokers, Adjusters, Agencies, and Motor Vehicle Damage Appraisers	5/12/10	Department of Insurance
4081			Athletic Trainers	5/14/10	Department of Health and Envir Control
4101			Practice of Architecture; Increased Use of Electronic Documents	5/21/10	Board of Architectural Examiners
4103			Apprentice Salespersons	5/21/10	Manufactured Housing Board
4100			Firm Registration, Continuing Professional Education and Professional Standards	5/21/10	Board of Accountancy
4102			Portable Fire Extinguishers and Fixed Fire Extinguishing Systems	5/26/10	LLR - Office of State Fire Marshal
4114			Inspectors - Registration, Fees and Disciplinary Procedure	5/26/10	Building Codes Council
4110			Regulation of Real Property Owned and Leased by the Dept.	5/27/10	Department of Natural Resources
4116			South Carolina Virtual School Program	5/28/10	State Board of Education
4117			Requirements for Additional Areas of Certification	5/28/10	State Board of Education
4108			Standards for Licensing Community Residential Care Facilities	5/30/10	Department of Health and Envir Control
4121			Agents and Agency Licenses	6/01/10	Department of Insurance
4107			Infectious Waste Management Regulations	6/02/10	Department of Health and Envir Control
4077			Premises	6/19/10	Alcoholic Beverages, Beer and Wine
Committee Requested Withdrawal					
4022			Riverbanks Parks Commission	Tolled	Riverbanks Parks Commission
Resolution Introduced to Disapprove					
4014			Environmental Protection Fees	Tolled	Department of Health and Envir Control
4015			Environmental Protection Fees	Tolled	Department of Health and Envir Control
Permanently Withdrawn					
4072			Central Fill Pharmacies		Board of Pharmacy

2 COMMITTEE LIST OF REGULATIONS SUBMITTED TO GENERAL ASSEMBLY

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

DOC. No.	SUBJECT	HOUSE COMMITTEE	SENATE COMMITTEE
4043	Amend and Add Regulations to Chapter 67 to Reflect Changes in Title 42 Necessitated by the Approval of Act 111 on June 25, 2007	Labor, Commerce and Industry	Judiciary
4054	Registration of Immigration Assistance Services	Labor, Commerce and Industry	Labor, Commerce and Industry
4055	Illegal Aliens and Private Employment	Judiciary	Labor, Commerce and Industry
4058	Insurance Holding Company Systems	Labor, Commerce and Industry	Banking and Insurance
4059	South Carolina Reinsurance Facility Recoupment	Labor, Commerce and Industry	Banking and Insurance
4060	Life Insurance Disclosure	Labor, Commerce and Industry	Banking and Insurance
4061	Valuation of Investments	Labor, Commerce and Industry	Banking and Insurance
4068	Funeral Service Practice Act	Labor, Commerce and Industry	Judiciary
4066	Long Term Care Insurance	Labor, Commerce and Industry	Banking and Insurance
4067	Law Enforcement Officer and E-911 Officer Training & Certification	Judiciary	Judiciary
4063	Workers' Compensation Insurance and Use of Leased Vehicles	Labor, Commerce and Industry	Judiciary
4075	Requirements of Licensure in the Field of Cosmetology	Medical, Military, Pub & Mun Affairs	Labor, Commerce and Industry
4070	Air Pollution Control Regulations and Standards	Agriculture and Natural Resources	Medical Affairs
4083	Use of Senior-Specific Certifications and Professional Designations in the Sale of Life Insurance and Annuities	Labor, Commerce and Industry	Banking and Insurance
4088	Annuity and Deposit Fund Disclosure	Labor, Commerce and Industry	Banking and Insurance
4080	Hazardous Waste Management	Agriculture and Natural Resources	Medical Affairs
4069	Species or Subspecies of Non-game Wildlife	Agriculture and Natural Resources	Fish, Game and Forestry
4085	Air Pollution Control Regulations and Standards	Agriculture and Natural Resources	Medical Affairs
4090	Seasons, Limits, Methods of Take and Special Use Restrictions on WMA's; Turkey Hunting Rules and Seasons	Agriculture and Natural Resources	Fish, Game and Forestry
4109	Child Support Guidelines	Judiciary	Judiciary
4091	Seeds	Agriculture and Natural Resources	Agriculture and Natural Resources
4073	Definitions for Charter Bus, Equipped to Carry and Passenger	Labor, Commerce and Industry	Judiciary
4078	Uniform Real Property Recording Act	Judiciary	Judiciary
4105	Citrus Greening Quarantine	Agriculture and Natural Resources	Agriculture and Natural Resources
4106	Phytophthora ramorum Quarantine	Agriculture and Natural Resources	Agriculture and Natural Resources
4097	Continuing Insurance Education	Labor, Commerce and Industry	Banking and Insurance
4098	Annual Audited Financial Reporting Regulation	Labor, Commerce and Industry	Banking and Insurance
4099	Dates for Payment of Annual License Fees/Appointment Fees for Insurance Agents, Brokers, Adjusters, Agencies, and Motor Vehicle Damage Appraisers	Labor, Commerce and Industry	Banking and Insurance
4081	Athletic Trainers	Medical, Military, Pub & Mun Affairs	Medical Affairs
4101	Practice of Architecture; Increased Use of Electronic Documents	Labor, Commerce and Industry	Labor, Commerce and Industry
4103	Apprentice Salespersons	Labor, Commerce and Industry	Labor, Commerce and Industry
4100	Firm Registration, Continuing Professional Education and Professional Standards	Labor, Commerce and Industry	Labor, Commerce and Industry
4102	Portable Fire Extinguishers and Fixed Fire Extinguishing Systems	Labor, Commerce and Industry	Labor, Commerce and Industry
4114	Inspectors - Registration, Fees and Disciplinary Procedure	Labor, Commerce and Industry	Labor, Commerce and Industry
4110	Regulation of Real Property Owned and Leased by the Dept.	Agriculture and Natural Resources	Fish, Game and Forestry
4116	South Carolina Virtual School Program	Education	Education
4117	Requirements for Additional Areas of Certification	Education	Education
4108	Standards for Licensing Community Residential Care Facilities	Medical, Military, Pub & Mun Affairs	Medical Affairs
4121	Agents and Agency Licenses	Labor, Commerce and Industry	Banking and Insurance
4107	Infectious Waste Management Regulations	Agriculture and Natural Resources	Medical Affairs
4077	Premises	Judiciary	Judiciary
Committee Requested Withdrawal			
4022	Riverbanks Parks Commission	Agriculture and Natural Resources	Fish, Game and Forestry
Resolution Introduced to Disapprove			
4014	Environmental Protection Fees	Agriculture and Natural Resources	Medical Affairs
4015	Environmental Protection Fees	Agriculture and Natural Resources	Medical Affairs
Permanently Withdrawn			
4072	Central Fill Pharmacies	Medical, Military, Pub & Mun Affairs	Medical Affairs

Executive Order No. 2010-08

WHEREAS, a vacancy exists in the office of Williamsburg County Sheriff as a result of the resignation of Kelvin Washington;

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 of the South Carolina Code of Laws; and

WHEREAS, Michael Lamar Johnson, residing 807 Old Gapway Road, Salters, South Carolina 29590, 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 Michael Lamar Johnson as Sheriff of Williamsburg County until a special election for this office is held pursuant to Section 23-11-40(B) of the South Carolina Code of Laws and until his successor shall qualify. This appointment shall be effective immediately.

**GIVEN UNDER MY HAND AND THE GREAT
SEAL OF THE STATE OF SOUTH CAROLINA,
THIS 26th DAY OF MARCH 2010.**

MARK SANFORD
Governor

4 NOTICES

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

NOTICE

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 April 23, 2010, 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 Mrs. Sarah "Sallie" C. Harrell, Division of Planning and Certification of Need, 2600 Bull St., Columbia, SC 29201 at (803) 545-4200.

[INTENTIONALLY LEFT BLANK – NO ITEMS FOR FILING]

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 April 23, 2010. "Affected persons" have 30 days from the above date to submit comments or requests for a public hearing to Mr. Les W. Shelton, Division of Planning and Certification of Need, 2600 Bull Street, Columbia, S.C. 29201. For further information call (803) 545-4200.

Affecting Florence County

Construction of a new patient tower located between the Main Tower and the Pavilion Tower; upfit of the eighth (8th) floor of the Pavilion Tower to be used for inpatient rooms and support space; and renovation of the Main Tower. There will be no change in the licensed bed capacity.

McLeod Regional Medical Center

Florence, South Carolina

Project Cost: \$108,337,665

Affecting Greenville County

Change in the licensure status of thirteen (13) existing institutional nursing home beds to community nursing home beds for a total of thirty (30) community nursing home beds that will not participate in the Medicaid (Title XIX) Program.

The Arboretum of the Woodlands at Furman

Greenville, South Carolina

Project Cost: \$0

Establishment of an outpatient Narcotic Treatment Methadone program

Woodlands Treatment Center, LLC

Greenville, South Carolina

Project Cost: \$64,039

Affecting Lexington County

Development of a comprehensive cardiac program to include open heart surgery services and therapeutic cardiac catheterization services through an arrangement with Providence Hospital to include the relocation of one (1) open heart surgery suite from Providence Hospital to Lexington Medical Center.

Lexington Medical Center

West Columbia, South Carolina

Project Cost: \$3,272,940

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

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

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

Pursuant to Section IV.B.1., the Department is required to place a list of those contractors requesting certification on public notice and accept comments from the public for a period of thirty (30) days. If you wish to provide comments regarding the companies and/or individuals listed below, please submit your comments in writing, no later than May 24, 2010 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 and/or individuals have applied for certification as Underground Storage Tank Site Rehabilitation Contractors:

Class I

The Louis Berger Group, Inc.
Attn: Gregg Stephens
10929 Crabapple Rd., Ste 102
Roswell, GA 30075

Genesis Project, Inc.
Attn: Mark D. Mitchell
1258 Concord Rd., Ste 200
Smyrna, GA 30080

Class II

Simon & Associates, Inc.
Attn: Gary L. Manhart
PO Box 10007
Blacksburg, VA 24062

6 NOTICES

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

NOTICE OF GENERAL PUBLIC INTEREST

Notice is hereby given that, in accordance with Section 1-34-30 of the 1976 Code of Laws of South Carolina, as amended, the Department of Labor, Licensing and Regulation, Office of State Fire Marshal intends to adopt the latest edition of the following nationally recognized code.

1. National Fire Protection Association 14, Standard for the Installation of Standpipe and Hose Systems, 2010 Edition
2. The original promulgating authority for this code is:
National Fire Protection Association
1 Batterymarch Park
Quincy, Massachusetts 02269
3. This code is referenced by:
South Carolina Code of Laws, Section 40-10-240(A)
South Carolina Regulations 71-8300.2(G)(4)

The Office of State Fire Marshal specifically requests comments concerning sections of these editions which may be unsuitable for enforcement in South Carolina. Written comments may be submitted to John Reich at 141 Monticello Trail, Columbia, SC 29203, by fax at 803-896-9806, or by e-mail to reichj@llr.sc.gov.

DEPARTMENT OF ARCHIVES AND HISTORY
CHAPTER 12

Statutory Authority: 1976 Code Sections 4-9-195 and 5-21-140

Notice of Drafting:

The Department of Archives and History proposes to amend Regulations 12-120 through 12-126, Rehabilitation of Designated Historic Buildings. Interested persons may submit written comments to Elizabeth M. Johnson, Deputy State Historic Preservation Officer, South Carolina Department of Archives and History, 8301 Parklane Road, Columbia, South Carolina 29223. To be considered, all comments must be received no later than 5:00pm, June 25, 2010, the close of the drafting comment period.

Synopsis:

The Department is proposing to amend Regulations 12-120 through 12-126. Major focus of this revision will address the reviewing authority and rehabilitation review process to bring the regulations consistent with changes in South Carolina law. The appeal section will be updated to bring the regulations consistent with changes in state law. Additionally, changes will be proposed throughout to improve the overall quality, i.e., language clarifications. Other minor corrections may be proposed as needed.

Legislative review of this amendment is required.

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
CHAPTER 61

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

Notice of Drafting:

The Department of Health and Environmental Control proposes to amend specific sections of Regulation 61-84, Standards for Licensing Community Residential Care Facilities. Interested persons may submit written comments to Nancy Maertens, Director, Division of Health 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., May 24, 2010, the close of the drafting period.

Synopsis:

The Department proposes to amend Regulation 61-84, Section 103.L regarding licensing fees and Section 2200 regarding construction standards, i.e., sprinkler systems.

Legislative review of this amendment is required.

8 DRAFTING NOTICES

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) proposes to amend Regulation 61-68, Water Classifications and Standards to include a recent statutory change to the Pollution Control Act (PCA). This notice in no way supercedes the previous notice of drafting. Comments received as a result of the previous notice published in the State Register on March 26, 2010, as well as any received after this latest publishing, will be considered. Interested persons are invited to submit their comments in writing to Gina L. Kirkland, Water Quality Standards Coordinator, Bureau of Water, 2600 Bull Street, Columbia, South Carolina 29201 or via email at kirklagl@dhec.sc.gov. To be considered, written comments must be received no later than 5:00 p.m. on May 28, 2010, the close of the drafting comment period.

Synopsis:

Section 48-1-83 of the PCA was recently amended by the South Carolina Legislature to change the amount of the dissolved oxygen (DO) depression that the Department may permit in waters of the State that have naturally low DO. This amendment to Section D.4. of R.61-68 will revise the current language to be consistent with the language in the PCA.

Legislative review will be required.

Document No. 4105
CLEMSON UNIVERSITY
STATE CROP PEST COMMISSION
 CHAPTER 27
 Statutory Authority: 1976 Code Section 46-9-40

27-79. Citrus Greening (*Candidatus Liberibacter Asisticus*) Quarantine

Synopsis:

The State Crop Pest Commission has designated Citrus Greening (*Candidatus Liberibacter Asisticus*) as a plant pest and imposed a quarantine thereon. This regulation focuses on the most effective method of preventing the spread of the pathogen within the State.

The Notice of Drafting was published in the *State Register* on July 24, 2009.

Instructions:

This is a new regulation. Insert this regulation in Chapter 27, South Carolina Code of Regulations, in the appropriate numerical sequence.

Text:

ARTICLE 6F

CITRUS GREENING (*CANDIDATUS LIBERIBACTER ASISTICUS*) QUARANTINE

27-79. Citrus Greening (*Candidatus Liberibacter Asisticus*) Quarantine.

1. Regulated Plant Pest. Citrus Greening (*Candidatus Liberibacter Asisticus*).
2. Regulated Area. Charleston, Colleton, and Beaufort counties.
3. Regulated/Quarantined Articles: Quarantined items include the following: All plants, budwood, cuttings, seeds for propagative purposes, or other fresh or live plant parts, except fresh fruit, of: *Aegle marmelos*, *Aeglopsis chevalieri*, *Afraegle gabonensis*, *A. paniculata*, *Atalantia monophylla*, *Atalantia* spp., *Balsamocitrus dawaei*, *Bergera* (*Murraya*) *koenigii*, *Calodendrum capense*, X *Citroncirus webberi*, *Citropsis articulata*, *Citropsis gilletiana*, *C. schweinfurthii*, *Citrus madurensis* (X *Citrofortunella microcarpa*), *Citrus* spp., *Clausena anisum-olens*, *C. excavata*, *C. indica*, *C. lansium*, *Eremocitrus glauca*, *Eremocitrus hybrid*, *Fortunella* spp., *Limonia acidissima*, *Merrillia caloxylon*, *Microcitrus australasica*, *Microcitrus australis*, *M. papuana*, X *Microcitronella* spp., *Murraya* spp., *Naringi crenulata*, *Pamburus missionis*, *Poncirus trifoliata*, *Severinia buxifolia*, *Swinglea glutinosa*, *Tetradium ruticarpum*, *Toddalia asiatica*, *Triphasia trifolia*, *Vepris* (*Toddalia*) *lanceolata*, and *Zanthoxylum fagara*.
4. Movement of Regulated Articles. No quarantined item may be transmitted beyond the boundaries of Beaufort, Charleston, and Colleton counties.

Fiscal Impact Statement:

No additional state funding is requested. The Commission estimates that no additional costs will be incurred by the State and its political subdivisions in complying with the proposed revisions.

10 FINAL REGULATIONS

Statement of Rationale:

This regulation is necessary to enhance the ability of the Commission to prevent the spread of Citrus Greening (*Candidatus Liberibacter Asisticus*) into the State, while minimizing administrative burdens on ornamental nursery operators and agriculture generally.

Document No. 4106
CLEMSON UNIVERSITY
STATE CROP PEST COMMISSION
CHAPTER 27
Statutory Authority: 1976 Code Section 46-9-40

27-78. *Phytophthora ramorum* Quarantine

Synopsis:

The State Crop Pest Commission proposes to impose certain additional requirements on the importation of plant material which is a host for *Phytophthora ramorum* (*P. ramorum*) into the state. *P. ramorum* manifests itself in a disease known as Sudden Oak Death but also as a second disease known as ramorum blight. Certain areas of certain states are already under state and/or federal quarantine for this pathogen. The proposed actions will focus on the most effective method of preventing the introduction of the pathogen into the State by giving greater effect to state and federal restrictions at point of origin.

Instructions:

This is an amendment to an existing regulation. There will be a technical correction in the article title. There will be no change to sections 1, 3, and 4b. Delete Section 2 of the existing regulation and replace with the new section 2. Delete section 4a and replace with the new section 4a.

Text:

ARTICLE 6E PHYTOPHTHORA RAMORUM QUARANTINE

27-78. *Phytophthora ramorum* Quarantine.

1. Regulated Plant Pest. *Phytophthora ramorum*.
2. Regulated Area. Any area of any state, territory or country under state or federal quarantine for *Phytophthora ramorum*, or any area of any state, territory, or country designated as a regulated area for *Phytophthora ramorum* by the cognizant state or federal plant pest regulatory agency.
3. Regulated Articles:
 - a. All host and associated plants for *Phytophthora ramorum*.
 - b. Any other product, article, or means of conveyance of any character whatsoever, not covered by the above, when it is determined by a quarantine officer of a state or federal plant pest regulatory agency that they present a hazard of spreading *Phytophthora ramorum*.
 - c. A complete listing of host material may be found at http://www.aphis.usda.gov/plant_health/plant_pest_info/pram/downloads/pdf_files/usdaprlist.pdf

4. Movement of Regulated Articles.

a. A state Phytosanitary certificate is required for movement of any regulated article from any regulated or quarantined area into South Carolina.

b. Prior notification of movement of *Phytophthora ramorum* host and associated plant material is required. The shipper shall send by mail, facsimile or e-mail a copy of the State Phytosanitary Certificate to: Clemson University Department of Plant Industry, 511 Westinghouse Road, Pendleton, SC 29670; facsimile 864-646-2178; email nedward@clemson.edu. The Certificate must list the type and quantity of plants, the address of shipper, the name and address of recipient, the date and results of last *P. ramorum* nursery test, and contact number(s) of the shipper and recipient. Notice must arrive at least 24 hours prior to scheduled shipment arrival. Commodities shipped in violation of the requirements or with positive test results may be returned to their point of origin or destroyed at the expense of the owner.

Fiscal Impact Statement:

No additional state funding is requested. The Commission estimates that no additional costs will be incurred by the State and its political subdivisions in complying with the proposed revisions.

Statement of Rationale:

This regulation is necessary to enhance the ability of the Commission to prevent the introduction, and if necessary, the spread, of *Phytophthora ramorum* into the State, while minimizing administrative burdens on ornamental nursery operators and agriculture generally.

Document No. 4068

BOARD OF FUNERAL SERVICE

CHAPTER 57

Statutory Authority: 1976 Code Sections 32-8-300 et seq.

57-01. Definitions

57-06.1. Apprenticeship Requirements

57-14.1. through 57-14.4. Crematory Requirements

57-15. Inspection Guidelines

Synopsis:

The South Carolina Board of Funeral Service is amending current Regulation 57-01 and adding Regulations 57-06.1, 57-14.1 through 57-15 to clarify and conform to the Funeral Service Practice Act.

The Notice of Drafting was published in the *State Register* on September 26, 2008.

Instructions:

Insert text as printed below.

Text:

57-01. Definitions.

Definitions found in Section 40-19-20 apply to this chapter.

(A) "Supervision" means protective oversight, including review, timely quality control, and inspection to assist the supervisee in preparing for practice and strengthening the skills of the supervisee. When the apprentice is assisting with funeral directing activities or embalming activities, the supervisor must be present.

12 FINAL REGULATIONS

(B) "Continuing education" means an organized educational program designed to expand a licensee's knowledge base beyond the basic entry level educational requirements.

(C) "Contact hour" means a minimum of fifty (50) minutes of instruction.

(D) "Full-Time Employee" means a person whose work schedule requires that the employee be present a minimum of thirty-five (35) hours per week for the entire normal year of operation.

(E) "Cremains" means the remains of a cremated human body.

(F) "Crematory" means a facility equipped with a gas fired cremation retort specifically designed use in cremation of human remains.

(G) "Cremation Casket" means a casket specifically designed for holding, viewing, transporting human remains and must meet the requirements listed in item (H) below.

(H) "Alternative container" means a receptacle, other than a casket, in which human remains are transported to a crematory and placed in a cremation chamber for cremation. An alternative container or cremation casket must be:

- (1) composed of readily combustible materials suitable for cremation;
- (2) resistant to leakage or spillage;
- (3) rigid enough for handling with ease;
- (4) able to provide protection for the health, safety, and personal integrity of crematory personnel.

57-06.1. Apprenticeship requirements.

(1) An apprentice embalmer or funeral director must serve an apprenticeship of not less than twenty-four (24) months. Apprentice embalmers and funeral directors must be full-time employees as defined in this chapter; working under the direct supervision of a funeral director for funeral director apprentices or embalmer for embalmer apprentices who is licensed in South Carolina.

(2) During the course of the apprenticeship, an apprentice must submit reports of his or her funeral activities, indicating the actual number of funerals that he or she has assisted with and in what preparation he or she assisted with. All apprentices must report to the Board quarterly upon the forms provided by or approved by the board indicating all work completed during the reporting period.

(3) The apprentice must report quarterly, regardless of whether or not there has been any activity during the quarter. March 31, June 30, September 30 and December 31 are the due dates for quarterly reports for reporting purposes. Quarterly reports must be submitted to the office of the Board Administrator no later than ten (10) days after the deadline. It is the sole responsibility of the apprentice to ensure that quarterly reports are received in the office of the Board Administrator. Quarterly reports not received on time may not be accepted for credit toward completion of the apprenticeship. In no case shall an apprentice be permitted to complete his or her apprenticeship unless the reporting requirement is met.

(4) The apprentice embalmer or funeral director must conduct all embalming and funeral direction activities under the direct supervision of the designated supervising licensee as approved by the Board. When the apprentice is assisting with funeral directing activities or embalming activities, the supervisor must be present.

(5) If the apprentice leaves the supervision of the licensee in whose service he or she has been engaged, the supervisor shall give the apprentice an affidavit showing the length of time served toward completion of the apprenticeship. The apprentice must request and obtain permission from the Board to change supervisors by completing a new application and receiving approval to change supervisors from the Board.

(6) To complete his or her apprenticeship, an apprentice embalmer or funeral director must assist in the embalming of at least fifty (50) cases for an apprentice embalmer or assist the funeral director in at least fifty (50) funerals for an apprentice funeral director. The apprentice embalmer or apprentice funeral director must document all embalming and funeral cases that he or she assists in during the apprenticeship period.

(7) A certificate of apprenticeship is renewable twenty-four (24) months after registration for an additional twelve (12) months. A certificate of apprenticeship may not be renewed more than three (3) times.

(8) If an apprentice does not become licensed as a funeral director or embalmer within five (5) years of completing his or her apprenticeship, the Board may require the applicant to complete all or part of the apprenticeship period.

(9) If an apprentice embalmer or funeral director does not complete his or her apprenticeship within five (5) years from the date of application, the Board may require the applicant to complete all or part of the apprenticeship period.

ARTICLE 8

CREMATORY REQUIREMENTS

57-14.1. Records.

Records, policies, and procedures will be maintained at the crematory site and will be available for inspection at all times.

(A) The crematory shall maintain a log which shows clearly:

- (1) The name of the deceased;
- (2) A unique identification number assigned to each deceased;
- (3) Authorization for cremation;
- (4) Date body received at the crematory;
- (5) Type of cremation container received;
- (6) Date cremated;
- (7) Date cremains delivered;
- (8) To whom the cremains were delivered.

(B) The crematory shall develop and implement a system to assure the identification of each deceased through all steps of the crematory process.

(C) The crematory shall develop and implement a system to track each deceased through all steps of the crematory process and shall attach a physical identification to each body which shall accompany it at all times during the cremation process. This identification may be attached to the outside of the retort during the period of actual cremation.

(D) The crematory shall maintain current operators manual for each retort and a maintenance record for each retort.

(E) Where a family requests removal of dental gold or other dental work, they shall be allowed to arrange for such removal by a licensed dentist of their choice and the crematory will allow access to that dentist. The crematory log will record the name and license number of the dentist.

(F) Crematories may only cremate human remains, the cremation of animals is forbidden.

57-14.2. Equipment and practices.

(A) Each crematory must provide a holding facility of suitable size to accommodate all human remains which are retained and awaiting cremation.

(B) Each crematory must be equipped with a commercially manufactured cremation unit (retort), made specifically for the cremation of human remains and including the following features:

- (1) An ash collection pan to minimize the commingling of cremated remains of one human with another;
- (2) A hearth floor without depressions to minimize the commingling of cremated remains of one human with another;
- (3) A door safety switch to stop the burner operation when the front charging door is opened;
- (4) A pollution monitoring system to monitor and detect smoke when the density exceeds applicable state and federal standards, whereupon the system will automatically stop the burner operation on a time setting of not less than three (3) minutes;
- (5) Approval by Underwriters Laboratory or a comparable laboratory.

(C) The cremation retort shall be in good working order at all times. If a retort is unavailable for any period exceeding twenty-four (24) hours, the crematory shall refuse to accept any body until such time as the retort is working, unless that body can be maintained under appropriate refrigeration as described in Subsection (E).

(D) A commercially manufactured processor made specifically for the pulverization of cremated remains and equipped with the following features:

14 FINAL REGULATIONS

- (1) Capable of consistently processing cremated remains to unidentifiable dimensions;
- (2) Rust resistant processing chamber;
- (3) Exterior surface made of easily cleaned, non-corrosive material.

(E) If the crematory provides a refrigeration unit for the holding of human remains in its custody for twenty-four (24) or more hours, it must meet the following standards:

(1) Is capable of maintaining interior temperature of 40 degrees Fahrenheit while loaded with the maximum number of bodies for which it was designed;

(2) Has a surface of sealed concrete, stainless steel, galvanized steel, aluminum or other easily cleaned material.

(F) The crematory shall maintain a vacuum system in working order and able to capture small bone fragments as well as some residual dust.

(G) The crematory shall remove all remains from the retort at the conclusion of each cremation and shall minimize residual dust.

(H) The crematory shall be operated by a person listed on the official roster of the Board as a Certified Crematory Operator.

(I) The crematory will provide and require that its operator use proper safety equipment including:

- (1) Heat Resistant Apron;
- (2) Heat Resistant Gloves (at least to the elbow);
- (3) Safety glasses with side shields, goggles or face shield.

(J) All cremains will be placed in a closed, rigid, and leak resistant container, specifically designed for the storage of cremains.

57-14.3. Training of crematory operators.

(A) Persons who complete the following training will be listed on the official roster of the Board as Certified Crematory Operators.

(B) Training will include completion of a minimum of fifty (50) cremation cases under the supervision of a certified trainer/preceptor.

(C) Training will cover the following topics. The preceptor will document the time and date of specific training on these topics:

- (1) Documents required prior to cremation authorization;
- (2) Compliance with the record keeping requirements of this chapter;
- (3) Operation of the retort and processing cremains, including specific safety precautions.

57-14.4. Training of certified crematory trainer/preceptors.

(A) Persons who complete the following training and documented experience will be listed on the official roster of the Board as Certified Crematory Trainer/preceptors.

(B) Training will include the following components:

- (1) Factory approved instruction in the operation of the on-site unit;
- (2) Documents required prior to cremation (e.g. authorization, BRT, DC, Coroners' Permit);
- (3) Compliance with the record keeping requirements of this chapter;
- (4) Operation of the retort and processing cremains, including specific safety precautions;
- (5) Packaging and delivery of cremains.

(C) Experience will be documented by a log showing records of at least one hundred (100) cremations, performed according to law.

ARTICLE 9

INSPECTION GUIDELINES

57-15. Inspection guidelines.

Inspection guidelines include the following:

- (1) An embalming room of at least 100 square feet working space excluding tables, cabinets and other equipment;
- (2) A preparation room equipped with sanitary floor and necessary drainage, ventilation, necessary approved tables, hot and cold running water and a sink separate from table drainage, an OSHA-approved shower and eye wash station, hydro or electric aspirator (if hydro, it must be equipped with a backflow preventor on the facility's water system), embalming machine, or gravity bottle or bulb or hand pump, at least one scalpel, two aneurysm needles, assorted canulae, suture needles, trocar, antiseptic soap, twelve (12) bottles of arterial fluid, and two bottles of cavity fluid;
- (3) Handicapped accessible restrooms, water fountains and accessibility to and throughout the facility;
- (4) One working and licensed motor hearse for transporting casketed and non-casketed human remains;
- (5) Sanitary waste receptacle and hazardous waste receptacle;
- (6) Ventilating system that is screened and has an air exchange of twelve (12) times per hour to the outside;
- (7) Six (6) adult caskets on the premises displayed or available for display in conjunction with the display of cut-away caskets, an online kiosk or other means of funeral merchandise display;
- (8) Multiple copies of the General Price List, a Casket Price List, an Outer Burial Container Price List, and multiple copies of the Statement of Goods and Services in compliance with federal and state law;
- (9) An approved COMPLETED PERMIT APPLICATION or CURRENT FACILITY PERMIT DISPLAYED;
- (10) If a chapel or parlor for funeral services is provided, it must be inspected for safety and cleanliness.

Fiscal Impact Statement:

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

Statement of Rationale:

The South Carolina Board of Funeral Service is amending current Regulation 57-01 and adding Regulations 57-06.1, 57-14.1 through 57-15 to clarify and conform to the Funeral Service Practice Act.

Document No. 4090

DEPARTMENT OF NATURAL RESOURCES

CHAPTER 123

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

123-40. Wildlife Management Area Regulations

123-51. Turkey Hunting Rules and Seasons

Synopsis:

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

The Notice of Drafting for this regulation was published on July 24, 2009 in the South Carolina State Register Volume 33, Issue No. 7.

16 FINAL REGULATIONS

Instructions:

Amend Regulations 123-40, and 123-51 to establish changes and include additional WMA's.

Text:

HUNTING IN WILDLIFE MANAGEMENT AREAS

123-40. Wildlife Management Area Regulations.

1.1 The following regulations amend South Carolina Department of Natural Resources regulation Numbers 123-40 and 123-51.

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

(B) Game Zone 2

John C. Calhoun, Cokesbury, Clarks Hill, Parsons Mountain, Key Bridge, Forks, Ninety-six, Goldmine, Murray, Enoree, Fairforest, Keowee, Fant's Grove, Carlisle, Broad River, Dutchman, Wateree and Worth Mountain WMA's.

Keowee WMA

Archery Hunts For Deer (No dogs)	Oct. 15 - Dec. 22.	Total 3 deer, 2 per day, either-sex, not to include more than 1 buck.
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Fants Grove WMA

Archery Only (No dogs)	Oct. 15 - Dec. 7.	Total of 3 deer, 2 per day, either-sex, not to include more than 1 buck.
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(C) Crackerneck WMA and Ecological Reserve

Deer

Still Gun Hunts (No buckshot)	3 rd Fri. in Oct. - Jan. 1 Fri., Sat. and Thanksgiving Day only, except closed Dec. 25.	5 deer total, 2 per day, buck only except on either-sex days Fri. and Sat. only from the 1 st Fri. of gun hunts before Thanksgiving and the 1 st Fri. and Sat. after Thanksgiving weekend. Total not to include more than 3 bucks.
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Raccoon & Opossum	3 rd Sat. night in Oct. - Jan. 1, Sat. nights only, except closed Dec. 25; 1 st Fri. night in Jan. to to last Fri. or Sat. night in Feb., Fri. and Sat. nights only.	3 raccoons per party per night. No limit on Opossums.
Hog Hunts with dogs (Pistols only)	1 st Fri. after Jan. 1 - last Fri. in Feb. Fridays only.	No limit.
Small Game (except no open season on bobcats, foxes, otters and fox squirrels)	3 rd Fri. in Oct. - last Fri. or Sat. in Feb. Fri., Sat. and Thanksgiving Day only, except closed Dec. 25.	Game Zone 3 bag limits.

(G) Francis Marion National Forest

During still gun hunts for deer there shall be no hunting or shooting from, on or across any road open to vehicle traffic. No buckshot on still gun hunts. During deer hunts when dogs are used buckshot only is permitted. On either-sex deer hunts with dogs, all deer must be checked in by one hour after legal sunset. On all still gun and muzzleloader either-sex hunts for all units, all does must be tagged with an individual antlerless deer tag except when harvested on county-wide either-sex days. Individual antlerless deer tags are valid on days not designated as either-sex after Sept. 15 for still hunting only. Tibwin Special Use Area (in Wambaw) is closed to hunting except for Special hunts. On youth deer hunts, only youths 17 and younger may carry a gun and must be accompanied by an adult 21 years old or older.

Total of 8 deer for all gun and muzzleloader hunts on the Francis Marion.

Hellhole WMA

Deer

Archery	Aug. 15 - Sept. 30.	2 deer per day, either-sex. Sept. 15 - 30. Hogs no limit.
Still Gun Hunts	Oct. 1 - Jan. 1 except during Scheduled dog drive hunts.	2 deer per day, either-sex. Hogs no limit.
Dog Hunts (Shotguns only, no still gun hunting)	1 st Sat. in Dec. 2 nd Fri. in Dec.	2 deer per day, buck only. Hogs no limit. 2 deer per day, either-sex. Hogs no limit.
Youth only deer hunt with dogs	Sat. following the two-day Wambaw buck only hunt in Nov.	2 deer per day, either-sex. Hogs no limit.

18 FINAL REGULATIONS

Requirements for youth same as statewide youth deer hunt day.

On the either-sex deer hunt with dogs (except youth only hunts) all deer must be checked in a Hellhole Check Station.

Waterhorn WMA

Deer

Archery	Sept. 24 - Oct. 15.	2 deer per day, either-sex. Hogs no limit.
Muzzleloader	Open last full week in Oct. and lasting for 14 days.	2 deer per day, either-sex. Hogs no limit.
Still Gun Hunts	3 rd Fri. & Sat. in Aug. 1 st & 2 nd Fri. & Sat. in Sept. 2 nd Fri. & Sat. in Nov. 1 st full week in Dec. Dec. 26 - Jan. 1.	2 deer per day, buck only. Hogs no limit. 2 deer per day, either-sex. Hogs no limit.
Hog Hunts with dogs	Every other Sat. in Feb. beginning with the 1 st Sat. & including the 2 nd Sat. in Mar.	No limit.

Wambaw WMA

Deer

Still Gun Hunts	Aug. 15 - Jan. 1 except during scheduled dog drive hunts.	2 deer per day, buck only, except either-sex Sept. 15 - Jan. 1. Hogs no limit.
Dog Hunts (Shotguns only)	Fri. in Sept. before the last Sat. Northampton dog hunt & Wed. Thurs. before the 3 rd Sat. in Nov. & 2 nd Sat. in Dec. & 2 hunting days After Dec. 25. 1 st Sat. in Nov.	2 deer per day, buck only. Hogs no limit. 2 deer per day, either-sex. Hogs no limit.
Youth only deer hunt with dogs	4 th Sat. in Oct.	2 deer per day, either-sex. Hogs no limit.

Requirements for youth same as statewide youth deer hunt day.

On either-sex deer hunts with dogs (except youth only hunts) all deer must be checked in at Awendaw check station on Hwy 17 or Honey Hill Lookout Tower.

Still gun hunts only East of Hwy 17. Rifles allowed.

Northampton WMA

Deer

Still Gun Hunts	Aug. 15 - Jan. 1 except during scheduled dog drive hunts.	2 deer per day, buck only, except either-sex Sept. 15 - Jan. 1. Hogs no limit.
Dog Hunts (Shotguns only)	Last Sat. in Sept. & Wed. & Thur. before the 2 nd Sat. in Oct. & Fri. before the 4 th Sat. in Nov. & 3 rd hunting day after Dec. 25.	2 deer per day, buck only. Hogs no limit.
	3 rd Sat. Oct.	2 deer per day, either-sex. Hogs no limit.
Youth only deer hunt with dogs	Sat. of statewide youth deer hunt day in Jan.	2 deer per day, either-sex. Hogs no limit.

Requirements for youth same as statewide youth deer hunt day.

On either-sex deer hunts with dogs (except youth only hunts) all deer must be checked in at P&C Grocery or Anglers in Jamestown.

Santee WMA

Deer

Still Gun Hunts	Aug. 15 - Jan. 1 except during scheduled dog drive hunts.	2 deer per day, buck only, except either-sex Sept. 15 - Jan. 1. Hogs no limit.
Dog Drive Hunts (Shotguns only)	Last Fri. & Sat. in Aug. & Wed. & Thur. before the 4 th Sat. in Oct. & 1 st Fri. in Dec.	2 deer per day, buck only. Hogs no limit.
	Sat. prior to Northampton buck only Hunt in Sept.	2 deer per day, either-sex. Hogs no limit.

Still hunting only, no deer dogs, no buckshot, no hunting or shooting from or on any roads open to vehicular traffic. The scouting seasons are 2-day periods on Saturday and Sunday immediately preceding hunt periods.

Archery	1 st Mon. - Sat. in Oct.	1 deer per day, either sex.
Archery and Muzzleloader	3rd. Mon. - Sat. in Oct. 1st. Mon. - Sat. in Nov.	1 deer per day, either sex.
Special Hog Still Hunt (no dogs) Archery, crossbows and muzzleloading rifles only.	Mar. 1 - 3 rd Sat. in Mar.	Hogs only, no limit, no bay or catch dogs.
Raccoon	Sept. 15 - Mar. 1 (nights only).	3 per party per night.

(T) Woodbury WMA

All visitors to Woodbury WMA are required to sign in upon entry to the WMA and sign out upon exit from the WMA and provide any additional information requested. Sign in sheets are located at the informational kiosk. Hogs may be taken only during deer hunts or scheduled hog hunts. No ATVs allowed.

Special Hog Still Hunt (No dogs) Archery, crossbows, centerfire rifles, muzzleloading rifles, centerfire handguns and shotguns with slugs only.	Mar. 1 - 3 rd Sat. in Mar. May 2 - last Sat. in Aug.(Thur. - Sat. only).	Hogs no limit.
Special Hog Hunt With dogs	2 nd Mon. in Jan. - 4 th Sat. in Jan.	Hogs only, no limit. Limit of 4 bay or catch dogs per party, all hogs taken must be killed where taken. Handguns only.
Raccoons	Sept. 15 - Mar. 1.	3 per party per night.
Fox	Fri. after Thanksgiving - Mar. 1 Night only.	Game Zone bag limits.

(W) Marsh WMA

All visitors to Marsh WMA are required to sign in upon entry to the WMA and sign out upon exit from the WMA and provide any additional information requested. Sign in sheets are located at the informational kiosk. Hogs may be taken only during deer hunts or scheduled hog hunts. No ATVs allowed.

Special Hog Still Hunt (no dogs) Archery, crossbows, centerfire rifles, muzzleloading rifles, centerfire handguns and shotguns with slugs only.	Mar. 1st - 3rd Sat. in Mar. May 2 nd - last Sat. in Aug., Thurs. - Sat. only.	Hogs only, no limit, no bay or catch dogs.
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22 FINAL REGULATIONS

Special Hog Hunt With Dogs	2 nd Mon. in Jan. - 4 th Sat. in Jan.	Hogs only, no limit. Limit of 4 bay or catch dogs per party, no live hogs removed from WMA. Handguns only.
Raccoon	Sept. 15 - Mar. 1, nights only.	3 per party per night.
Small Game Seasons Open only for rabbit, squirrel, opossum, quail, and woodcock only No open season on fox squirrels.	Thanksgiving - Mar. 1 Wed. - Sat. only. Woodcock - Wed. - Sat. only during Federal season.	Game Zone 4 bag limits. Woodcock - Fed. limits.

(BB) Great Pee Dee River WMA

All visitors to Great Pee Dee River Heritage Preserve WMA are required to sign in upon entry to the WMA and sign out upon exit from the WMA and provide any additional information requested. Sign in sheets are located at the informational kiosk. Hogs may be taken only during deer hunts or scheduled hog hunts. No ATVs allowed.

Deer Hunts Total 3 deer for all hunts.

For big game hunting, access is restricted from two hours before sunrise to two hours after official sunset. Still hunting only, no deer dogs, no buckshot, no hunting from motor vehicles or boats, no hog dogs. Hogs may be taken only during deer hunts or special hog hunts. Firearms must be unloaded and cased and not readily accessible when not in legal use.

Special Hog Still Hunt (no dogs) Archery, crossbows, centerfire rifles, muzzleloading rifles, centerfire handguns and shotguns with slugs only.	1 st Mon. in Feb. - last Sat. in Feb.	Hogs only, no limit.
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Gray Squirrels	Mon. following the last Sat. of Deer Season - last Sat. in Jan. No open season on fox squirrels.	Game Zone 5 bag limits.
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Raccoon	Sept. 15 - Mar. 1, nights only.	3 per party per night.
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(EE) St. Helena Sound Heritage Preserve WMA

Deer: Hunting by permit only obtained at McKenzie Field Station. Camping by special permit only and on Otter Island only.

(GG) McBee WMA

Other Small Game No small game hunting during scheduled deer hunting periods. No open season for fox squirrels.	No hunting before Mon. following the 2 nd Sat. in Jan. or after Mar. 1; otherwise Game Zone 4 seasons.	Game Zone 4 limits.
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(JJ) Longleaf Pine WMA

Deer	Total 2 deer for all hunts combined.
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Still hunting only, no deer dogs, no buckshot, no hunting from vehicles or from or on any roads open to vehicular traffic. Individual antlerless deer tags valid on days not designated as either-sex after Sept. 15.

Archery	Sept. 1 - 14.	2 deer per day, buck only.
Archery and Gun Hunts	Sept. 15 - the day before Thanksgiving Day.	2 deer per day, either-sex.

(UU) Wee Tee WMA

Hogs may be taken only during deer hunts or scheduled hog hunts.

Deer	Total 8 deer per season
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Archery	Sept. 15 - 1 st Sat. in Oct.	1 deer per day, either-sex. Hogs no limit.
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Archery and Muzzle Loader	Mon. following 1 st Sat. in Oct. - 3 rd Sat. in Oct.	1 deer per day, either-sex. Hogs no limit.
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Still Gun Hunts No dogs. No buckshot.	Mon. following 3 rd Sat. in Oct. - Jan. 1.	1 deer per day, bucks only except either-sex on county-wide either-sex days. Hogs no limit.
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Still Hog Hunts (no dogs) Archery, crossbows, centerfire rifles, muzzleloading rifles, centerfire handguns and shotguns with slugs only.	Mar. 1 - 3 rd Sat. in Mar.(Mon. - Sat.) May 2 - last Sat. in Aug. Thurs. - Sat. only.	No limit.
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24 FINAL REGULATIONS

Hog Hunts with Dogs (Handguns only)	2nd Mon. in Jan. - 4 th Sat. in Jan.	No limit. Limit of 4 bay or catch dogs per party, all hogs taken must must be killed where taken.
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Small Game No open season for fox hunting. No open season for fox squirrels.	No hunting before Sept. 1 or after Mar. 1. Dogs allowed during small game gun season only.	Game Zone 5 bag limits.
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Gray Squirrels only	Jan. 2 - last Sat. in Feb.	
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(VV) Bonneau Ferry WMA

Deer		Limit 2 deer per day, total 8 deer per season for all hunts, no more than 2 antlered deer total. Hogs no limit.
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Side B Archery	Sept. 1 - Sept. 14. Sept. 15 - Sept. 20. 2 nd Mon. in Nov. until Nov. 30.	Buck only. Either-sex. Either-sex.
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Hog hunters are required to wear hat, coat or vest of solid international orange color while hunting. Hunters must sign in and sign out and record harvested hogs at the kiosk at the main entrance. Hunts from legal sunrise to legal sunset. Both Sides (A & B) are open to hog hunting with no youth restrictions.

Special Hog Hunt With dogs One shotgun per party (buckshot only) and centerfire handguns	March 5, 6, 20. May 7, 8.	Hogs only, no limit. Limit of 4 bay or catch dogs per party, hogs may not be transported alive.
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(YY) Botany Bay Plantation WMA

All hunters, fishermen, and visitors must obtain and complete a day use pass upon entering the area and follow all instructions on the pass. Botany Bay Plantation WMA is open to public access during daylight hours (1/2 hour before sunrise to 1/2 hour after sunset) except during special hunts and events regulated by DNR. Area is closed to general public access during special scheduled hunts. Hunting in designated areas only. Hunting access by boat is prohibited. Fishing in the Jason's Lake complex and all other ponds is adult/youth catch and release only on designated days. For adult/youth fishing, youth must be accompanied by no more than two adults 18 years old or older. Adult may also fish.

Deer

Archery	1 st Mon. after Sept. 15 until the 1 st Sat. in Oct. Mon. - Sat. during the week of Thanksgiving; Mon. - Sat. during	Total 3 deer, either-sex but only 1 buck with a minimum 4 points on one side or a 12" minimum antler spread.
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the week of Christmas.

Still Gun Hunts (No dogs, no buckshot)	No open season except for hunters selected by computer drawing.	Total 3 deer, either-sex but only 1 buck with a minimum 4 points on one side or a 12” minimum antler spread.
Raccoons and Opossum	Jan. 2 - Mar. 1 (Wed. & Fri. only).	Game Zone 6 bag limits.

(AAA) Belfast WMA

All terrain vehicles are prohibited except those permitted by SCDNR for special management activities. Fishing is not allowed except through permitted special events. All hunters must sign in and sign out daily upon leaving Belfast WMA. All harvested deer and turkeys must be checked in at the Belfast Check Station. Belfast WMA is open to public access during daylight hours (1/2 hour before sunrise to 1/2 hour after sunset) except during special hunts and events regulated by DNR. Hunters may not enter the WMA prior to 5:00 AM on designated hunts. Public visitation is not allowed during scheduled deer or turkey hunts. Data cards required for hunter access. Completed data cards must be returned daily upon leaving Belfast WMA. Hunters are required to have a data card in possession while on the property during scheduled hunts.

Deer		Total 3 deer per hunt period, 2 per day, not to include more than 1 buck with a minimum of 4 points on one side or a minimum 12-inch antler spread.
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Archery	1 st Mon. - Sat. after Sept. 15.	2 per day, either-sex. No more than 1 buck with a minimum 4 points on one side or a 12” minimum antler spread.
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Archery & Muzzleloader	1 st Sat. in Oct.	2 per day, either-sex. No more than 1 buck with a minimum 4 points on one side or a 12” minimum antler spread.
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Still Gun Hunts (No dogs, no buckshot)	No open season except for hunters selected by computer drawing.	2 per day, either-sex. No more than 1 buck with a minimum 4 points on one side or a 12” minimum antler spread.
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Small Game (No open season for fox squirrels, fox or bobcats)	Dec. 10 - Mar. 1 except no small game hunting during special deer hunts.	Game Zone 2 bag limits.
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10.10 Impoundments on Bear Island, Donnelly, Samworth, Santee Coastal Reserve and Santee Delta WMAs are closed to all public access during the period Nov. 1 - Feb. 8 except during special hunts designated by the Department. All public access during the period Feb. 1- Oct. 14 is limited to designated areas. On Bear Island WMA, Mathews’ Canal is closed to all hunting from Nov. 1 - Feb. 15 beyond a point 0.8 mile from the confluence of Mathews’ Canal with the South Edisto River.

26 FINAL REGULATIONS

10.16 Category II Designated Waterfowl Areas include Biedler Impoundment, Carr Creek (bounded by Samworth WMA), Little Carr Creek (bounded by Samworth WMA), Lake Cunningham, Russell Creek, Monticello Reservoir, Parr Reservoir, Duncan Creek, Dunaway, Dungannon, Enoree River, Moultrie, Hatchery, Hickory Top, Hickory Top Greentree Reservoir, Lancaster Reservoir, Turtle Island, Little Pee Dee River Complex (including Ervin Dargan, Horace Tilghman), Great Pee Dee River, Potato Creek Hatchery, Sampson Island Unit (Bear Island), Tyger River, Marsh, Wee Tee, Woodbury, Ditch Pond, Waccamaw River Heritage Preserve and 40 Acre Rock Waterfowl Management Areas. Hunting on Category II Designated Waterfowl Areas is in accordance with scheduled dates and times.

DESIGNATED WATERFOWL AREAS

Area	Open dates inclusive	Bag Limits
Dungannon	Wed. AM only during regular season. No hunting from the boardwalk.	Federal Limits

123-51. Turkey Hunting Rules and Seasons.

AREA	DATES	LIMIT	Other Restrictions
Belfast WMA	April 1 - May 1 .	1	Hunting by public draw only.
Great Pee Dee River WMA	April 1 - May 1 .	1	Wed. & Sat. only. All hunters must sign in and sign out at kiosk.
Santee Coastal Reserve	April 1 - May 1 .	1/hunter	Special draw hunts for youth or mobility impaired hunters.
Marsh Furniture WMA	April 1 - May 1 .	2	Wed. & Sat. only. All hunters must sign in and sign out at kiosk.
Woodbury WMA	April 1 - May 1 2.		Wed. - Sat. only. All hunters must sign in and sign out at kiosk.

Fiscal Impact Statement:

This amendment of Regulations 123-40 and 123-51 will result in increased public hunting opportunities which should generate additional State revenue through license sales. In addition, the local economy should benefit from sales of hunting supplies, food and overnight accommodations. Sales taxes on these items will also directly benefit government.

Statement of Rationale:

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

Document No. 4069
DEPARTMENT OF NATURAL RESOURCES
 CHAPTER 123
 Statutory Authority: 1976 Code Section 50-15-65

123-151. Regulations for Species or Subspecies of Non-game Wildlife

Synopsis:

These regulations replace 123-151 in order to more properly manage the alligator population and resource.

The Notice of Drafting for this regulation was published on May 22, 2009 in the South Carolina State Register Volume 32, Issue No. 5. The proposed regulation was published on August 28, 2009 (Volume 33, Issue No. 8) with a public hearing scheduled for October 15, 2009.

Instructions:

Amend by replacing 123-151 to establish for the management and harvest of alligators.

Text:

123-151. Regulations for Species or Subspecies of Non-game Wildlife.

A. Alligator Harvest

1. The size and number of all alligators to be taken will be specified by the Department on permits provided with harvest tags. A permit holder may only take and/or possess alligators identified by the Department and only in the manner specified by the Department.

2. All who take or attempt to take an alligator must have a copy of the harvest permit along with an unused harvest tag with them while afield.

3. Once an alligator is killed and before it is transported, a harvest tag must be attached and locked within six inches of the tip of the tail. In the event that an alligator harvest tag is defective and is not usable for the purpose intended, or becomes detached from the alligator hide, the Department must be notified immediately. The Department will be responsible for the replacement of defective, but not lost, tags. The alteration of harvest tags is strictly prohibited.

4. Alligator meat may be used by the harvester but cannot be bought, sold or bartered except as provided in this regulation. All packages of meat not to be sold must have a tag with the name of the harvester and the harvest tag number attached.

5. Before shipping or transporting outside of the USA, carcasses or hides must have CITES tags attached. Anyone desiring to ship or transport such items from the country must contact select Department offices for CITES validation and tagging.

6. Any alligator carcass, hide or part that is not tagged or marked as required in this regulation is declared contraband and must be confiscated.

B. Depredation Program

1. Depredation permits for alligator removal will be issued to property owners or control agents. There is no fee for participation in this program.

2. Qualifications and liability of Control Agents:

- a. Control agents must possess the experience and ability to handle alligators.
- b. Control agents must supply all equipment necessary to take alligators.
- c. Control agents assume personal liability for their health, safety and welfare and that of their assistants.
- d. Control agents are not employees of the Department, they are independent contractors.
- e. Applications for selection as control agents will be reviewed by the Department. The number of appointed control agents will be based upon the need as determined by the Department.

28 FINAL REGULATIONS

3. Operation of Department designated alligator control agents:

a. Alligators may be skinned only at designated sites and in accordance with specific instructions provided by the Department.

b. The meat of alligators may be used by the control agents or his/her immediate family and may also be given to others but must not be bought, sold or transferred except as provided in this regulation. All packages of meat not be sold, transferred or bartered must have a tag attached that includes the name of the person who harvested the alligator and the harvest tag number.

c. Each control agent may be assisted by not more than two assistant control agents approved by the Department, provided that no such assistant shall operate or conduct any alligator trapping or transportation activity except under supervision of the control agent.

d. Alligator harvest tags issued to control agents are the property of the Department and shall remain the property of the Department.

e. Designation as an alligator control agent is discretionary with the Department and such designation may be revoked at any time.

C. Private Lands Alligator Program

1. Alligators may be taken from lands that are in the Private Lands Alligator Program. The season for taking alligators under this program is from September 1 until October 15. The Department will establish a quota and issue tags for each specific application. Alligators taken under this program must be at least 4 feet in length.

2. Applications for participating in the Private Lands Alligator Program must be received by the Department not later than August 1st of that year, and the applicant must report all harvested alligators and harvest information to the Department not later than the following December 1st.

3. If the application is approved by the Department for participation in the Private Lands Alligator Program and a permit is issued, alligators may be taken only from that area and only by a licensed hunter. In order to participate in the Private Lands Alligator Program, an alligator control agent as defined in Section B must also be a licensed hunter. Participants in the Private Lands Alligator Program must maintain accurate records for inspection by Department personnel and the records must be made available for immediate inspection at any and all reasonable hours at the request of the Department.

4. All areas identified in the Private Lands Alligator Program and facilities used for processing alligators must be open to Department personnel for inspection to determine compliance with the program and laws and regulations protecting alligators and to allow collection of biological information.

5. During the designated private lands season, alligators may only be taken by firearms, hand-held snares, hand-held harpoons, archery equipment, crossbows, snatch hooks and as otherwise permitted by the Department. If devices other than firearms are used, a line must be securely attached to the hook, arrow or head of the device in such a manner to prevent separation from the hook, arrow or head until the carcass is retrieved. The other end of the line must be held by the hunter or be attached to a stationary or floating object capable of maintaining line above water when an alligator is attached. Rimfire firearms and shotguns are prohibited for taking alligators except that these firearms can be used to dispatch an alligator secured by a line. No alligator may be taken by use of baited hooks or by pole hunting. Pole hunting is defined as the act of taking an alligator from a den with a hook or snagging device of any type secured to the end of a pole and includes any device used to induce an alligator to move from a den prior to taking. All alligators taken under this program must be killed prior to transport off of the property named on the permit.

6. No person may use alligator harvest tags issued for privately-owned habitat on publicly-owned property.

7. A Department-supplied alligator harvest report form must be updated by the applicant or the person taking alligators on the property within 24 hours of the taking of each alligator. Alligator hunters, while on property designated under the Private Lands Alligator Program, may only possess tags for that property. Completed harvest forms must be returned to the Department by December 1st of each year. A participant who does not report is not eligible to participate in the program the following year.

8. Alligator hides, parts or products may be retained and sold only in accordance with this regulation.

D. Alligator Hunting Season

1. The Department may issue a prescribed number of Alligator Hunting Season permits for the harvest of alligators. Those applicants randomly selected shall be issued instructions along with harvest tag(s). Alligators may be taken pursuant to permits from public and private areas where the person has legal access for the taking of alligators. Alligators taken under this program must be at least 4 feet in length. The season for hunting alligators under this program is from 12:00 noon on the 2nd Saturday in September until 12:00 noon on the 2nd Saturday in October and is open in Game Zones 3, 4, 5 & 6. These harvest permits cannot be used on property approved under the Private Lands Alligator Program. The Department may close, extend, delay or reopen the season if biological needs warrant.

2. During the designated season, alligators may only be taken by hand-held snares, hand-help harpoons, archery equipment, crossbows, snatch hooks and as otherwise permitted by the Department. Any device may only be used when a line is securely attached to the hook or head of the device in such a manner as to prevent separation from the hook, arrow or head until the carcass is retrieved. The other end of the line must be held by the hunter or attached to a stationary or floating object capable of maintaining line above water when an alligator is attached. Only a handgun, a bangstick or sharp instrument used to sever the spine may be used for dispatch and only if a restraining line is attached to the alligator. A hand-held snare must be used to hold the alligator boatside or on land before it can be dispatched. Firearms may not be used to take free-swimming or basking alligators. The possession of a rifle or shotgun while taking or attempting to take alligators under this program is prohibited. All alligators taken under this program must be killed prior to transport by boat or vehicle. No alligator may be taken by use of baited hooks or by pole hunting. Pole hunting is defined as the act of taking an alligator from a den with a hook or snagging device of any type secured to the end of a pole and includes any devices used to induce an alligator to move from a den prior to taking.

3. A Department-supplied alligator harvest report form must be updated by the person taking alligators within twenty-four (24) hours of taking each alligator and prior to transporting the alligator carcass to a processing facility. A copy of the alligator harvest report must accompany the alligator hide. Completed harvest forms must be returned to the Department by December 1st of each year.

4. A person who does not report is not eligible to participate in the program or hunt alligators the following year.

5. Alligator meat may be retained by the harvester but cannot be bartered or sold. Alligator hides may be retained and sold only in accordance with this regulation.

E. Sale of Alligator Meat

1. The sale or barter of alligator meat taken under the alligator hunting season program is prohibited.

2. Meat taken from alligators harvested under the authority of depredation tags and the private lands program tags may be sold only under the following conditions:

a. Each package must be labeled to indicate the state, the number of pounds of meat enclosed, the date of packaging, the name of harvester, the processor, the State Food Inspection Department's inspection number, and the tag number corresponding to the alligator hide from which the meat was taken.

b. All cartons of alligator meat imported from other states shall bear an official marking from that state's wildlife agency.

c. Persons handling alligator meat for human consumption must comply with the sanitation requirements of all applicable federal, state and local authorities.

d. Those who harvest alligators must maintain accurate records of all alligator meat sales on standard forms supplied by the Department and such records shall be open to inspection by Department personnel.

3. No person may bring any alligator meat into this State, or possess alligator meat unless authorized by this regulation.

4. Alligator meat transported into the State must bear evidence of having been legally taken.

5. Restaurants, canneries, nonfood meat processors and alligator meat wholesalers shall retain all alligator meat purchased in the original packages until the meat is prepared for consumption or processing. Such businesses and/or individual shall detach the original label with the accompanying data from each package when all meat from that carton has been prepared or processed and retain that label for the period of at least six months from the date of sale indicated on the label.

30 FINAL REGULATIONS

F. Sale, Barter or Transfer of Alligator Hides and Other Parts

1. Alligator skulls and other parts not discarded must be permanently marked with the alligator harvest tag number under which it was taken. Possession of any part without the tag number is prohibited. Parts that are found may be retained, sold, bartered or transferred but the finder must contact the Department to obtain a tag number to permanently tag or mark the part. The parts may be sold, bartered or transferred but records must be kept indicating to whom the parts were sold, bartered or transferred.

2. Hides or alligators taken with Department issued permits may be sold but must be properly tagged and reported as provided in this regulation. Alligator hides and parts transported into this state for sale or processing must bear evidence of having been legally taken.

3. No person shall accept or possess an untagged alligator hide or unmarked or untagged alligator part for any purpose.

G. Sale of Finished Alligator Products

1. Products made from crocodilians may be sold in the State in accordance with the following:

- a. Products made from the American alligator must be visibly labeled American alligator.
- b. Products made from Caiman must be visibly labeled Caiman.
- c. Products made from other crocodilians must be visibly labeled Crocodile.

Fiscal Impact Statement:

This amendment of Regulations 123-151 will result in increased public hunting opportunities which should generate additional State revenue through license sales. In addition, the local economy should benefit from sales of hunting supplies, food and overnight accommodations. Sales taxes on these items will also directly benefit government.

Statement of Rationale:

Rationale for the formulation of these regulations is based on over 60 years of experience by SCDNR in managing wildlife populations. This species was listed on the Federal Endangered Species List but has been de-listed and has recovered to the point of providing a surplus of animals for harvest. Further, land development and alligator populations have risen to the level where, in some areas, the removal of nuisance alligators is necessary for public safety.

Document No. 4078

SECRETARY OF STATE

CHAPTER 113

Statutory Authority: 1976 Code Sections 30-6-10 to 30-6-70

113-300 to 113-400. Uniform Real Property Recording Act

Synopsis:

The Secretary of State proposes to create new regulations to adopt standards to implement Act 210 of 2008 (South Carolina Code Section 30-6-10, et seq.) creating the Uniform Real Property Electronic Recording Act. The Act provides that the Secretary of State shall promulgate regulations to adopt standards to implement this chapter based upon the recommendations of the Electronic Recording Committee. The proposed regulations were previously published in the *State Register* on May 22, 2009. No public hearing was requested.

The purpose of these standards are as follows:

- A. To keep the standards and practices of registers in South Carolina in agreement with the standards of national standard-setting bodies, such as the Property Records Industry Association (PRIA), and in agreement with nationally accepted best practices in electronic real property recording.
- B. To keep the technology used by registers in South Carolina compatible with technology used by recording offices nationally that have enacted the Uniform Real Property Electronic Recording Act.
- C. To keep the standards and practices of registers in South Carolina in agreement with professional standards and best practices in electronic records management.
- D. To ensure accessibility of electronic instruments filed and recorded by a register as public records.
- E. To manage and retain real property records in accordance with established records management standards for electronic records.

The Notice of Drafting was published in the South Carolina *State Register* on February 27, 2009.

Section-by-Section Discussion

- 113-300. This section defines the terminology used throughout the regulations.
- 113-310. This section provides an overview of the intent of the regulations.
- 113-320. This section sets forth the three models for electronic filing of documents.
- 113-330. This section sets forth the requirements for the Memorandum of Understanding between the parties who elect to file electronically and the register who will receive the electronic filing.
- 113-340. This section outlines the procedures to follow to ensure the authenticity and integrity of the electronically filed document.
- 113-350. This section outlines the procedures to follow when the filer is prepared to submit the document to the register.
- 113-360. This section outlines the requirements for the electronic recording of the document.
- 113-370. This section describes the types of document formats that may be filed electronically.
- 113-380. This section describes how documents will be indexed in the county register's offices.
- 113-390. This section describes the process for the payment of fees and provisions for providing the filer with a receipt.
- 113-400. This section outlines the provisions for the preservation of the documents filed electronically within the register's offices.

Instructions:

Print the regulations in accordance with the directions given below to reflect new regulations.

Text:

113-300. Definitions

32 FINAL REGULATIONS

A. "ACH" (automated clearing house) means a network processing and delivery system that provides for the distribution and settlement of electronic credits and debits among financial institutions.

B. "Authentication" means the act of tying an action or result to the person claiming to have performed the action. Authentication generally requires a password or encryption key to perform, and the process will fail if the password or key is incorrect.

C. "Authorized filer" means a party who has entered into a MOU with a register pursuant to the regulations herein.

D. "Digital electronic document" means an instrument containing information that is created, generated, sent, communicated, received, or stored by electronic means, but not created in original paper form.

E. "Digitized electronic document" means a scanned image of the original document.

F. "Document" means recorded information regardless of medium or characteristics that is:

(1) inscribed on a tangible medium or that is stored in an electronic or other medium and that is retrievable in perceivable form; and

(2) eligible to be recorded in the real property records maintained by a register.

G. "E-government" means government's use of information technology to conduct business or exchange information with citizens, businesses or other federal, state and local government offices.

H. "Electronic" as defined in the Uniform Real Property Electronic Recording Act means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic or similar capabilities.

I. "Electronic document" means a document that is received by a register in an electronic form.

J. "Electronic recording delivery system" means an automated electronic recording system implemented by a register for recording instruments, and for returning to the party requesting the recording, digitized or digital electronic instruments.

K. "Electronic signature" means an electronic sound, symbol or process attached to or logically associated with a document and executed or adopted by a person with the intent to sign the document.

L. "FTP" means file transport protocol.

M. "HTTPS" means hypertext transport protocol secure.

N. "Instrument" means any deed or other document in recordable form in accordance with S.C. Code Section 30-5-30.

O. "Memorandum of understanding" (MOU) means a legal document outlining the terms and details of an agreement between parties, including each parties requirements and responsibilities.

P. "Metadata" means "data about data"; it is information that describes another set of data. Metadata is descriptive information that facilitates the management of and access to other information. In the electronic recording context, metadata may be generated automatically or created manually and it may be internal or external to the digital object itself. Regardless of how it is created or stored, maintaining accurate and reliable metadata is essential to the long-term preservation of electronic recordings.

Q. "MISMO" means mortgage industry standards maintenance organization.

R. "PDF"(portable document format) means a file format created for document exchange. PDF is a fixed-layout document format used for representing two-dimensional documents in a manner independent of the application software, hardware, and operating system.

S. "PDF/A" means a subset of PDF that is an electronic document file format for long-term preservation of electronic documents that ensures the documents can be reproduced the exact same way in years to come. A key element is the requirement for PDF/A documents to be 100 percent self-contained. All of the information necessary for displaying the document in the same manner every time is embedded in the file. This includes, but is not limited to, all content (text, raster images and vector graphics), fonts, and color information.

T. "PRIA" means the Property Records Industry Association. PRIA is a not-for-profit association representing business and government members of the property records industry. The main goal of the association is to facilitate recordation and access to public real property records through research and the development and implementation of national standards and systems for the industry.

U. "PKI" (public key infrastructure) means a method of enabling a user of an unsecured public network such as the Internet to securely and privately exchange data and money through the use of a public and a private cryptographic key pair that is obtained and shared through a trusted authority. The public key infrastructure provides for a digital certificate that can identify an individual or an organization and directory services that can store and, when necessary, revoke the certificates.

V. "Register" means a Register of Deeds, Clerk of Court or Register of Mesne Conveyances.

W. "Schema" means a method for specifying the structure and content of specific types of electronic documents which use XML.

X. "SMART Doc™" means a technical framework for representing documents in an electronic format. This format links data, the visual representation of the form, and signature. The visual representation of the documents can utilize a variety of technologies such as XHTML, PDF, and TIFF. Previously SMART docs™ were called eMortgage documents. In order to better describe the actual capabilities of the technology, the word "eMortgage" was replaced by the acronym "SMART" which represents: securable, manageable, achievable, retrievable, and transferable.

Y. "UETA" (Uniform Electronic Transaction Act) means a body of recommended legislation drafted in 1999 by the National Conference of Commissioners on Uniform State Laws (NCCUSL) for adoption by state legislatures. UETA allows electronic documents and digital signatures to stand as equals with their paper counterparts. UETA was adopted in South Carolina in S.C. Code Section 26-6-10, et seq.

Z. "URPERA" (Uniform Real Property Electronic Recording Act) means a body of recommended legislation drafted in 2004 by the National Conference of Commissioners on Uniform State Laws (NCCUSL) for adoption by state legislatures. URPERA authorizes recorders to accept electronic documents for recording in accordance with established standards. South Carolina adopted URPERA in 2008 Act. No. 210.

AA. "XHTML" means extensible hypertext mark-up language.

BB. "XML" (extensible markup language) means a computer language used to create markup languages. XML allows developers to specify a document type definition or schema in order to devise new markup languages for general or specific uses.

34 FINAL REGULATIONS

113-310. General Provisions

In accordance with the provisions of the Uniform Real Property Electronic Recording Act, the URPERA Committee adopted the electronic recording standards issued by PRIA as the foundation for the standards promulgated as rule under Regulations 113-300 to 113-400.

A. A register may accept instruments for filing and recording electronically in accordance with the requirements of the Uniform Real Property Electronic Recording Act pursuant to S.C. Code Sections 30-6-10 et seq.

B. Any real property record created by electronic recording means shall meet established records management standards for electronic records and record retention requirements identified in the local government records retention and disposition schedule for registers.

C. A participating register shall retain control and ownership of the electronic records created or received by the office of the register and shall be responsible for their maintenance as public records.

113-320. Electronic Recording Models

For registers that elect to offer electronic recording, authorized filers shall submit real property records for electronic filing and recordation utilizing one of three methods described below as allowed by the individual recorder. The methods are based on levels of automation and transaction structures identified in the PRIA *URPERA Enactment and E-recording Standards Implementation Guide*© utilized nationally to implement electronic recording.

A. Method One. An authorized filer transmits to the register a digitized (scanned) document of an original document created in paper, signed in ink and notarized. The register completes the recording process in the same way as paper using the imaged copy as the source document and determines the recording fees. Fees are usually paid from an escrow or ACH account the authorized filer establishes with the register. Documents may be submitted in batches. Once the register accepts the documents for recording the scanned image is “burned” with the recording information, including recording date and time as well as the unique recording reference number, such as book and page number or instrument number. Indexing is performed by the indexing staff of the register’s office. The recorded image is returned to the authorized filer. Usually a recording receipt, together with the recording endorsement data, the authorized filer uses the data to create and print a label with the recording endorsement information. The label is affixed to the paper document, which is then processed as usual by the authorized filer.

B. Method Two. An authorized filer transmits to the register a digitized (scanned) document of an original document created in paper, signed in ink and notarized wrapped in an XML wrapper containing the data necessary for processing, indexing and returning the document. In the case of a scanned paper document, method 2 further extends method 1 by adding data that improves the process, specifically the indexing process in the register’s office. The recordable documents are generally delivered to the register’s website by whatever means the parties agree, including HTTPS, web services, and FTP. Documents may be submitted in batches. Authentication of the submitter is required based on an account and personal identification number. Digital signatures and certificates may be used. The documents are stored in a secure area on the register’s web site until the register’s system retrieves them. Once imported into the register’s system, the register’s system handles the recording functions. The system imports the data from an XML wrapper, including index data. The indexing process is partially automated, but the image must be visually inspected to determine that it meets recording requirements as well as possibly to validate against the data in the XML wrapper. If a document meets the requirements, it is recorded. The recording information is “burned” onto the image and returned to the authorized filer by means agreed upon by the parties in a MOU. Fees are paid based on the method agreed upon through the MOU, usually fees are paid from an escrow or ACH account the authorized filer maintains with the register.

C. Method Three. An authorized filer transmits to the register digital electronic documents that have been created, signed and notarized electronically along with the electronic indexing information. Real property documents are typically generated on a vendor's document preparation system usually in XHTML format. [Currently the XHTML format (XML data - HTML formatting) is used or other similar formats, such as MISMO's SMART Doc format or PDF's intelligent document that incorporate the XML data and link it to the content displayed.] The submitter logs on to the system and enters the information necessary to generate the document. Once the document has been generated, the person signs it if he or she has the authority, or notifies the person with signing authority to sign. Secure access is required for all parties that must sign the document because signing is done by digital signature. Once the documents are electronically signed and notarized, they are released for recording. The document preparation system compares each document against recording rules to ensure its recordability and then calculates recording fees. Documents may be submitted in batches. Documents received at the register's system are re-checked against the requirements to determine whether or not they may be recorded. If not, they are rejected and returned to the authorized filer. Otherwise they are accepted for recording and the data for recording is extracted from the documents and passed to the register's recording system. The endorsement data is received from the register's system and entered onto the respective documents usually in XML format. Fees are paid based on the method agreed upon through the MOU.

113-330. Memorandum of Understanding

A filer shall apply to a participating register to be enrolled in the participating register's electronic filing and recording program.

A. The authorized filer and a participating register shall enter into a memorandum of understanding (MOU) relating to the terms and conditions of participation in the register's electronic filing and recording program. The provisions of the MOU shall be consistent with the regulations herein and the Uniform Real Property Electronic Recording Act. At a minimum the MOU shall address the items described immediately below.

(1) Instruments permitted to be filed electronically. The agreement shall identify the types of real property records permitted to be filed electronically, which may be amended from time to time by the register.

(2) Payment of filing fees. The MOU shall require the payment of recordation taxes, recording fees or register's fees assessed by statute, and establish the manner and method of such payment.

(3) Notarization. The MOU shall provide that electronic real property recordings shall comply with requirements for notarization pursuant to South Carolina statutes and rules adopted by the Secretary of State.

(4) Notification of submission for recordation. The MOU shall provide that the register shall issue to the authorized filer an electronic or other written notification that the electronic document has been received by the register. The notification shall include the date and time of the receipt of the electronic instrument.

(5) Notification of rejection. The MOU will provide that the electronic instruments submitted for recordation shall be rejected if they fail to meet regulation image or file-format specifications and security requirements; comply with South Carolina statute requirements; or comply with the requirements established by the register for electronic recording of real property records.

(6) Transmittal sheet requirements. The MOU shall provide that authorized filers shall comply with transmittal sheet requirements as determined by the individual county recorders.

(7) The MOU shall establish an effective date and duration of the MOU or conditions for termination.

(8) Authorized filer contact information. The MOU shall require authorized filers to provide complete information on persons to contact, including an administrative contact person and an information technology contact person.

(9) Liabilities and responsibilities of the authorized filer. The MOU shall require authorized filers to be responsible for keeping their encryption keys secure pursuant to the regulations herein and for establishing internal controls to ensure the security of the private key is not compromised and shall charge them with the responsibility to notify the register's office of a compromise to address any breach of internal controls.

(10) Breach of agreement by authorized filer. If an authorized filer fails to take immediate corrective and remedial action for any security compromise, the register may revoke the authorized filer's privileges to file electronically.

36 FINAL REGULATIONS

B. A participating register may include in the MOU other procedures and requirements consistent with S.C. Code Section 30-6-10 et seq. in order to implement fully an electronic filing and recording program.

113-340. Document and System Security Requirements

Security procedures shall be implemented to ensure the authenticity and integrity of the electronically filed instrument, including the ability to verify the identity of the filer, as well as the ability to verify that an instrument has not been altered since it was transmitted or filed. In order to protect the integrity of instruments to be recorded electronically, a participating register and authorized filers shall meet the security procedure requirements set forth below.

A. An electronic recording delivery system implemented by a register shall provide a secure method for accepting and recording digital or digitized electronic instruments. The system shall not permit an authorized filer or its employees and agents, or any third party, to modify, manipulate, insert or delete information in the public record maintained by the register, or information in electronic records submitted pursuant to Regulation 113-300 to 113-400. Security standards implemented by registers shall accommodate electronic signatures and notarization of documents in a manner that complies with S.C. Code Section 30-6-10 et seq. and that address the following encryption requirements. The electronic recording delivery system shall:

- (1) support, at a minimum, 128-bit file and image encryption over a secure network;
 - (2) provide for periodic updates to encryption by the electronic recording delivery system vendor;
 - (3) advise the authorized filer of its liabilities and responsibilities for keeping its keys secure;
 - (4) provide a secure key management system for the administration and distribution of cryptographic keys;
- and
- (5) require all encryption keys to be generated through an approved encryption package and securely stored.

B. The electronic recording delivery system shall control interactive access to the system through authentication processes that:

- (1) utilize a process of requesting, granting, administering and terminating accounts;
- (2) address the purpose, scope, responsibilities and requirements for managing accounts;
- (3) designate one or more individuals to manage accounts; and
- (4) provide for secure delivery of the authorized filer(s) initial password(s) and prohibit the transmission of identification and authentication information (password) without the use of industry accepted encryption standards.

C. Registers shall have a key management system in place for the secure administration and distribution of cryptographic keys.

- (1) The electronic recording delivery system shall authenticate the authorized filer's private key.
- (2) Authorized filers shall establish internal controls to ensure the security of the private key is not compromised and certify compliance with the register as part of the MOU.
- (3) Security of private keys compromised within the electronic recording delivery system shall be promptly addressed by the register.

D. A risk analysis to identify potential threats to the electronic recording delivery system and the environment in which it operates shall be conducted at least once every three years by the register. The purpose of the risk analysis is to prevent the filing and recording of fraudulent instruments or alteration of instruments that were previously filed and recorded electronically. A risk analysis shall identify and evaluate system and environmental vulnerabilities and determine the loss impact if one or more vulnerabilities are exploited by a potential threat. The risk analysis shall include:

- (1) a risk mitigation plan that defines the process for evaluating the system;
 - (2) documentation of management decisions regarding actions to be taken to mitigate vulnerabilities;
 - (3) identification and documentation of implementation of security controls as approved by management;
- and

(4) a reassessment of the electronic recording delivery system security after recommended controls have been implemented or in response to newly discovered threats and vulnerabilities.

E. Authorized filers who are enrolled in a participating register's electronic filing and recording program shall implement security procedures for all electronic filing transmissions and shall be responsible for maintaining the security of the systems within their respective offices.

F. Electronic recording delivery systems shall protect against system and security failures and, in addition, shall provide normal backup and disaster recovery mechanisms.

113-350. Electronic Transmissions

A. Instruments shall be transmitted through either a secured website or an electronic recording delivery system. The method of transmission shall be identified in the MOU signed by the authorized filer and the register.

B. An authorized filer shall visually inspect each instrument prior to transmitting to ensure compliance with existing statutory recording requirements and the regulations herein.

C. Instruments submitted for filing shall contain, at a minimum, a transmittal sheet with the following information. Individual county recorders may request additional information to supplement the following requirements:

- (1) document type: title of the document type shall be stated at the top of the page below the top margin;
- (2) return to all cover transmittal sheets: each shall have a return to name, address, phone and fax numbers and email address;
- (3) party names: all party names to be indexed shall be listed with the grantor's last name, then first, and middle names, followed by the grantee's last name, first and middle names and full name of business entities bolded, underlined or capitalized in a way to stand out for indexing;
- (4) subsequent references: references to the original document on subsequent documents shall appear conspicuously on the first page of all subsequent documents.

D. The register may post guidelines to assist customers submitting documents electronically.

113-360. Electronic Recording Process Requirements

A. An MOU between a participating register and an authorized filer shall include information required by the participating register in order to provide electronic notice of confirmation or rejection of an electronic filing and subsequent recording, or if such electronic notice is not possible, by telephone or facsimile. The MOU shall address the requirements outlined in the regulations herein.

B. When a participating register provides acknowledgment of receipt of an instrument filed electronically, the instrument shall be considered to have been filed in compliance with the applicable regulations and laws relating to filing of an instrument with the register.

C. A notice of confirmation of recording or a notice of rejection for recording shall be provided by a participating register to an authorized filer no later than the first business day after the instrument is filed electronically.

(1) A notice of confirmation shall include recording information for the instrument accepted for recording and shall identify the instrument accepted for recording, as provided in the agreement.

(2) A notice of rejection shall include a brief explanation of the reason or reasons for rejection and shall identify the instrument rejected for recording, as provided in the agreement.

38 FINAL REGULATIONS

(3) If a participating register complies with the notice provisions of the agreement, the failure of an authorized filer to receive notice of confirmation or rejection of filing and subsequent recording shall not affect the validity of the confirmation or rejection.

D. The authorized filer shall be responsible for returning the original instrument to the party or parties entitled to it after notice of confirmation of recording is received by the authorized filer and for providing to such party or parties the recording information set forth in the notice of confirmation from the participating register.

113-370. Document Formats

A. Authorized filers may elect to transmit either a digitized (scanned) electronic document of an original ink signed instrument or an electronic document electronically signed and notarized along with electronic indexing information to the register.

B. Digitized (scanned) electronic documents shall meet the following specifications:

- (1) provide fidelity to the original appearance of any instrument at the time such instrument was first created, whether by electronic or other means;
- (2) retain the original content;
- (3) be scanned at a minimum of 300 dpi;
- (4) be scanned in TIFF or PDF/A formats;
- (5) be scanned in portrait mode;
- (6) shall capture document images in any multi-page storage format as specified by the register; and
- (7) shall be legible to enable reproduction onto microfilm or microfiche to meet regulation requirements.

C. Digital electronic documents transmitted to the register for recording shall meet PRIA formatting and document data field standards in accordance with state and local recording laws as applicable.

D. Electronic recordings shall be converted to (if necessary) and preserved as TIFF or PDF files along with their associated metadata. Method 3 submissions shall be converted to TIFF or PDF.

113-380. Document and Indexing Requirements

Electronic recording delivery systems implemented by registers shall have the capacity at a minimum to process documents that are compatible with indexing requirements established by PRIA for file formatting and indexing.

A. The *PRIA eRecording XML Standard v2.4.1* is adopted by reference. The most current version of the PRIA indexing and document format standards may be found at the PRIA website at <http://pria.us/>

B. Indexing fields for each document code shall require the minimum index fields listed below:

- (1) grantor(s) or equivalent grantee(s) or equivalent;
- (2) document type recording fee related (original document number, in the case of releases, assignment, amendments, etc.);
- (3) legal description fields as specified by county;
- (4) standard PRIA tags defined for these fields must be used. <http://pria.us/>

113-390. Payment of Filing Fees

Payment of recording fees shall be collected by a register as prescribed by statute. The register shall provide an electronic or other written receipt to the authorized filer indicating that the payment for the recordation of the electronic instrument has been received and processed by the register. The electronic recording delivery

system may generate an automated electronic report which complies with this requirement. The register shall provide authorized filers with a list of payment methods which may be used for the recordation of electronic real property records.

113-400. Preservation

Real property records in the custody of the register are permanent records and must be preserved. The preservation of electronic real property records requires consistent and complex management in order to maintain authenticity and integrity. Electronic records are subject to the same threats of destruction as other mediums such as natural or human-made disasters. There are the added challenges of hardware and software obsolescence, media longevity and migration, infrastructure failures and accidental damage from improper handling. The durability of electronic records has not been proven to be as enduring as microfilm. In order to secure and preserve information created and stored electronically, permanent digital real property records shall be converted to microfilm.

Fiscal Impact Statement:

No state funding is requested. The fiscal impact on local counties that choose to allow electronic recording is indeterminate. The Act does not require local government entities to incur any costs since participation in electronic recording is voluntary. If a county chooses to allow electronic recording of documents it would need to purchase specific hardware that would enable it to receive documents for recording, indexing and returning a copy of the documents once the recording is completed. Local Registers may experience reduced costs as a result of electronic recording. These savings would be in the scanning, copying and mailing costs currently associated with filings. Additionally, there would be a more efficient method of identifying and correcting errors in documents.

Statement of Rationale:

Promulgation of these regulations is necessary in order to carry out the provisions of 2008 Act No. 210.