

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.

2012 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	1/13	2/10	3/9	4/13	5/11	6/8	7/13	8/10	9/14	10/12	11/9	12/14
Publishing Date	1/27	2/24	3/23	4/27	5/25	6/22	7/27	8/24	9/28	10/26	11/23	12/28

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

NOTICES

HEALTH AND ENVIRONMENTAL CONTROL, DEPARTMENT OF
Air Quality State Implementation Plan 3
Certification of Need 4
Underground Storage Tanks 5

DRAFTING NOTICES

COSMETOLOGY, BOARD OF
Amend Regulations in Conformance with its Practice Act..... 6
Educational Requirements..... 6
Establish Citation Authority for Inspection for Salons 6

ELECTION COMMISSION, STATE
Voting System Audit 7

EMPLOYMENT AND WORKFORCE, DEPARTMENT OF
Employer-Employee Relationship..... 7
Unemployment Insurance..... 8

FUNERAL SERVICE, BOARD OF
Amend Regulations in Conformance with its Practice Act (57-01, 57-06.1, 57-09, 57-11, 57-14.3,
and 57-14.4)..... 8
Fees..... 9

HEALTH AND ENVIRONMENTAL CONTROL, DEPARTMENT OF
Standards for the Sale, Recovery and Disposal of Certain Types of Electronic Equipment..... 9

LABOR, LICENSING AND REGULATION, DEPARTMENT OF
State Fire Marshal, Office of
Repeal and/or Amend Regulations 71-8300 through 71-8312 10

LONG TERM HEALTH CARE ADMINISTRATORS, BOARD OF
Licensure Requirements 10

OCCUPATIONAL THERAPY BOARD
Amend Regulations in Conformance with its Practice Act..... 10

PILOTAGE, COMMISSIONERS OF
Fees..... 11

TABLE OF CONTENTS

SOCIAL SERVICES, DEPARTMENT OF
Child Support Guidelines 11

TRANSPORTATION, DEPARTMENT OF
Agritourism and Tourism-Oriented Signage Program 11

PROPOSED REGULATIONS

CLEMSON UNIVERSITY
State Livestock-Poultry Health Commission
Document No. 4298 State Meat Inspection Regulation 13
Document No. 4299 State Poultry Products Inspection Regulation 14

CONSUMER AFFAIRS, DEPARTMENT OF
Document No. 4300 Mortgage Loan Broker Certificate of Registration 16
Document No. 4301 Notification and Fees Summary Procedures - Licensing, Adjustment of Dollar Amounts, Filing and Posting Maximum Rate Schedules, “Lemon Law” Records and Arbitration 18
Document No. 4302 Organization, Other Cases - Summary Procedure, Place of Hearings, Case Numbers and Titles, Form and Size of Papers, Filing and Service, Procedure, Contents of Formal Complaint, Answers, Pleadings and Action, Investigative Cases, Hearings, Evidence, and Close of Hearing 21

EDUCATION, STATE BOARD OF
Document No. 4303 Buildings and Grounds-Cleaning Program 26
Document No. 4304 Buildings and Grounds. Defined Minimum Program for South Carolina School District..... 27
Document No. 4305 Buildings and Grounds-Heating and Lighting 29
Document No. 4306 Buildings and Grounds Management-Fire Prevention..... 31
Document No. 4307 Facility Specifications 32
Document No. 4308 Gifted and Talented..... 34
Document No. 4309 Procedures and Standards for Review of Charter School Applications 38
Document No. 4310 Project Plans and Specifications 41

NATURAL RESOURCES, DEPARTMENT OF
Document No. 4297 Seasons, Limits, Methods of Take and Special Use Restrictions on Wildlife Management Areas (123-40, 123-50, 123-51 and 123-52)..... 43

TRANSPORTATION, DEPARTMENT OF
Document No. 4311 Sign Requirements for Petitions to Close Road 45
Document No. 4312 Specific Information Service Signing 46

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.php>

DOC. No.	RAT. FINAL No. ISSUE	SUBJECT	EXP. DATE	AGENCY
4210		Licensed Midwives	5/08/13	Department of Health and Envir Control
4259		South Carolina Immunization Registry	5/08/13	Department of Health and Envir Control
4261		Graduation Requirements	5/08/13	State Board of Education
4285		Transfers and Withdrawals	5/08/13	State Board of Education
4283		Oral Argument	5/08/13	Workers' Compensation Commission
4286		Mediation	5/08/13	Workers' Compensation Commission

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.php>

DOC. No.	SUBJECT	HOUSE COMMITTEE	SENATE COMMITTEE
4210	Licensed Midwives		
4259	South Carolina Immunization Registry		
4261	Graduation Requirements	Education and Public Works	Education
4285	Transfers and Withdrawals		
4283	Oral Argument		
4286	Mediation	Labor, Commerce and Industry	Judiciary

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

NOTICE OF GENERAL PUBLIC INTEREST

NOTICE TO AMEND AIR QUALITY STATE IMPLEMENTATION PLAN

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

October 26, 2012

The Department is proposing to amend the State Implementation Plan (SIP) to meet obligations of the United States Environmental Protection Agency (EPA). Interested persons are invited to present their views in writing to Maeve S.R. Mason, Regulation and SIP Management Section, Bureau of Air Quality, 2600 Bull Street, Columbia, SC 29201, or masonmr@dhec.sc.gov. To be considered, comments must be received no later than 5:00 p.m. on November 26, 2012, the close of the drafting comment period. The Department is also providing the public with the opportunity to request a public hearing on the proposed SIP amendment. As such, a public hearing has been scheduled for Monday, December 3, 2012, at 1 p.m. in the Wallace Room (3141), 2600 Bull Street, Columbia, South Carolina. The public is invited to attend. However, pursuant to 40 CFR 51.102 (2011), if the Department does not receive a request for a public hearing by the close of the comment period (November 26, 2012), the Department will cancel the hearing. If the Department cancels the public hearing, then the Department will notify the public at least one week prior to the scheduled hearing on the SIP Public Hearings webpage at: http://www.scdhec.gov/environment/baq/Regulation-SIPManagement/public_hearings.asp. Interested parties are also encouraged to contact Maeve S. R. Mason at (803) 898-2230 or masonmr@dhec.sc.gov for more information or to determine if the Department has cancelled the public hearing.

Synopsis:

Section 169A of the Clean Air Act (CAA) provided for a national goal for visibility to include the prevention and remediation of manmade air pollution, which contributes to the visible impairment of Class I areas (areas of great scenic importance) throughout the country, including many well-known national parks and wilderness areas. As a result, in 1980, the EPA promulgated regulations to address visibility impairment that is “reasonably attributable” to one or a small group of sources located across a broad geographic area (referred to as regional haze). However, the EPA deferred action on regional haze regulations until monitoring, modeling, and scientific knowledge about the relationship between pollutants and visibility effects improved. In 1993, at the recommendation of the National Academy of Science (NAS) report, the EPA began conducting research into control technologies available for taking regulatory action to improve and protect visibility in Class I areas. On July 31, 1997, the EPA published proposed amendments to the 1980 regulations to set forth a program to address regional haze (62 FR 41138). On July 1, 1999, and July 6, 2005, the EPA promulgated two rules known as the “Regional Haze Regulation (Regional Haze Rule),” and the “Regional Haze Regulations and Guidelines for Best Available Retrofit Technology (BART) Determinations,” (also referred to as the BART Rule) respectively. The Regional Haze Rule was published in the *Federal Register* on July 1, 1999 (64 FR 35714). This rule calls for States to establish goals and strategies for improving visibility in all of the country’s 156 Class I national parks and wilderness areas. Cape Romain, South Carolina is one such Class I area. The EPA is requiring all states areas to revise their SIPs to reduce emissions of sulfur dioxide (SO₂), oxides of nitrogen (NO_x), and particulate matter--especially fine particulate matter (PM_{2.5})--all of which contribute to regional haze and affect Class 1 areas.

The BART Rule was published in the *Federal Register* on July 6, 2005 (70 FR 39104). The CAA requires that any “major stationary source” that has the potential to emit 250 tons or more of a visibility-impairing air pollutant that was put in place between August 7, 1962, and August 7, 1977, and whose operations fall within one or more of the 26 specifically listed source categories would comprise a BART-eligible source and must install the BART for controlling emissions. States must address BART in their regional haze SIPs.

4 NOTICES

The EPA established a schedule for states to submit their SIPs. South Carolina submitted its SIP under the Regional Haze Rule to EPA on December 21, 2007. The EPA published a limited approval of this plan on June 28, 2012 (77 FR 38509).

The Regional Haze Rule requirements at 40 CFR 51.308(g) also require periodic reports evaluating progress towards the reasonable progress goals established in the SIP in five year intervals. Absent any federal guidance on these submissions, but in order to meet the required deadline, South Carolina has prepared its draft periodic update for the Cape Romain Wilderness area. The Regional Haze Rule also requires States to consult with the Federal Land Management agencies at least 60 days prior to holding any public hearing on a SIP or SIP revision (40 CFR 51.308(i)). This consultation period began on July 27, 2012, and concluded September 25, 2012. Comments that were received were taken into consideration, and where appropriate, revisions were made to address these concerns. To access documents associated with this update, please visit the Department's website at: http://www.scdhec.gov/environment/baq/Regulation-SIPManagement/regional_haze.asp

Based on the analysis outlined in the aforementioned periodic update documents the Department plans to submit a negative declaration to EPA specifying that its Regional Haze SIP is sufficient in meeting the requirements outlined in the Regional Haze Rule. Further, no additional controls are necessary as detailed in this, the first five year progress report. The Department is soliciting comments on this analysis, documentation, and proposed negative declaration.

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

NOTICE OF GENERAL PUBLIC INTEREST

In accordance with Section 44-7-200(D), Code of Laws of South Carolina, the public is hereby notified that a Certificate of Need application has been accepted for filing and publication October 26, 2012, 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. Paula J. Bracey, Division of Planning and Certification of Need, 2600 Bull St., Columbia, SC 29201 at (803) 545-4200.

Affecting Lancaster County

Transfer of eighteen (18) substance abuse beds from Springs Memorial Hospital to Rebound Behavioral Health located at 134 East Rebound Road
Rebound Behavioral Health, LLC
Lancaster, South Carolina
Project Cost: \$1,289,804

In accordance with Section 44-7-210(A), Code of Laws of South Carolina, and S.C. DHEC Regulation 61-15, the public and affected persons are hereby notified that for the following projects, applications have been deemed complete, and the review cycle has begun. A proposed decision will be made as early as 30 days, but no later than 120 days, from October 26, 2012. "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. If a public hearing is timely requested, the Department's decision will be made after the public hearing, but no later than 150 days from the above date. For further information call (803) 545-4200.

Affecting Dorchester County

Construction of a freestanding Ambulatory Surgical Facility (ASF) with two (2) endoscopy rooms restricted to endoscopy procedures only

Summerville Endoscopy Center, LLC

Summerville, South Carolina

Project Cost: \$4,478,405

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

NOTICE OF GENERAL PUBLIC INTEREST

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

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

Pursuant to Section IV.B.1., the Department is required to place a list of those contractors requesting certification on public notice and accept comments from the public for a period of thirty (30) days. If you wish to provide comments regarding the companies and/or individuals listed below, please submit your comments in writing, no later than November 26, 2012 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 II

W. Walker Environmental Services, LLC.

Attn: William C. Walker

1317 Hummingbird Dr.

West Columbia, SC 29169

6 DRAFTING NOTICES

BOARD OF COSMETOLOGY

CHAPTER 35

Statutory Authority: 1976 Code Sections 40-1-70 and 40-13-80

Notice of Drafting:

The South Carolina Board of Cosmetology proposes to amend its regulations in conformance with its practice act. Interested persons may submit comments to Tracey McCarley, Administrator, State Board of Cosmetology, Post Office Box 11329, Columbia, S.C. 29211-1329.

Synopsis:

The South Carolina Board of Cosmetology proposes to amend its regulations. Legislative review of this amendment is required.

BOARD OF COSMETOLOGY

CHAPTER 35

Statutory Authority: 1976 Code Sections 40-1-70 and 40-13-80

Notice of Drafting:

The South Carolina Board of Cosmetology proposes to amend regulations regarding educational requirements in conformance with the practice act and current practice in the cosmetology industry. Interested persons may submit comments to Tracey McCarley, Administrator, State Board of Cosmetology, Post Office Box 11329, Columbia, S.C. 29211-1329.

Synopsis:

The South Carolina Board of Cosmetology proposes to amend regulations regarding educational requirements. Legislative review of this amendment is required.

BOARD OF COSMETOLOGY

CHAPTER 35

Statutory Authority: 1976 Code Sections 40-1-70 and 40-13-80

Notice of Drafting:

The South Carolina Board of Cosmetology proposes to add Regulation 35-6 to establish citation authority for inspection for salons. Interested persons may submit comments to Tracey McCarley, Administrator, State Board of Cosmetology, Post Office Box 11329, Columbia, S.C. 29211-1329.

Synopsis:

The South Carolina Board of Cosmetology proposes to add Regulation 35-6. Legislative review of this amendment is required.

STATE ELECTION COMMISSION
CHAPTER 45
Statutory Authority: 1976 Code Section 7-13-1655 (B)(3)

Notice of Drafting:

The South Carolina State Election Commission proposes to delete current Regulations 45-1 through 45-10, and add Regulations 45-1 Definitions, 45-2 Voting System Audit Responsibilities of State Election Commission, and 45-3 Voting System Audit Responsibilities of County Boards of Registration and Elections or County Election Commissions. Interested persons may submit written comments to Marci Andino, Executive Director, South Carolina State Election Commission, 2221 Devine Street, Suite 105, Post Office Box 5987, Columbia, South Carolina 29250-5987. To be considered, all comments must be received no later than 5:00 p.m. November 8, 2012, the close of the drafting comment period.

Synopsis:

The Commission is proposing to delete Regulations 45-1 through 45-10 to remove definitions and instructions no longer relevant to the current voting system used in South Carolina and add Regulations 45-1 Definitions, 45-2 Voting System Audit Responsibilities of State Election Commission, and 45-3 Voting System Audit Responsibilities of County Boards of Registration and Elections or County Election Commissions. Currently voting system audit regulations do not exist.

Legislative review of this amendment is required.

DEPARTMENT OF EMPLOYMENT AND WORKFORCE
CHAPTER 47

Statutory Authority: 1976 Code Section 41-29-110

Notice of Drafting:

The South Carolina Department of Employment and Workforce proposes to amend Regulation 47-8. Interested persons may submit written comments to Maura Dawson, Assistant General Counsel, South Carolina Department of Employment and Workforce, 1550 Gadsden Street, Post Office Box 8597, Columbia, South Carolina 29202. To be considered, all comments must be received no later than 5:00 p.m. November 7, 2012, the close of the drafting comment period.

Synopsis:

The Department is proposing to amend Regulation 47-8 to clarify the distinction between employee and independent contractor.

Legislative review of these amendments is required.

8 DRAFTING NOTICES

DEPARTMENT OF EMPLOYMENT AND WORKFORCE CHAPTER 47

Statutory Authority: 1976 Code Section 41-29-110

Notice of Drafting:

The South Carolina Department of Employment and Workforce proposes to add Article IV, Unemployment Insurance, Regulations 47-100 through 47-103. Interested persons may submit written comments to Maura Dawson, Assistant General Counsel, South Carolina Department of Employment and Workforce, 1550 Gadsden Street, Post Office Box 8597, Columbia, South Carolina 29202. To be considered, all comments must be received no later than 5:00 p.m. November 7, 2012, the close of the drafting comment period.

Synopsis:

During the 2012 legislative session, the General Assembly amended South Carolina Code Annotated Section 41-35-120(2)(b). New regulations will reflect this legislative change.

The Department is proposing to draft Regulation 47-100 to explain “cause other than misconduct” from South Carolina Code Annotated Section 41-35-120(2)(b).

The Department is proposing to draft Regulation 47-101 to explain “substandard performance due to inefficiency, inability, or incapacity” from South Carolina Code Annotated Section 41-35-120(2)(b).

The Department also proposes to generally update the specified regulations to reflect current law and policies.

The Department is proposing to draft Regulation 47-102 to clarify the parameters of a corporate officer’s eligibility for unemployment insurance benefits.

The Department is proposing to draft Regulation 47-103 to clarify the parameters for waiving non-fraudulent/no-fault overpayments.

Legislative review of these amendments is required.

BOARD OF FUNERAL SERVICE CHAPTER 57

Statutory Authority: 1976 Code Sections 40-1-70 and 40-19-5 et seq.

Notice of Drafting:

The South Carolina Board of Funeral Service proposes to amend Regulations 57-01, 57-06.1, 57-09, 57-11, 57-14.3, and 57-14.4 in conformance with its practice act. Interested persons may submit comments to Doris Cubitt, Administrator, State Board of Funeral Service, Post Office Box 11329, Columbia, S.C. 29211-1329.

Synopsis:

The South Carolina Board of Funeral Service proposes to amend its regulations. Legislative review of this amendment is required.

BOARD OF FUNERAL SERVICE

CHAPTER 57

Statutory Authority: 1976 Code Sections 40-1-70 and 40-19-5 et seq.

Notice of Drafting:

The South Carolina Board of Funeral Service proposes to amend Regulation 57-12 to reflect current fees in regulation. Interested persons may submit comments to Doris Cubitt, Administrator, State Board of Funeral Service, Post Office Box 11329, Columbia, S.C. 29211-1329.

Synopsis:

The South Carolina Board of Funeral Service proposes to amend Regulation 57-12. Legislative review of this amendment is required.

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

CHAPTER 61

Statutory Authority: 1976 Code Sections 48-60-05 et seq. (2010 Act 178)

Notice of Drafting:

The Department of Health and Environmental Control proposes to draft a new regulation that addresses standards for the sale, recovery and disposal of certain types of electronic equipment. Interested persons may submit their views by writing to Kent Coleman at S.C. Department of Health and Environmental Control, Bureau of Land and Waste Management, 2600 Bull Street, Columbia, SC 29201. To be considered, written comments must be received no later than 5:00 p.m. on Tuesday, November 27, 2012, the close of the drafting comment period.

Synopsis:

During the 2010 legislative session, the General Assembly enacted Act 178, known as the South Carolina Manufacturer Responsibility and Consumer Convenience Information Technology Equipment Collection and Recovery Act, codified at S.C. Code Ann Sections 48-60-05 et seq.

As required by the Act, the Department initiated the process to promulgate a new regulation to address and implement the applicable provisions of the Act. The Department proposed State Register Document No. 4179 for legislative review but on January 31, 2012 the Department permanently withdrew that document from consideration and the proposed regulation did not become final.

The Department is proposing to reinstate the statutory process to promulgate a regulation to satisfy the requirements of the Act. The proposed regulation will include, but not be limited to: reporting requirements; responsibilities of manufacturers of covered electronic devices as defined by the Act; and standards for the safe, environmentally responsible recovery of discarded devices. The regulation may also establish administrative fines for violations of the Act.

Legislative review will be required.

10 DRAFTING NOTICES

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

Statutory Authority: 1976 Code Sections 23-9-60, 23-9-550, 23-35-45, and 23-36-80

Notice of Drafting:

The South Carolina Department of Labor, Licensing and Regulation, Office of the State Fire Marshal proposes to repeal and/or amend Regulations 71-8300 through 71-8312. Interested persons may submit comments to: Shane Ray, State Fire Marshal, S.C. Department of Labor, Licensing and Regulation, Office of State Fire Marshal, 141 Monticello Trail, Columbia, South Carolina 29203. The State Fire Marshal specifically requests comments concerning appropriate regulations as they pertain to fire prevention and life safety as well as appropriate use of national consensus standards, with or without state specific modification.

Synopsis:

The Office of State Fire Marshal proposes to eliminate redundant and unnecessary regulations; update the remaining existing regulations; use a standardized format for all regulations; and to make the current regulations compatible with current federal and state statutes.

BOARD OF LONG TERM HEALTH CARE ADMINISTRATORS CHAPTER 93

Statutory Authority: 1976 Code Sections 40-1-70, 40-35-5 through 40-35-136, and 40-35-230

Notice of Drafting:

The South Carolina Board of Long Term Health Care Administrators proposes to amend its regulations regarding licensure requirements in conformance with its practice act. Interested persons may submit comments to Lee Ann Bundrick, Administrator, State Board of Long Term Health Care Administrators, Post Office Box 11329, Columbia, S.C. 29211-1329.

Synopsis:

The South Carolina Board of Long Term Health Care Administrators proposes to amend its regulations. Legislative review of this amendment is required.

OCCUPATIONAL THERAPY BOARD CHAPTER 94

Statutory Authority: 1976 Code Sections 40-1-70 and 40-36-10 et seq.

Notice of Drafting:

The South Carolina Occupational Therapy Board proposes to amend its regulations in conformance with its practice act. Interested persons may submit comments to Veronica Reynolds, Administrator, Occupational Therapy Board, Post Office Box 11329, Columbia, S.C. 29211-1329.

Synopsis:

The South Carolina Occupational Therapy Board proposes to amend its regulations. Legislative review of this amendment is required.

COMMISSIONERS OF PILOTAGE

CHAPTER 136

Statutory Authority: 1976 Code Sections 40-1-70 and 54-15-140

Notice of Drafting:

The South Carolina Commissioners of Pilotage proposes to amend Regulation 136-035 in conformance with its practice act. Interested persons may submit comments to Kitty Cox, Administrator, State Commissioners of Pilotage, Post Office Box 11329, Columbia, S.C. 29211-1329.

Synopsis:

The South Carolina Commissioners of Pilotage proposes to amend Regulation 136-035. Legislative review of this amendment is required.

DEPARTMENT OF SOCIAL SERVICES

CHAPTER 114

Statutory Authority: 1976 Code Sections 43-5-580 and 63-17-470 et seq.

Notice of Drafting:

The South Carolina Department of Social Services proposes amending regulations concerning Child Support Guidelines in order to maintain compliance with State and Federal law and regulations.

Synopsis:

The Family Support Act of 1988 [P.L. 100-485] requires that at least every four years the Guidelines be reviewed and updated to reflect the latest economic data on child-rearing costs. The Department is also required by State law to review the Guidelines at least every four years to ensure that their application results in adequate support award amounts [South Carolina Code of Laws, 1976 as amended, Sections 43-5-580(b) and 63-17-470(d)].

Legislative review of this amendment is required.

DEPARTMENT OF TRANSPORTATION

CHAPTER 63

Statutory Authority: 1976 Code Sections 57-25-800 et seq.

Notice of Drafting:

The South Carolina Department of Transportation proposes to draft a new regulation that addresses the installation of directional signs on state highways for agritourism and tourism-oriented facilities or activities on rural, conventional highways. Interested persons may submit comments Barbara M. Wessinger, Legal Office, 955 Park Street, Columbia, South Carolina, 29202. To be considered, all comments must be received no later than 5:00 p.m., November 1, 2012, the close of the drafting comment period.

12 DRAFTING NOTICES

Synopsis:

The General Assembly passed the “Agritourism and Tourism-Oriented Signage Program” (Section 57-25-800, et seq.) which directs the South Carolina Department of Transportation to create and supervise a coordinated, self-funded, statewide program related to providing directional signs along certain of the rural conventional state highways and non-interstate scenic byways leading to agritourism and tourist-oriented facilities. The statute requires the Department of Transportation to promulgate regulations to implement the program and provide for the eligibility and approval to participate in the program based on recommended criteria from the Department of Agriculture and Department of Parks, Recreation and Tourism.

Legislative review of this proposal is required.

Document No. 4298
CLEMSON UNIVERSITY
STATE LIVESTOCK-POULTRY HEALTH COMMISSION
CHAPTER 27
Statutory authority: 1976 Code Sections 47-4-30 and 47-17-130

27-1023. State Meat Inspection Regulation

Preamble:

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

The Notice of Drafting was published in the *State Register* on August 24, 2012.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such hearing will be held at the South Carolina Meat-Poultry Inspection Department, 500 Clemson Road, Columbia, S.C. on November 30, 2012 at 9:00 a.m. If no request is received by November 26, 2012, the hearing will be canceled. Written comments may be directed to Dr. Clyde B. Hoskins, Director, South Carolina Meat-Poultry Inspection Department, P. O. Box 102406, Columbia, SC 29224-2406 not later than November 26, 2012.

Preliminary Fiscal Impact Statement:

No additional state funding is requested.

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION: State Meat Inspection Regulations.

Purpose: To modernize, clarify and update the existing regulations which govern the inspection of meat products produced for intrastate commerce. These updated regulations are necessary to comply with the federal Meat Inspection Act, which establishes the Federal-State Cooperative Inspection Program. This cooperative agreement requires that state regulations be “at least equal to” applicable federal regulations, in return for which the federal government furnishes 50% of the funds required to maintain the state program. These regulations will allow the state program to maintain compliance with the terms of the federal cooperative agreement.

Legal Authority: 1976 Code Sections 47-4-30 and 47-17-130.

Plan for Implementation: The state meat inspection program has been in existence for many years, implementation of these proposed regulations will clarify and update the existing regulations.

14 PROPOSED REGULATIONS

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

None.

DETERMINATION OF COSTS AND BENEFITS:

None.

UNCERTAINTIES OF ESTIMATES:

None.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

None.

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

None.

Statement of Rationale:

None.

Text:

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

Document No. 4299
CLEMSON UNIVERSITY
STATE LIVESTOCK-POULTRY HEALTH COMMISSION
CHAPTER 27

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

27-1022. State Poultry Products Inspection Regulation

Preamble:

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

The Notice of Drafting was published in the *State Register* on August 24, 2012.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such hearing will be held at the South Carolina Meat-Poultry Inspection Department, 500 Clemson Road, Columbia, S.C. on November 30, 2012 at 9:00 a.m. If no request is received by November 26, 2012, the hearing will be canceled. Written comments may be directed to Dr. Clyde B. Hoskins, Director, South Carolina Meat-Poultry Inspection Department, P. O. Box 102406, Columbia, SC 29224-2406 not later than November 26, 2012.

Preliminary Fiscal Impact Statement:

No additional state funding is requested.

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION: State Poultry Inspection Regulations.

Purpose: To modernize, clarify and update the existing regulations which govern the inspection of poultry products produced for intrastate commerce. These updated regulations are necessary to comply with the federal Poultry Products Inspection Act, which establishes the Federal-State Cooperative Inspection Program. This cooperative agreement requires that state regulations be "at least equal to" applicable federal regulations, in return for which the federal government furnishes 50% of the funds required to maintain the state program. These regulations will allow the state program to maintain compliance with the terms of the federal cooperative agreement.

Legal Authority: 1976 Code Sections 47-4-30, 47-19-30 and 47-19-170.

Plan for Implementation: The state poultry inspection program has been in existence for many years, implementation of these proposed regulations will clarify and update the existing regulations.

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

None.

DETERMINATION OF COSTS AND BENEFITS:

None.

UNCERTAINTIES OF ESTIMATES:

None.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

None.

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

None.

16 PROPOSED REGULATIONS

Statement of Rationale:

None.

Text:

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

Document No. 4300
DEPARTMENT OF CONSUMER AFFAIRS
CHAPTER 28
Statutory Authority: 1976 Code Sections 40-58-10 et seq.,
Particularly Section 40-58-100

28-400. Mortgage Loan Broker Certificate of Registration

Preamble:

The “Licensing of Mortgage Brokers Act” (Act) was heavily amended effective January 1, 2010 to be in compliance with the federal “Secure and Fair Enforcement for Mortgage Licensing Act of 2008” (SAFE Act). The United States Department of Housing and Urban Development (HUD) issued their final rule for the SAFE Act on June 30, 2011, subsequently transferred to the Consumer Financial Protection Bureau and is now 12 CFR Part 1008, which required changes to our regulation. The purpose of the regulation is to implement the above changes to state and federal law and delete the previous regulation. The title of the regulation is changed to conform to the statute.

The statute has terms that needed definition as a result of changes to federal law noted above. In addition, licenses are required for persons not specifically addressed in the statute. Further, reporting requirements changed as a result of changes in the federal laws and contractual arrangements.

Section 40-58-100 allows the Department to promulgate regulations necessary to effectuate the purposes of the Chapter.

The proposed regulation will require legislative review.

Notice of Drafting for the proposed regulation was published in the *State Register* on August 24, 2012. Comments were solicited for consideration in drafting the proposed regulation.

Section-by-Section Discussion

- | | |
|-----------|---|
| 28-400 | Deleted previous title and added new title to conform to statute. |
| 28-400(A) | Deleted previous section and added new section Definitions – new definitions added for “Act,” “Co-brokering,” “Day,” “Employee for purposes of compliance with federal income tax laws,” “Loan correspondent,” and “Loss mitigation”. |
| 28-400(B) | Deleted previous section and added new section “Licensing of Independent Contractor Processors or Underwriters” containing information on obtaining a license. |
| 28-400(C) | Deleted previous section and added new section with language regarding all SC mortgage loans being subject to all relevant state and federal law. |

- 28-400(D) Deleted previous section and added section “Reports” to clarify reporting requirements.
- 28-400(E) Added section “Licensing for loss mitigation activities” containing licensing information.
- 28-400(F) Added section “Bona fide Nonprofit Organization” containing reporting requirements.

Notice of Public Hearing and Opportunity for Public Comment:

Interested persons should submit comments to Charles M. Knight, Staff Attorney, South Carolina Department of Consumer Affairs, P.O. Box 5757, Columbia, S.C. 29250-5757, by November 26, 2012. Should a public hearing be requested, the hearing will be held at the Department on December 3, 2012 at 2:00 p.m. in the Conference Room, 2221 Devine Street, Suite 200, Columbia, S.C. 29204.

Preliminary Fiscal Impact Statement:

The Department of Consumer Affairs estimates the costs incurred by the State in complying with the proposed regulation will be approximately \$0.

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION: Licensing of Mortgage Brokers.

Purpose: R.28-400 was promulgated with an initial effective date of May 24, 1991 and was last amended March 24, 1994. The purposes of the amendment are to revise the title of the regulation to conform to statutory changes and address other changes required by changes in state and federal law.

Legal Authority: 1976 Code Sections 40-58-10 et seq., particularly Section 40-58-100.

Plan for Implementation: Administrative.

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

The regulation is intended to address changes to State and Federal law regarding the mortgage broker industry and clarify the statutory terms and application requirements for independent contractor processors and underwriters, loss mitigation activities, bona fide nonprofit organizations, and loan correspondents. The proposed regulation directly addresses issues that have come to the attention of the Department staff during the time since the regulation was last amended.

DETERMINATION OF COSTS AND BENEFITS:

Licensing fees assessed are at levels intended to offset the costs of administering the regulation.

UNCERTAINTIES OF ESTIMATES:

Estimates are based on agency experience in regulating the industry. Should the number of filings vary greatly, estimates could change. However, since costs to the State should be covered by the licensing fees set in S.C. Code Sections 40-58-10 et seq., impact should be minimal.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

None.

18 PROPOSED REGULATIONS

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

None.

Statement of Rationale:

The South Carolina *Licensing of Mortgage Brokers Act* specifically provides for the Department to promulgate regulations necessary to effectuate the purposes of the Act. The Act also permits and/or contemplates the drafting of licensing requirements for independent contractor processors and underwriters and reporting requirements. Such modifications and additions are necessary to effectuate the consumer protection purpose of the Act and to guide businesses with compliance.

Text:

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

Document No. 4301

DEPARTMENT OF CONSUMER AFFAIRS

CHAPTER 28

Statutory Authority: 1976 Code Sections 37-6-104, 37-6-403, and 37-6-506

28-8. Notification and Fees Summary Procedures - Licensing
28-62. Adjustment of Dollar Amounts
28-70-2.305, 3.305. Filing and Posting Maximum Rate Schedules
28-500. "Lemon Law" Records and Arbitration

Preamble:

The Department proposes to amend and modify Regulations 28-8, 28-62, 28-70-2.305, 3.305, and 28-500. The purpose of these proposed amendments is to revise and edit regulatory language to conform to current statutory requirements and to delete obsolete provisions.

South Carolina Code sections 37-6-104 and 37-6-403 authorize the Department to promulgate regulations necessary to effectuate the purposes of the chapter. The purposes of these proposed amendments are to revise and edit regulatory language to conform to current statutory requirements and to delete obsolete provisions.

The proposed regulations will require legislative review.

Notice of Drafting for the proposed regulations was published in the *State Register* on August 24, 2012. Comments were solicited for consideration in drafting the proposed regulation.

Section-by-Section Discussion

28-8	No changes.
28-8(A)	No changes.
28-8(B)	No changes.

PROPOSED REGULATIONS 19

28-8(C)	Changed ninety dollars to one hundred twenty to conform to current statutory law.
28-8(D)	No changes.
28-8(E)	No changes.
28-8(F)	No changes.
28-8(G)	No changes.
28-8(H)	No changes.
28-8(I)	No changes.
28-8(J)	No changes.
28-62	Deleted obsolete dates and forms from section.
28-70-2.305, 3.305	Revised section number to 28-70.
28-70-2.305, 3.305(A)	Deleted obsolete dates, updated filing fee amount and per location requirement to conform to current statutory law and added reference to Department's website for current forms.
28-70-2.305, 3.305(B)	Deleted obsolete dates and form language.
28-70-2.305, 3.305(C)	No changes.
28-70-2.305, 3.305(D)	No changes.
28-70-2.305, 3.305(E)	Added January 31 st to clarify effective dates of rate schedule filings and updated filing fee amount and per location requirement to conform to current statutory law.
28-70-2.305, 3.305(F)	Deleted.
28-500	Deleted "Arbitration" from section title.
28-500(A)	No changes.
28-500(B)	No changes.
28-500(C)	Deleted.

Notice of Public Hearing and Opportunity for Public Comment:

Interested persons should submit comments to Danny Collins, Deputy for Regulatory Enforcement, South Carolina Department of Consumer Affairs, P.O. Box 5757, Columbia, SC 29250 by November 26, 2012. Should a public hearing be requested by at least twenty-five persons, the hearing will be held at the Department on December 3, 2012 at 2:00 p.m. in the Conference Room, 2221 Devine Street, Suite 200, Columbia, SC 29205.

20 PROPOSED REGULATIONS

Preliminary Fiscal Impact Statement:

The Department of Consumer Affairs estimates the costs incurred by the State in complying with the proposed regulation will be approximately \$0.

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATIONS: R.28-8 Notification and Fees Summary Procedures – Licensing, R.28-62 Adjustment of Dollar Amounts, R.28-70-2.305, 3.305 Filing and Posting Maximum Rate Schedules, and R.28-500 “Lemon Law” Records and Arbitration.

Purpose: R.28-8 was last amended with an effective date of February 26, 1993. The purposes of the proposed changes are to conform to current statutory requirements.

R.28-62 was last amended May 25, 2001 and the purposes of the proposed changes are to conform to current statutory requirements.

R.28-70-2.305, 3.305 was promulgated with an effective date of May 27, 1983. Proposed changes to R.28-70-2.305, 3.305(A) will clarify that the filing fee for rate schedules applies to each creditor location. Proposed deletion of R.28-70-2.305, 3.305(D) will conform to current statutory requirements and delete obsolete provisions.

R.28-500 was promulgated with an initial effective date of May 24, 1991 and is being amended to delete obsolete provisions and conform to current practice.

Legal Authority: 1976 Code Sections 37-6-104, 37-6-403, and 37-6-506.

Plan for Implementation: Administrative.

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

The proposed regulations are intended to clarify existing Department regulations and also deleting obsolete provisions in order to conform to current statutory requirements.

DETERMINATION OF COSTS AND BENEFITS:

The proposed regulations impose no additional costs.

UNCERTAINTIES OF ESTIMATES:

None.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

None.

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

None.

Statement of Rationale:

The South Carolina Consumer Protection Code specifically provides for the Department to promulgate regulations necessary to effectuate the purposes of the Code and these changes are being made to conform regulations to current statutory law.

Text:

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

Document No. 4302
DEPARTMENT OF CONSUMER AFFAIRS
 CHAPTER 28

Statutory Authority: 1976 Code Sections 37-6-104, 37-6-402, 37-6-403, and 37-6-506

- 28-2. Organization
- 28-9. Other Cases - Summary Procedure
- 28-10. Place of Hearings
- 28-11. Case Numbers and Titles
- 28-12. Form and Size of Papers
- 28-13. Filing and Service
- 28-14. Procedure
- 28-16. Contents of Formal Complaint
- 28-17. Answers
- 28-18. Pleadings and Action
- 28-19. Investigative Cases
- 28-20. Hearings
- 28-21. Evidence
- 28-22. Close of Hearing

Preamble:

The department proposes to amend and modify Regulations 28-2, 28-9, 28-10, 28-11, 28-12, 28-13, 28-14, 28-16, 28-17, 28-18, 28-19, 28-20, 28-21, and 28-22. The purposes of these proposed amendments are to revise and edit regulatory language to conform to current statutory requirements and to delete obsolete provisions. South Carolina Code sections 37-6-104 and 37-6-403 authorize the department to promulgate regulations necessary to effectuate the purposes of the chapter.

The proposed regulations will require legislative review.

Notice of Drafting for the proposed regulations was published in the *State Register* on August 24, 2012. Comments were solicited for consideration in drafting the proposed regulation.

Section-by-Section Discussion

- 28-2 No changes.
- 28-2(A) Revised to correct number of Commission members and Commission structure to conform to current statutory law.

22 PROPOSED REGULATIONS

- 28-2(B) Revised language regarding Council of Advisors members to conform with current statutory law.
- 28-2(C) Deleted.
- 28-2(D) Subsection relabeled "C."
- 28-2(E) Subsection relabeled "D."
- 28-2(F) Subsection relabeled "E."
- 28-2(G) Subsection relabeled "F."
- 28-9 No changes.
- 28-9(A) No changes.
- 28-9(B) No changes.
- 28-9(C) No changes.
- 28-9(D) Revised language to reflect Department's authority to bring administrative action before Administrative Law Court instead of Department hearings.
- 28-9(E) No changes.
- 28-10 Deleted.
- 28-11 Deleted.
- 28-12 Deleted.
- 28-13 No changes.
- 28-13(A) Deleted.
- 28-13(B) Relabeled subsection "A."
- 28-13(C) Relabeled subsection "B."
- 28-13(D) Relabeled subsection "C."
- 28-14 No changes.
- 28-14(A) Revised reference to Administrative Procedures Act.
- 28-14(B) Deleted.
- 28-14(C) Deleted.
- 28-14(D) Deleted.
- 28-14(E) Deleted.

28-14(F)	Deleted.
28-14(G)	Deleted.
28-16	Deleted.
28-17	Deleted.
28-17(A)	Deleted.
28-17(B)	Deleted.
28-17(C)	Deleted.
28-17(D)	Deleted.
28-18	Deleted.
28-18(A)	Deleted.
28-18(B)	Deleted.
28-18(C)	Deleted.
28-18(D)	Deleted.
28-18(E)	Deleted.
28-18(F)	Deleted.
28-18(G)	Deleted.
28-19	No changes.
28-19(A)	Removed subsection label "A."
28-19(B)	Deleted.
28-20	No changes to title. Deleted provisions referencing hearings before the Administrator and added language that Department hearings are governed by rules of Administrative Law Court to conform with current law.
28-20(A)	Deleted.
28-20(B)	Deleted.
28-20(C)	Deleted.
28-20(D)	Deleted.
28-20(E)	Deleted.
28-21	Deleted.

24 PROPOSED REGULATIONS

28-21(A) Deleted.
28-21(B) Deleted.
28-21(C) Deleted.
28-21(D) Deleted.
28-21(E) Deleted.
28-21(F) Deleted.
28-21(G) Deleted.
28-21(H) Deleted.
28-21(I) Deleted.
28-22 Deleted.
28-22(A) Deleted.
28-22(B) Deleted.
28-22(C) Deleted.
28-22(D) Deleted.
28-22(E) Deleted.

Notice of Public Hearing and Opportunity for Public Comment:

Interested persons should submit comments to Danny Collins, Deputy for Regulatory Enforcement, South Carolina Department of Consumer Affairs, P.O. Box 5757, Columbia, SC 29250 by November 26, 2012. Should a public hearing be requested by at least twenty-five persons, the hearing will be held at the Department on December 3, 2012 at 2:00 p.m. in the Conference Room, 2221 Devine Street, Suite 200, Columbia, SC 29205.

Preliminary Fiscal Impact Statement:

The Department of Consumer Affairs estimates the costs incurred by the State in complying with the proposed regulation will be approximately \$0.

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATIONS: R.28-2. Organization, R.28-9. Other Cases - Summary Procedure, R.28-10. Place of Hearings, R.28-11. Case Numbers and Titles, R.28-12. Form and Size of Papers, R.28-13. Filing and Service, R.28-14. Procedure, R.28-16. Contents of Formal Complaint, R.28-17. Answers, R.28-18. Pleadings and Action, R.28-19. Investigative Cases, R.28-20 Hearings, R.28-21. Evidence, R.28-22. Close of Hearing.

Purpose: Regulations 28-2, 28-9, 28-10, 28-11, 28-12, 28-13, 28-14, 28-16, 28-17, 28-18, 28-19, 28-19, 28-20, 28-21, and 28-22 were all last amended with an effective date of February 26, 1993. The purposes of the proposed changes to these regulations are to conform to current statutory requirements, delete obsolete provisions, and reflect that the Department's contested hearings have been transferred to the Administrative Law Court.

Legal Authority: 1976 Code Sections 37-6-104, 37-6-402, 37-6-403, and 37-6-506.

Plan for Implementation: Administrative.

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

The majority of the proposed revisions to these regulations are intended to reflect the changes brought about by Act No. 128 of 2005 which moved Department hearings to the Administrative Law Court. Remaining changes are to conform the regulations to current statutory requirements and to delete obsolete provisions.

In addition, the proposed amendments to R.28-2 reflect the current South Carolina Code sections describing the composition of the Commission on Consumer Affairs, 37-6-502, and the Council of Advisors on Consumer Credit, 37-6-301.

DETERMINATION OF COSTS AND BENEFITS:

The proposed regulations impose no additional costs.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

None.

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

None.

Statement of Rationale:

The South Carolina Consumer Protection Code specifically provides for the Department to promulgate regulations necessary to effectuate the purposes of the Code and these changes are being made to conform regulations to current statutory law.

Text:

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

26 PROPOSED REGULATIONS

Document No. 4303

STATE BOARD OF EDUCATION

CHAPTER 43

Statutory Authority: 1976 Code Section 59-5-60 (2004)

43-183. Buildings and Grounds-Cleaning Program

Preamble:

The Board proposes repeal of Regulation 43-183. Regulation 43-183 simply references custodial serviced in vocational centers. This is a matter of that should be managed by the local school districts and therefore a state-level regulation is unnecessary.

Notice of Drafting for the proposed repeal was published in the *State Register* on August 24, 2012.

Section-by-Section Discussion

43-183. Repealed in its entirety.

Notice of Public Hearing and Opportunity for Public Comment:

A public hearing will be held on December 12, 2012 at 1:00 pm in the Rutledge Conference Center, 1429 Senate Street, Columbia, SC 29201. The proposed repeal will be posted on the State Board of Education Web site for review and comment. To review the regulation click on the attached link <http://www.ed.sc.gov/agency/stateboard/documents/RegReviewedbySBE12-13.pdf>.

Written comments should be submitted to Delisa Clark, Director, Office of School Facilities, Division of Operations and Support, 1429 Senate Street, Room 1114E, Columbia, South Carolina 29201 or by e-mail to dclark@ed.sc.gov on or before 5:00 pm on November 26, 2012.

Preliminary Fiscal Impact Statement:

None.

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION: Buildings and Grounds-Cleaning Program.

Purpose: The regulation addresses the provision of custodial services in vocational centers.

Legal Authority: 1976 Code Sections 59-5-60 (2004).

Plans for Implementation: The repeal will take effect upon approval by the General Assembly and publication in the State Register.

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

None.

DETERMINATION OF COSTS AND BENEFITS:

There will be no increased cost to the state in repealing this regulation.

UNCERTAINTIES OF ESTIMATES:

None.

EFFECT ON ENVIRONMENTAL AND PUBLIC HEALTH:

None.

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

None.

Statement of Rationale:

This regulation is no longer needed since Regulation 43-183 simply references custodial serviced in vocational centers. This is a matter of that should be managed by the local school districts and therefore a state-level regulation is unnecessary.

Text:

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

Document No. 4304

STATE BOARD OF EDUCATION

CHAPTER 43

Statutory Authority: 1976 Code Sections 59-5-60 (2004), 59-19-90 (2004 and Supp. 2011), and 59-23-210 (Supp. 2011)

43-180. Buildings and Grounds. Defined Minimum Program for South Carolina School District

Preamble:

The Board proposes repeal of Regulation 43-180. Regulation 43-180 is obsolete now since state law was amended and now provides that “all construction, improvements, and renovation of public school buildings and property on or after the effective date of this section shall comply with the latest applicable standards and specifications set forth in the South Carolina School Facilities Planning and Construction Guide as published by the South Carolina Department of Education.” S.C. Code Ann. § 59-23-210 (Supp. 2011). This guide is updated annually by a committee appointed by the SCDE, as set forth in statute.

Notice of Drafting for the proposed repeal was published in the *State Register* on August 24, 2012.

Section-by-Section Discussion

43-180. Repealed in its entirety.

28 PROPOSED REGULATIONS

Notice of Public Hearing and Opportunity for Public Comment:

A public hearing will be held on December 12, 2012 at 1:00 pm in the Rutledge Conference Center, 1429 Senate Street, Columbia, SC 29201. The proposed repeal will be posted on the State Board of Education Web site for review and comment. To review the regulation click on the attached link <http://www.ed.sc.gov/agency/stateboard/documents/RegReviewedbySBE12-13.pdf>.

Written comments should be submitted to Delisa Clark, Director, Office of School Facilities, Division of Operations and Support, 1429 Senate Street, Room 1114E, Columbia, South Carolina 29201 or by e-mail to dclark@ed.sc.gov on or before 5:00 pm on November 26, 2012.

Preliminary Fiscal Impact Statement:

None.

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION: Buildings and Grounds. Defined Minimum Program for South Carolina School District.

Purpose: The regulation sets out standards for school buildings. These standards are now governed by the South Carolina School Facilities Planning and Construction Guide.

Legal Authority: 1976 Code Sections 59-5-60 (2004), 59-19-90 (2004 and Supp. 2011), and 59-23-210 (Supp. 2011).

Plans for Implementation: The repeal will take effect upon approval by the General Assembly and publication in the State Register.

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

Regulation 43-180 is obsolete now since state law was amended and now provides that "all construction, improvements, and renovation of public school buildings and property on or after the effective date of this section shall comply with the latest applicable standards and specifications set forth in the South Carolina School Facilities Planning and Construction Guide as published by the South Carolina Department of Education." S.C. Code Ann. § 59-23-210 (Supp. 2011). This guide is updated annually by a committee appointed by the SCDE, as set forth in statute.

DETERMINATION OF COSTS AND BENEFITS:

There will be no increased cost to the state in repealing this regulation.

UNCERTAINTIES OF ESTIMATES:

None.

EFFECT ON ENVIRONMENTAL AND PUBLIC HEALTH:

None.

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

None.

Statement of Rationale:

This regulation is no longer needed since S.C. Code Ann. § 59-23-210 requires that “all construction, improvements, and renovation of public school buildings and property on or after the effective date of this section shall comply with the latest applicable standards and specifications set forth in the South Carolina School Facilities Planning and Construction Guide as published by the South Carolina Department of Education.”

Text:

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

Document No. 4305
STATE BOARD OF EDUCATION
CHAPTER 43

Statutory Authority: 1976 Code Section 59-23-160 (Repealed)

43-187. Buildings and Grounds-Heating and Lighting

Preamble:

The Board proposes repeal of Regulation 43-187. The authorizing statute has been repealed; therefore, this regulation is obsolete.

Notice of Drafting for the proposed repeal was published in the *State Register* on August 24, 2012.

Section-by-Section Discussion

43-187. Repealed in its entirety.

Notice of Public Hearing and Opportunity for Public Comment:

A public hearing will be held on December 12, 2012 at 1:00 pm in the Rutledge Conference Center, 1429 Senate Street, Columbia, SC 29201. The proposed repeal will be posted on the State Board of Education Web site for review and comment. To review the regulation click on the attached link <http://www.ed.sc.gov/agency/stateboard/documents/RegReviewedbySBE12-13.pdf>.

Written comments should be submitted to Delisa Clark, Director, Office of School Facilities, Division of Operations and Support, 1429 Senate Street, Room 1114E, Columbia, South Carolina 29201 or by e-mail to dclark@ed.sc.gov on or before 5:00 pm on November 26, 2012.

Preliminary Fiscal Impact Statement:

None.

30 PROPOSED REGULATIONS

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION: Buildings and Grounds-Heating and Lighting.

Purpose: The regulation addresses energy conservation. The law authorizing this regulation was repealed.

Legal Authority: 1976 Code Section 59-23-160 (Repealed).

Plans for Implementation: The repeal will take effect upon approval by the General Assembly and publication in the State Register.

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

Regulation 43-187 needs to be repealed since its authorizing legislation was repealed.

DETERMINATION OF COSTS AND BENEFITS:

There will be no increased cost to the state in repealing this regulation.

UNCERTAINTIES OF ESTIMATES:

None.

EFFECT ON ENVIRONMENTAL AND PUBLIC HEALTH:

None.

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

None.

Statement of Rationale:

This regulation is no longer needed since S.C. Code Ann. § 59-23-160 was repealed.

Text:

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

Document No. 4306
STATE BOARD OF EDUCATION
 CHAPTER 43

Statutory Authority: 1976 Code Sections 59-5-60 (2004) and 59-19-90 (2004 and Supp. 2011)

43-181. Buildings and Grounds Management-Fire Prevention

Preamble:

The Board proposes repeal of Regulation 43-181. Regulation 43-181 is obsolete now since state law was amended and now provides that “all construction, improvements, and renovation of public school buildings and property on or after the effective date of this section shall comply with the latest applicable standards and specifications set forth in the South Carolina School Facilities Planning and Construction Guide as published by the South Carolina Department of Education.” S.C. Code Ann. § 59-23-210 (Supp. 2011). This guide is updated annually by a committee appointed by the SCDE, as set forth in statute.

Notice of Drafting for the proposed repeal was published in the *State Register* on August 24, 2012.

Section-by-Section Discussion

43-181. Repealed in its entirety.

Notice of Public Hearing and Opportunity for Public Comment:

A public hearing will be held on December 12, 2012 at 1:00 pm in the Rutledge Conference Center, 1429 Senate Street, Columbia, SC 29201. The proposed repeal will be posted on the State Board of Education Web site for review and comment. To review the regulation click on the attached link <http://www.ed.sc.gov/agency/stateboard/documents/RegReviewedbySBE12-13.pdf>.

Written comments should be submitted to Delisa Clark, Director, Office of School Facilities, Division of Operations and Support, 1429 Senate Street, Room 1114E, Columbia, South Carolina 29201 or by e-mail to dclark@ed.sc.gov on or before 5:00 pm on November 26, 2012.

Preliminary Fiscal Impact Statement:

None.

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION: Buildings and Grounds Management-Fire Prevention.

Purpose: The regulation sets out standards for fire extinguishers in school. These standards are now governed by the South Carolina School Facilities Planning and Construction Guide.

Legal Authority: 1976 Code Sections 59-5-60 (2004) and 59-19-90 (2004 and Supp. 2011).

Plans for Implementation: The repeal will take effect upon approval by the General Assembly and publication in the State Register.

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

Regulation 43-181 is obsolete now and should be repealed.

32 PROPOSED REGULATIONS

DETERMINATION OF COSTS AND BENEFITS:

There will be no increased cost to the state in repealing this regulation.

UNCERTAINTIES OF ESTIMATES:

None.

EFFECT ON ENVIRONMENTAL AND PUBLIC HEALTH:

None.

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

None.

Statement of Rationale:

This regulation is no longer needed since S.C. Code Ann. § 59-23-210 requires that “all construction, improvements, and renovation of public school buildings and property on or after the effective date of this section shall comply with the latest applicable standards and specifications set forth in the South Carolina School Facilities Planning and Construction Guide as published by the South Carolina Department of Education.”

Text:

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

Document No. 4307

STATE BOARD OF EDUCATION CHAPTER 43

Statutory Authority: 1976 Code Section 59-23-210 (Supp. 2011)

43-191. Facility Specifications

Preamble:

The Board proposes repeal of Regulation 43-191. Regulation 43-191 is obsolete now since state law was amended and now provides that “all construction, improvements, and renovation of public school buildings and property on or after the effective date of this section shall comply with the latest applicable standards and specifications set forth in the South Carolina School Facilities Planning and Construction Guide as published by the South Carolina Department of Education.” S.C. Code Ann. Section 59-23-210 (Supp. 2011). This guide is updated annually by a committee appointed by the SCDE, as set forth in statute.

Notice of Drafting for the proposed repeal was published in the *State Register* on August 24, 2012.

Section-by-Section Discussion

43-191. Repealed in its entirety.

Notice of Public Hearing and Opportunity for Public Comment:

A public hearing will be held on December 12, 2012 at 1:00 pm in the Rutledge Conference Center, 1429 Senate Street, Columbia, SC 29201. The proposed repeal will be posted on the State Board of Education Web site for review and comment. To review the regulation click on the attached link <http://www.ed.sc.gov/agency/stateboard/documents/RegReviewedbySBE12-13.pdf>.

Written comments should be submitted to Delisa Clark, Director, Office of School Facilities, Division of Operations and Support, 1429 Senate Street, Room 1114E, Columbia, South Carolina 29201 or by e-mail to dclark@ed.sc.gov on or before 5:00 pm on November 26, 2012.

Preliminary Fiscal Impact Statement:

None.

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION: Project Plans and Specifications.

Purpose: The purpose of this regulation is to incorporate by reference the “S.C. School Facilities Planning and Construction Guide and the S.C. Minimum Specifications Guide for Relocatable Classrooms.”

Legal Authority: 1976 Code Section 59-23-210 (Supp. 2011).

Plans for Implementation: The repeal will take effect upon approval by the General Assembly and publication in the State Register.

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

Regulation 43-191 is obsolete now and should be repealed.

DETERMINATION OF COSTS AND BENEFITS:

There will be no increased cost to the state in repealing this regulation.

UNCERTAINTIES OF ESTIMATES:

None.

EFFECT ON ENVIRONMENTAL AND PUBLIC HEALTH:

None.

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

None.

34 PROPOSED REGULATIONS

Statement of Rationale:

This regulation is no longer needed since S.C. Code Ann. § 59-23-210 requires that “all construction, improvements, and renovation of public school buildings and property on or after the effective date of this section shall comply with the latest applicable standards and specifications set forth in the South Carolina School Facilities Planning and Construction Guide as published by the South Carolina Department of Education.”

Text:

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

Document No. 4308
STATE BOARD OF EDUCATION
CHAPTER 43

Statutory Authority: 1976 Code Sections 59-5-60 (2004) and 59-29-170 (2004)

43-220. Gifted and Talented

Preamble:

The Gifted and Talented Regulation needs to be amended to reflect changes in terminology, best practices, and accountability. The proposed amendments to Regulation 43-220 conform to changes in state law, add clarification, and update obsolete terminology in the field of Gifted and Talented Education.

The Notice of Drafting regarding the proposed amendments to the regulation was published in the *State Register* on August 24, 2012.

Section-by-Section Discussion

Introduction	Changed programs to programming or programming services throughout the document to be in alignment with current terminology in the field and to emphasize a more student-centered focus. Added and talented to gifted to include all students intended in the regulation.
Section I(A)	Changed programs to programming.
Section I(A)(2)(b)	Added specificity to fine arts areas: dance, music, theatre, and visual arts.
Section I(B)	Alphabetized, renumbered, and clarified existing definitions. Added the following terms and their definitions to clarify the artistic and academic areas of gifted: Artistic areas, Demonstrating (artistic), Differentiation, and State identification criteria.
Section II(A)(1)	Changed programs to programming. Clarified the expectations for a continuum of services and extended the current three year plans to five-year plans based on recommendations from the field. Changed State Department of Education references to South Carolina Department of Education or SCDE throughout the document. Added for clarity to section (a) and (c) differentiated to curriculum, instruction and assessment. Added in section (b) and personalized education (e.g., mentorships, online courses, independent study, assistive technologies to provide additional types of student instruction. Added section (f), specifying programmatic evaluation in terms of the district’s goals.

- Section II(A)(2) Changed programs to programming. Added clarity to the required characteristics of curriculum, instruction, and assessments including section (a) and that provide challenges at an appropriate level for strengths of individual students; section (b) creative and critical thinking and problem-solving skills; section (c) to promote inquiry; and section (e) changed worldwide communication/research to available technologies.
- Section II(A)(3) Added the most current edition of in front of the *South Carolina Gifted and Talented Best Practices Manual*. Changed programs to programming.
- Section II(A)(4) Changed programs to programming.
- Section II(A)(5-7) Reordered and renumbered numbers 5, 6, and 7.
- Section II(A)(5) Deleted the second sentence concerning teacher planning time and moved it to number 9 for clarity.
- Section II(A)(6) Changed programs to programming. Added Critical Thinking Seminars as an acceptable Extension Model for grades 1–2; added Virtual School Courses, Charter School Experiences, and International Baccalaureate Classes as acceptable Extension Models for grades 3–5 and for grades 6–12.
- Section II(A)(7) Added innovative to describe models. Changed State Department of Education references to SCDE.
- Section II(A)(7) Deleted the original number 7, but added contents into numbers 5 and 9.
- Section II(A)(8) Changed programs to programming. Reorganized information into a chart with all of the information in one place to make it easier to understand the requirements of each acceptable model for each grade. Deleted the special class model time reference as it was listed separately.
- Section II(A)(9) Added the teacher planning requirement with a more flexible allowance based on local normal practices.
- Section II(A)(10) Clarified professional development expectations and connected it to a later reference in the Staff section.
- Section II(B)(1) Added “academic” in front of behaviors.
- Section II(B)(2) Changed with physical disabilities, learning disabilities, or behavioral problems to of students with disabilities.
- Section II(B)(4) Added the most current edition of in front of the *South Carolina Gifted and Talented Best Practices Manual*.
- Section II(B)(5) Added local flexibility for Evaluation Placement Teams. Deleted original section (a) pre-1999 students as they have exited the school system. Re-lettered the list. In new section (a) clarified where to find the criteria in Section II.B.7. Added section (d) allowing students who are state Gifted and Talented identified in other states to eligible for placement in South Carolina.
- Section II(B)(6) Changed programs to programming. Changed State Department of Education references to SCDE. Added and talented to gifted.
- Section II(B)(7)(c)(2) Changed advanced status scoring on PACT to meet criteria set forth by the SCDE. Added the most current edition of in front of the *South Carolina Gifted and Talented Best Practices Manual*.
- Section II(B)(7)(c)(3) Extended the allowance of GPAs to grade six (from 7). Renamed Project STAR to its actual assessment, Performance Task Assessment.
- Section II(B)(7)(c)(4) Changed Department of Education to SCDE. Added and talented to gifted. Changed programs to programming.
- Section II(B)(8)(a) Altered the composition of the Individual Evaluation Placement Team to use a guidance counselor or a psychologist employed by the district. Also, added the following statement: In the event all three categories cannot be represented, more than one member may be chosen from the three categories. The evaluation evaluation/placement team for an individual student....

36 PROPOSED REGULATIONS

- Section II(B)(8)(b-d) Changed State Department of Education references to SCDE. Changed programs to programming. Added and talented to gifted. Deleted date for criteria procedures to be established.
- Section II(C)(1) Changed programs to programming. Changed SCDE training to gifted and talented endorsement program. Added the three levels of educator credentialing for gifted and talented. Replaced all training references with endorsement. Clarified that teachers who have a master's degree or higher in gifted education from an accredited Institutes of Higher Learning may have this requirement waived;
- Section II(C)(2) Defines that professional development is data-driven and research-supported. Clarified that professional development has to be documented annually as required in the annual reporting required by the SCDE. Added and talented to gifted.
- Section II(D)(1) Changed State Department of Education references to SCDE. Added and talented to gifted. Specified vehicle for submitting annual data reports which is through the required statewide database as designated by SCDE.
- Section II(D)(2) Added and talented to gifted. Changed PACT reference to the state-approved assessment. Changed State Department of Education references to SCDE.
- Section II(D)(3) Changed the enrollment reports to reflect current legislation, and shall be adjusted by the 45-day enrollment period or the year receiving funding. Changed State Department of Education references to SCDE.
- Section II(E-F) Changed State Department of Education references to SCDE. Changed programs to programming.
- Section III(A)(1) Changed programs to programming. Added for clarity to section (a) and (c) differentiated to curriculum, instruction and assessment. Added in section (b) and personalized education (e.g., assistive technologies, independent study, and online courses concerning support services to facilitate learning. Added section (f), specifying programmatic evaluation in terms of the district's goals.
- Section III(A)(2) Changed programs to programming. Added clarity to the required characteristics of curriculum, instruction, and assessments including section (a) and that provide challenges at an appropriate level for strengths of individual students; section (b) creative and critical thinking and problem-solving skills; section (c) to promote inquiry; and section (d) changed worldwide communication/research to available technologies. Added and talented to gifted. Clarified programming evaluations must be based as related to the goals of the programming submitted in the local five-year gifted and talented plans.
- Section III(A)(3-4) Changed programs to programming. Changed drama to theatre.
- Section III(A)(5) Added the most current edition of in front of the *South Carolina Gifted and Talented Best Practices Manual*.
- Section III(B)(1) Specified artistic areas as dance, music, theatre, and visual arts. Added potential, interests and artistic as clarifying language to purposes of identification.
- Section III(C) Changed four to three-step process for identification/selection. Added audition/portfolio to reflect common practices.
- Section III(C)(1) Changed State Department of Education references to SCDE. Changed programs to programming. Added and talented to gifted. Added the most current edition of in front of the *South Carolina Gifted and Talented Best Practices Manual*. Change and to or to provide flexibility of the review team. Also added the following statement: In the event all three categories cannot be represented, more than one member may be chosen from the three categories.
- Section III(C)(2) Added and talented to gifted. Changed drama to theatre. Added the most current edition of in front of the *South Carolina Gifted and Talented Best Practices Manual*.

- Section III(C)(3) Added to demonstration/audition/portfolio. Added language, at the discretion of the district, to allow the use of electronic submissions and that guidelines may be established for electronic or other forms of demonstration/audition/portfolio. Changed programs to programming. Changed drama to theatre.
- Section III(C)(4) Added language at the end of (a). Changed programs to programming. Added talented to gifted.
- Section III(D) Changed programs to programming.
- Section III(E) Changed State Department of Education references to SCDE. Changed programs to programming. Changed from three to five-year plans.
- Section III(F) Changed programs to programming.
- Section III(G)(1) Changed programs to programming. Changed State Department of Education references to SCDE.

Notice of Public Hearing and Opportunity for Public Comment:

Should a public hearing be requested pursuant to Section 1-23-110(A)(3) of the S.C. Code, as amended, such one will be held on December 12, 2012, at 1:00 p.m., in the Rutledge Conference Center at the South Carolina Department of Education, 1429 Senate Street, Columbia, SC 29201. Persons who desire to make oral comment at the hearing are asked to provide written copies of their presentation for the record.

Written comments may be sent to Rick Blanchard at the South Carolina Department of Education, 1429 Senate Street, Room 501-D, Columbia, SC 29201 or rblancha@ed.sc.gov on or before 5:00 p.m. on November 26, 2012.

Preliminary Fiscal Impact Statement:

No additional state funding is requested. The South Carolina Department of Education estimates that no additional costs will be incurred by the State and its political subdivisions in complying with the proposed revisions to Regulation 43-220.

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION: 43-220. Gifted and Talented.

Purpose: The regulation is to identify gifted and talented students in the state and to provide the framework for provision of programming and services for these students in order to develop their unique talents. The amendment is proposed to help clarify and update the curriculum, instruction, and assessment.

Legal Authority: 1976 Code Sections 59-5-60 (2004) and 59-29-170 (2004).

Plan for Implementation: The proposed amendments would be incorporated within the present regulation. As part of the training and information offered routinely, information on the new amendments will be delivered to the various audiences by monthly, state-wide gifted and talented streamlined videos; newsletter; six fall regional workshops for guidance counselors, state-wide gifted coordinator meetings, state-wide visual and performing arts coordinator meetings; and Elluminate or Blackboard Collaborate sessions.

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

As reflected in sections §59-5-60 and §59-29-170, the state is charged with identifying and providing programming to all gifted and talented students in grades one through twelve to develop the unique talents of these students. The proposed amendments will clarify and update the regulation to carry out this purpose.

38 PROPOSED REGULATIONS

DETERMINATION OF COSTS AND BENEFITS:

There will be no increased cost to the State or its political subdivisions, nor will the amendments result in any increased cost to the business community.

UNCERTAINTIES OF ESTIMATES:

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

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

The proposed regulation has no effect on the environment or on public health.

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

There will be no detrimental effect on the environment or public health if the regulation is not implemented.

Statement of Rationale:

The proposed changes to the regulation are needed to clarify and update the regulation regarding the education of academically and artistically gifted and talented students.

Text:

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

Document No. 4309
STATE BOARD OF EDUCATION
CHAPTER 43

Statutory Authority: 1976 Code Sections 59-5-60 (2004) and 59-40-10 et seq. (2004 and Supp. 2010); Public Law 111-117, December 16, 2001, Consolidated Appropriations Act, 2010

43-601. Procedures and Standards for Review of Charter School Applications

Preamble:

This regulation sets forth the standards for the review of charter school applications. The United States Department of Education (USED) requires that charter schools and authorizing agencies adhere to certain assurances throughout the term of the charter. Charter School Program (CSP) Assurances 3(a) and 3(b) govern the manner in which charter schools must demonstrate academic and financial responsibility. We are proposing to amend R 43-601 to require that charter schools submit annual audits to their authorizer and that academic performance becomes the most important factor to consider for renewing or revoking a charter.

Notice of Drafting for the proposed amendments was published in the *State Register* on August 24, 2012.

Section-by-Section Discussion

Section I Add additional definitions as required by newly amended SC Charter law, H. 3241.

- Section II Add definition of “proposed contract” as required by newly amended SC Charter law, H. 3241.
- Section III(A)(2) Add additional statements to explain the intent of the SC Charter Schools Act as amended.
- Section III(B)(2) Add global references to institutions of higher learning as sponsors of charter schools.
- Section III(B)(3) Add global references to include the creation of single-gender charter schools and to explain “priority” enrollment as amended in H. 3241.
- Section III(B)(5) Add language to include institutions of higher education.
- Section III(C)(1) Add language to include certified.
- Section III(E)(2) Remove any references to the No Child Left Behind Act and replace with language that refers to the SC ESEA Accountability methods.
- Section III(F)(1) Replace language which references the length of a charter term to reflect the language in H. 3241.
- Section III(G)(2) & (3) Add language which defines the charter school board of directors per H. 3241.
- Section III(H) Modify language to reflect definition of core academic areas.
- Section III(L)(2) Add language to include the newly created Limited Renewable Professional Teaching Certificate.
- Section IV(C)(2) Modified the process for review of virtual school courses.
- Section VII Add new language to Section VII to clarify USED requirements related to audits and student academic performance.
- Section VIII Add language to include the Elementary and Secondary Education Act and the Individuals with Disabilities Education Improvement Act.

Notice of Public Hearing and Opportunity for Public Comment:

Interested members of the public and regulated community are invited to make oral or written comments on the proposed regulation at the public hearing to be conducted by the State Board of Education at its meeting on December 12, 2012, at 1:00 p.m. in the Rutledge Conference Center, 1429 Senate Street, Columbia, South Carolina 29201. Persons desiring to make oral comments at the hearing are asked to limit their statements to five minutes or less and, as a courtesy, are asked to provide written copies of their presentation for the record.

Interested persons are also provided an opportunity to submit written comments on the proposed amendments by writing to Charmeka Childs, Deputy Superintendent, Division of School Effectiveness, 1429 Senate Street, Room 606, Columbia, South Carolina 29201 or e-mail cchilds@ed.sc.gov. Comments submitted by November 26, 2012, at 5:00 p.m., shall be submitted to the Board along with Department responses for consideration at the public hearing.

40 PROPOSED REGULATIONS

Preliminary Fiscal Impact Statement:

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

Statement of Need and Reasonableness:

The amendments to this regulation are needed to ensure that charter schools are in compliance with federal requirements related to the federal charter schools grant program.

DESCRIPTION OF REGULATION: 43-601. Procedures and Standards for Review of Charter School Applications.

Purpose: Regulation 43-601 is being amended to clarify requirements related to the federal charter schools grant program.

Legal Authority: 1976 Code Sections 59-5-60 (2004) and 59-40-10 et seq. (2004 and Supp. 2010); Public Law 111-117, December 16, 2001, Consolidated Appropriations Act, 2010.

Plan for Implementation: The proposed amendments would be incorporated within Regulation 43-601 upon publication in the *State Register* as a final regulation. The proposed amendments will be implemented in the same manner in which the existing regulation is implemented.

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

The amendment is needed to ensure that charter schools are in compliance with federal requirements related to the federal charter schools grant program.

DETERMINATION OF THE COSTS AND BENEFITS:

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

UNCERTAINTIES OF ESTIMATES:

None.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

This regulation does not have any effect on the environment or public health.

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

There will be no detrimental effect on the environment or public health if this regulation is not implemented.

Statement of Rationale:

The purpose of the proposed amendments is to add language to clarify certain requirements related to charter schools that receive the federal charter schools grant funds and to ensure that charter schools are in compliance with federal requirements related to the federal charter schools grant program.

Text:

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

Document No. 4310
STATE BOARD OF EDUCATION
 CHAPTER 43

Statutory Authority: 1976 Code Section 59-23-210 (Supp. 2011)

43-190. Project Plans and Specifications

Preamble:

The Board proposes repeal of Regulation 43-190. Regulation 43-190 is obsolete now since state law was amended and now provides that “all construction, improvements, and renovation of public school buildings and property on or after the effective date of this section shall comply with the latest applicable standards and specifications set forth in the South Carolina School Facilities Planning and Construction Guide as published by the South Carolina Department of Education.” S.C. Code Ann. Section 59-23-210 (Supp. 2011). This guide is updated annually by a committee appointed by the SCDE, as set forth in statute.

Notice of Drafting for the proposed repeal was published in the *State Register* on August 24, 2012.

Section-by-Section Discussion

43-190. Repeal in its entirety.

Notice of Public Hearing and Opportunity for Public Comment:

A public hearing will be held on December 12, 2012 at 1:00 pm in the Rutledge Conference Center, 1429 Senate Street, Columbia, SC 29201. The proposed repeal will be posted on the State Board of Education Web site for review and comment. To review the regulation click on the attached link <http://www.ed.sc.gov/agency/stateboard/documents/RegReviewedbySBE12-13.pdf>.

Written comments should be submitted to Delisa Clark, Director, Office of School Facilities, Division of Operations and Support, 1429 Senate Street, Room 1114E, Columbia, South Carolina 29201 or by e-mail to dclark@ed.sc.gov on or before 5:00 pm on November 26, 2012.

Preliminary Fiscal Impact Statement:

None.

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION: Project Plans and Specifications.

Purpose: The regulation requires that new school facilities meet the “South Carolina School Facilities Planning and Construction Guide” and “South Carolina Guide and Minimum Specifications for Construction of Relocatable Classroom Buildings,” and “Kindergarten Facilities Guidebook.” This regulation is obsolete due to amendment in statute.

Legal Authority: 1976 Code Section 59-25-210 (Supp. 2011).

42 PROPOSED REGULATIONS

Plan for Implementation: The repeal will take effect upon approval by the General Assembly and publication in the State Register.

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

Regulation 43-190 is obsolete now and should be repealed.

DETERMINATION OF COSTS AND BENEFITS:

There will be no increased cost to the state in repealing this regulation.

UNCERTAINTIES OF ESTIMATES:

None.

EFFECT ON ENVIRONMENTAL AND PUBLIC HEALTH:

None.

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

None.

Statement of Rationale:

This regulation is no longer needed since S.C. Code Ann. Section 59-23-210 requires that “all construction, improvements, and renovation of public school buildings and property on or after the effective date of this section shall comply with the latest applicable standards and specifications set forth in the South Carolina School Facilities Planning and Construction Guide as published by the South Carolina Department of Education.”

Text:

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

Document No. 4297

DEPARTMENT OF NATURAL RESOURCES

CHAPTER 123

Statutory Authority: 1976 Code Sections 50-1-200, 50-1-220, 50-3-100, 50-9-740, 50-11-10, 50-11-65, 50-11-120, 50-11-310, 50-11-335, 50-11-350, 50-11-390, 50-11-430, 50-11-500, 50-11-510, 50-11-520, 50-11-530, 50-11-854, 50-11-2200 and 50-11-2210

- 123-40. Wildlife Management Area Regulations
- 123-50. Crow Hunting Season
- 123-51. Turkey Hunting Rules and Seasons
- 123-52. Either-sex Days for Private Lands in Game Zones 1-6

Preamble:

The South Carolina Department of Natural Resources is proposing to replace the existing regulations that set seasons, bag limits and methods of hunting and taking of wildlife. The following is a section-by-section summary of the proposed changes and additions:

Strike and replace Regulations 123-40, 123-50, 123-51, and 123-52.

A Notice of Drafting was published in the *State Register* on August 24, 2012.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such hearing will be conducted at 1000 Assembly Street on Friday, December 21, 2012 at 10:00 am in room 335, third floor, Rembert C. Dennis Building. Written comments may be directed to Emily Cope, Wildlife & Freshwater Fisheries Division, Department of Natural Resources, Post Office Box 167, Columbia, SC 29202. Written comments should be submitted on or before 5:00 pm on November 26, 2012.

Preliminary Fiscal Impact Statement:

The replacement of Regulations 123-40, 123-50, 123-51, 123-52 will not have fiscal impact since the changes are only in regulation format.

Statement of Need and Reasonableness:

The statement of need and reasonableness was determined based on staff analysis pursuant to S.C. Code Sections 1-23-115(C) (1) through (3) and (9) through (11).

DESCRIPTION OF THE REGULATION:

Purpose: These regulations replace Chapter 123-40, 123-50, 123-51 and 123-52 in order to establish a clearer format. The new format will reduce confusion in change and replacement of future regulations.

Legal Authority: Under Sections 50-11-2200 and 50-11-2210 of the S.C. Code of Laws, the Department of Natural Resources has jurisdiction over all Wildlife Management Areas to establish open and closed seasons, bag limits, and methods of taking wildlife; special use restrictions related to hunting and methods for taking wildlife on Department-owned Wildlife Management Areas. Under Section 50-11-96 of the S.C. Code of Laws, the Department of Natural Resources is authorized to promulgate regulations to implement and regulate the provisions of this section.

44 PROPOSED REGULATIONS

Plan for Implementation: Once the regulation has been approved by the General Assembly, the Department will incorporate all regulations in the annual Rules and Regulations Brochure. The public will be notified through this publication and through news releases and other Department media outlets and publications.

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

These regulations only replace existing regulations with a new format. No changes in content are included in this action. The new format will increase the accuracy of changes to regulations in published documents including supplements and the on-line version.

DETERMINATION OF COSTS AND BENEFITS:

Implementation of the proposed regulation will not require any additional costs to the state or to the sporting community. There is no impact on Wildlife Management Areas or hunting seasons.

UNCERTAINTIES OF ESTIMATES:

Staff does not anticipate any increased costs with the promulgation of this regulation. Accordingly, no costs estimates and the uncertainties associated with them are provided.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

The promulgation of this regulation will not have any impacts on public health.

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

No detrimental impact on public health or the environment will occur if this proposed regulation is not implemented. Failure to implement this regulation will prevent positive benefits to public.

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 provide 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. These regulations are format changes only and do not change content of existing regulations.

Text:

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

Document No. 4311
DEPARTMENT OF TRANSPORTATION
CHAPTER 63
Statutory Authority: 1976 Code Section 57-9-10

63-1000. Sign Requirements for Petitions to Close Road

Preamble:

The South Carolina Department of Transportation seeks to promulgate Regulation 63-1000, Sign Requirements for Petitions to Close Road.

Section-by-Section Discussion

63-1000. These new regulations are being proposed to comply with the 2012 amendment to Section 57-9-10 requiring the promulgation of regulations to establish the minimum mandatory size, language and specific positioning of signs to give notice of petitions to close any street, road or highway.

Notice of Drafting was published in the *State Register* on September 28, 2012.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such hearing will be conducted at 955 Park Street, Columbia, SC, on Wednesday, November 28, 2012 at 2:00 pm in room 306, third floor, Silas Pearman Building. Written comments may be directed to Natalie J. Moore, Assistant Chief Counsel, Legal Office, Department of Transportation, Post Office Box 191, Columbia, SC 29202. Comments must be received no later than 5:00 pm on November 26, 2012.

Preliminary Fiscal Impact Statement:

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

Statement of Need and Reasonableness:

DESCRIPTION OF THE REGULATION: 63-1000. Sign Requirements for Petitions to Close Road.

Purpose: Regulation 63-1000 complies with the requirement in Act 184, ratified June 5, 2012, approved June 7, 2012, that the South Carolina Department of Transportation promulgate regulations which establish the minimum mandatory size, language and specific positioning of signs to be posted by parties petitioning to close a street, road or highway.

Legal Authority: 1976 Code Section 57-9-10.

Plan for Implementation: The proposed regulation will take effect upon approval of the General Assembly and publication in the *State Register*.

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

The proposed regulation is required by state law.

46 PROPOSED REGULATIONS

DETERMINATION OF COSTS AND BENEFITS:

There will be no additional costs incurred by the State or any political subdivisions.

UNCERTAINTIES OF ESTIMATES:

Staff does not anticipate any increased costs with the promulgation of this regulation. Accordingly, no costs estimates and the uncertainties associated with them are provided.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

The promulgation of this regulation will not have any impacts on the environment or public health.

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

There will be no detrimental effects on the environment and public health if the regulation is not implemented.

Statement of Rationale:

The purpose of amending Regulation 63-1000 is to comply with the amendment to Section 57-9-10 requiring that the South Carolina Department of Transportation promulgate regulations which establish the minimum mandatory size, language and specific positioning of signs to be posted by parties petitioning to close a street, road or highway.

Text:

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

Document No. 4312
DEPARTMENT OF TRANSPORTATION
CHAPTER 63
Statutory Authority: 1976 Code Section 57-25-170

63-338. Specific Information Service Signing

Preamble:

The Department of Transportation seeks to amend Regulation 63-338 by revising certain terms to be consistent with the Manual on Uniform Traffic Control Devices (MUTCD). The modification will avoid miscommunications in describing and implementing the program. Additionally, Regulation 63-338 will be amended to provide clarification to the criteria for the display of specific service signs and logo sign panels at interchanges under the program. The following is a section-by-section summary of the proposed changes and additions:

Section-by-Section Discussion

63-338A. - K. to delete the word “panel” from “specific services panels” and replace it with “signs”; to delete the term “business signs” and replace it with “logo sign panels”; to delete the word “panel” from “ramp panel and ramp combination panel” and replace it with “sign”; to delete the word “panel” from “trailblazer panel”

and replace it with “sign”; to delete the word “panel” from “information panel” and replace it with “sign”; to delete the word “panel” from “blue panel” and replace it with “sign”.

63-338C.(2) to clarify the sentence by striking “one(1)(or a combination of”.

63-338C.(4) clarify the sentence by striking “one (1) (or a combination of”.

63-338D.(3) to revise and add that 2 specific service signs shall be allowed in each direction at an interchange and providing the criteria when logo sign panels can be displayed.

63-338D.(4) to add criteria to clarify when logo sign panels can be added to combination signs.

63-338D.(6) to change that 12 logo sign panels can be displayed for any service at an interchange.

63-338D.(9) this provision is deleted because clarification is provided in D(3).

63-338D.(10) revised to provide the order that specific service signs shall be placed.

63-338D.(11) revised to clarify criteria for malls and shopping areas to provide they are not stand-alone or strip-mall facilities that have the primary purpose of retail sales.

63-338I.(1)(c)2. to delete the requirement of a DHEC permit to operate a lodging service.

63-338I.(1)(e)2.(xiii) to add the definition and criteria for malls/shopping areas on attraction services signs.

63-338J.(1) to add that costs shall be determined based upon interchange classification and additional participation fees may be charged for installation, maintenance and replacement for each occurrence.

Notice of Drafting was published in the *State Register* on September 28, 2012.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such hearing will be conducted at 955 Park Street, Columbia, SC, on Wednesday, November 28, 2012 at 10:00 am in Room 306, Third Floor, Silas Pearman Building. Written comments may be directed to Barbara M. Wessinger, Esquire, Legal Office, Department of Transportation, Post Office Box 191, Columbia, SC 29202. Comments must be received no later than 5:00 pm on November 26, 2012.

Preliminary Fiscal Impact Statement:

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

Statement of Need and Reasonableness:

DESCRIPTION OF THE REGULATION: 63-338. Specific Information Service Signing.

Purpose: The amendments to Regulation 63-338 provide consistency with the terms of the Manual on Uniform Traffic Control Devices (MUTCD). The modification will avoid miscommunications in describing and implementing the program. Additionally, Regulation 63-338 is amended to provide clarification to the criteria for the display of specific service signs and logo sign panels at interchanges under the program.

Legal Authority: 1976 Code Section 57-25-170.

48 PROPOSED REGULATIONS

Plan for Implementation: The proposed regulation will take effect upon approval of the General Assembly and publication in the *State Register*.

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

The proposed regulation is necessary in order to avoid miscommunications in the description and implementation of the signing program. The proposed revisions better define the criteria for the display of logo sign panels and criteria for the display of specific service signs.

DETERMINATION OF COSTS AND BENEFITS:

There will be no additional costs incurred by the State or any political subdivisions.

UNCERTAINTIES OF ESTIMATES:

Staff does not anticipate any increased costs with the promulgation of this regulation. Accordingly, no costs estimates and the uncertainties associated with them are provided.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

The promulgation of this regulation will not have any impacts on the environment or public health.

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

There will be no detrimental effects on the environment and public health if the regulation is not implemented.

Statement of Rationale:

The purpose of amending Regulation 63-338 is to revise certain terms to be consistent with the Manual on Uniform Traffic Control Devices (MUTCD). The modification will avoid miscommunications in describing and implementing the program. Additionally, Regulation 63-338 will be amended to provide clarification to the criteria for the display of specific service signs and logo sign panels at interchanges under the program.

Text:

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