

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.

2016 PUBLICATION SCHEDULE

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

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

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

REPRODUCING OFFICIAL DOCUMENTS

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

PUBLIC INSPECTION OF DOCUMENTS

Documents filed with the Office of the State Register are available for public inspection during normal office hours, 8:30 A.M. to 5:00 P.M., Monday through Friday. The Office of the State Register is in the Legislative Council, Fourth Floor, Rembert C. Dennis Building, 1000 Assembly Street, in Columbia. Telephone inquiries concerning material in the *State Register* or the *South Carolina Code of Regulations* may be made by calling (803) 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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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. NO.	FINAL ISSUE	SUBJECT	EXP. DATE	AGENCY
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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
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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 July 22, 2016 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 Nic Gerrald, Certificate of Need Program, 2600 Bull Street, Columbia, SC 29201 at (803) 545-4200.

Affecting Aiken County**Aiken Regional Medical Centers, LLC d/b/a Aiken Regional Medical Centers**

Establishment of a new inpatient rehabilitation program with the addition of fourteen (14) rehabilitation beds at a total project cost of \$2,797,423.

Affecting Charleston County**Roper Hospital, Inc. d/b/a Roper Hospital Diagnostics & ER – Northwoods**

Relocation and replacement of a free-standing Emergency Department with no increase in licensed bed capacity with a total project cost of \$9,004,200.

Affecting Chesterfield County**McLeod Health Cheraw d/b/a McLeod Health Cheraw**

Expansion of Emergency Department to add six (6) examination rooms, two (2) trauma rooms, three (3) triage rooms and three (3) holding rooms at a total project cost of \$9,981,883.

Affecting Florence County**Palmetto Pee Dee Behavioral Health, LLC d/b/a Palmetto Pee Dee Residential Treatment Center**

Addition of 5 Residential Treatment Beds for a total of 64 Residential Treatment Beds in Florence County at a total project cost of \$15,551.62.

Affecting Greenville County**Chestnut Hill Mental Health Center, Inc. d/b/a SpringBrook Behavioral Health System**

Addition of 18 adolescent acute psychiatric beds for a total of 56 psychiatric beds at a total project cost of \$1,008,250.

Palmetto Imaging, Inc. d/b/a Innervision MRI and Imaging at Grove

Relocation of existing outpatient imaging facility in Greenville County at a total project cost of \$1,550,000.

Upstate Affiliates Organization d/b/a Greenville Health System

Addition of nineteen (19) psychiatric beds by converting nineteen (19) private rooms back to semi-private rooms at a total project cost of \$112,959.

Affecting Horry County**Conway Hospital Inc. d/b/a Conway Medical Center - Carolina Forest Emergency Center**

Construction of a Freestanding Emergency Department in Horry County at a total project cost of \$9,295,887.

4 NOTICES

Grand Strand Regional Medical Center, LLC d/b/a Grand Strand Medical Center

Purchase of a second da Vinci robotics surgical system at a total project cost of \$3,231,803.

Affecting Lancaster County

Carolinas Medical Center at Home, LLC d/b/a Healthy@Home-Lancaster

Establishment of a new Home Health Agency in Lancaster County at a total project cost of \$138,299.

Affecting Lexington County

Three Rivers Residential Treatment-Midlands Campus, Inc. d/b/a Three Rivers Residential Treatment-Midlands Campus

Addition of 5 Residential Treatment Beds for a total of 64 Residential Treatment Beds in Lexington County at a total project cost of \$21,476.98.

Affecting York County

Carolinas Medical Center at Home, LLC d/b/a Healthy@Home-York

Establishment of a new Home Health Agency in York County at a total project cost of \$138,299.

Fort Mill Diagnostic Imaging, LLC d/b/a Novant Health Imaging Rock Hill

Renovation of an existing facility for the replacement of a mobile MRI with a fixed MRI at a total project cost of \$900,000.

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 July 22, 2016. "Affected persons" have 30 days from the above date to submit requests for a public hearing to Nic Gerrald, Certificate of Need Program, 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 Anderson County

Abbeville County Memorial Hospital d/b/a Health Related Home Care - Anderson County

Establishment of a new Home Health Agency in Anderson County, wherein the Licensee began operations during the period of time the CON Program was not operating, at a total project cost of \$15,200.

Affecting Charleston County

Roper Hospital, Inc. d/b/a Roper Hospital Diagnostics & ER – Northwoods

Relocation and replacement of a free-standing Emergency Department with no increase in licensed bed capacity with a total project cost of \$9,004,200.

South Bay Healthcare Center at Mt. Pleasant, LLC d/b/a South Bay at Mount Pleasant

Construction of a 30 bed non-institutional nursing home in Charleston County at a total project cost of \$9,566,776.

Affecting Chesterfield County

McLeod Health Cheraw d/b/a McLeod Health Cheraw

Expansion of Emergency Department to add six (6) examination rooms, two (2) trauma rooms, three (3) triage rooms and three (3) holding rooms at a total project cost of \$9,981,883.

Affecting Florence County**Palmetto Pee Dee Behavioral Health, LLC d/b/a Palmetto Pee Dee Residential Treatment Center**

Addition of 5 Residential Treatment Beds for a total of 64 Residential Treatment Beds in Florence County at a total project cost of \$15,551.62.

Affecting Greenville County**Abbeville County Memorial Hospital d/b/a Health Related Home Care - Greenville County**

Establishment of a new Home Health Agency in Greenville County wherein the Licensee began operations during the period of time the CON Program was not operating, at a total project cost of \$15,200.

Affecting Horry County**Grand Strand Regional Medical Center, LLC d/b/a Carolina Forest Emergency, a division of Grand Strand Medical Center**

Construction of a Freestanding Emergency Department in Horry County at a total project cost of \$8,924,000.

Affecting Kershaw County**Midlands Regional Rehabilitation Hospital, LLC**

Construction of a forty (40) bed Free Standing Rehabilitation Hospital for a total project cost of \$19,703,487.

Affecting Lancaster County**Carolinas Medical Center at Home, LLC d/b/a Healthy@Home-Lancaster**

Establishment of a new Home Health Agency in Lancaster County at a total project cost of \$138,299.

Affecting Lexington County**Three Rivers Residential Treatment-Midlands Campus, Inc. d/b/a Three Rivers Residential Treatment-Midlands Campus**

Addition of 5 Residential Treatment Beds for a total of 64 Residential Treatment Beds in Lexington County at a total project cost of \$21,476.98.

Affecting Newberry County**Abbeville County Memorial Hospital d/b/a Health Related Home Care**

Establishment of a new Home Health Agency in Newberry County, wherein the Licensee began operations during the period of time the CON Program was not operating, at a total project cost of \$17,200.

Affecting Spartanburg County**Carolina Orthopaedic & Neurosurgical Associates ASC**

Construction of a new Ambulatory Surgical Facility (ASF) with two operating rooms and two procedure rooms at a total project cost of \$7,217,026.

Affecting York County**Carolinas Medical Center at Home, LLC d/b/a Healthy@Home-York**

Establishment of a new Home Health Agency in York County at a total project cost of \$138,299.

6 NOTICES

Fort Mill Diagnostic Imaging, LLC d/b/a Novant Health Imaging Rock Hill

Renovation of an existing facility for the replacement of a mobile MRI with a fixed MRI at a total project cost of \$900,000.

STATE BOARD OF EDUCATION

CHAPTER 43

Statutory Authority: 1976 Code Sections 59-5-60 and 59-59-10 et seq.

Notice of Drafting:

The South Carolina Board of Education proposes to amend Regulation 43-205, Administrative and Professional Personnel Qualifications, Duties, and Workloads, last revised on May 25, 2007.

Interested persons may submit their comments in writing to Darlene Prevatt, Team Leader, Office of Federal and State Accountability, 1429 Senate Street, Room 501-A, Columbia, South Carolina 29201 or by e-mail to dprevatt@ed.sc.gov. To be considered, all comments must be received no later than 5:00 p.m. on August 22, 2016.

Synopsis:

State Board of Education Regulation (SBE R) 43-205 outlines districts' administrative and professional personnel qualifications, duties and workloads. The amendment is being proposed because districts regularly seek waivers to the requirements of staffing ratios, preparations, and minutes taught based on districts' strategic plans. References to No Child Left Behind and "highly qualified" will be removed. Updates will be made to special education staffing ratios and overall regulation terminology. Amendments will also include changes to professional personnel for qualifications and duties.

Legislative review is required.

STATE BOARD OF EDUCATION

CHAPTER 43

Statutory Authority: 1976 Code Sections 59-5-60 and 59-5-65

Notice of Drafting:

The South Carolina Board of Education proposes to amend Regulation 43-51, Certification Requirements.

Interested persons may submit their comments in writing to Dr. Mary Hipp, Director, Office of Educator Services, Division of Federal, State, and Community Resources, 8301 Parklane Road, Columbia, SC 29223 South Carolina 29201 or by e-mail to mhipp@ed.sc.gov. To be considered, all comments must be received no later than 5:00 p.m. on August 22, 2016.

Synopsis:

State Board of Education Regulation 43-51 governs the requirements for granting educator certification. Amendments to Regulation 43-51 will clarify that both content and pedagogy examinations must be presented for certification; clarify the experience requirement necessary for an out-of-state educator to qualify for a professional, as opposed to an initial, teaching certificate; include provisions for issuing certificates for qualifying participants in all currently approved alternative certification pathways; and modify language within the regulation. Current language is specific to a particular educator preparation accrediting body (the National Council for Accreditation of Teacher Education (NCATE)) and offices within the South Carolina Department of Education (SCDE). The purpose of this amendment is to remove specific organizational names as these names often change. The new educator preparation accrediting body is the Council for the Accreditation of Educator Preparation (CAEP); however, a new accrediting body may be formed in the future. This change would eliminate the need for a regulation change any time an accrediting body or SCDE office changes.

8 DRAFTING NOTICES

Legislative review is required.

STATE BOARD OF EDUCATION CHAPTER 43

Statutory Authority: 1976 Code Sections 59-5-60(1), 59-25-110, and 59-26-10 et seq.

Notice of Drafting:

The South Carolina Board of Education proposes to amend Regulation 43-53, Credential Classification.

Interested persons may submit their comments in writing to Dr. Mary Hipp, Director, Office of Educator Services, Division of Federal, State, and Community Resources, 8301 Parklane Road, Columbia, SC 29223 South Carolina 29201 or by e-mail to mhipp@ed.sc.gov. To be considered, all comments must be received no later than 5:00 p.m. on August 22, 2016.

Synopsis:

State Board of Education Regulation 43-53 governs the requirements for teacher credential classifications. Amendments to Regulation 43-53 will clarify conditions in which an educator may request extensions of an initial teaching certificate; delete temporary, transitional, and graded certificate types that are no longer issued; delete the special subject certificate which is no longer issued; and modify language within the regulation to reflect requirements of the Every Student Succeeds Act (ESSA). Current language is specific to a particular educator preparation accrediting body (the National Council for Accreditation of Teacher Education (NCATE)). The purpose of this amendment is to remove specific organizational names as these names often change. The new educator preparation accrediting body is the Council for the Accreditation of Educator Preparation (CAEP); however, a new accrediting body may be formed in the future. This change would eliminate the need for a regulation change any time an accrediting body changes.

Legislative review is required.

STATE BOARD OF EDUCATION CHAPTER 43

Statutory Authority: 1976 Code Sections 59-1-425(C), 59-5-60, 59-18-110, 59-18-310(B), 59-29-10 et seq., 59-29-200, 59-33-30, 59-53-1810, 20 U.S.C. 1232(g), and Pub. L. 114-95

Notice of Drafting:

The South Carolina Board of Education proposes to amend Regulation 43-234, Defined Program, Grades 9-12 and Graduation Requirements.

Interested persons may submit their comments in writing to Darlene Prevatt, Team Leader, Office of Federal and State Accountability, 1429 Senate Street, Room 501-A, Columbia, South Carolina 29201 or by e-mail to dprevatt@ed.sc.gov. To be considered, all comments must be received no later than 5:00 p.m. on August 22, 2016.

Synopsis:

Regulation 43-234 establishes that each school board of trustees must ensure quality schooling by providing a rigorous, relevant curriculum for all students. The regulation also stipulates that each school district must offer a standards-based academic curriculum organized around a career cluster system that provides students with individualized education choices. The regulation also defines the graduation requirements for the state.

The amendment will address Career and Technology Education (CATE) completer requirements and language referencing CATE. The amendment will also address any new statutes regarding high school students. The language addressing Emergency Closings will be amended to address the new state statute.

Legislative review of this proposal will be required.

**STATE BOARD OF EDUCATION
CHAPTER 43**

Statutory Authority: 1976 Code Sections 59-5-60(1), 59-26-10 et seq., and 20 U.S.C. 6301 et seq.

Notice of Drafting:

The South Carolina Board of Education proposes to amend Regulation 43-62, Requirements for Additional Areas of Certification.

Interested persons may submit their comments in writing to Dr. Mary Hipp, Director, Office of Educator Services, Division of Federal, State, and Community Resources, 8301 Parklane Road, Columbia, SC 29223 South Carolina 29201 or by e-mail to mhipp@ed.sc.gov. To be considered, all comments must be received no later than 5:00 p.m. on August 22, 2016.

Synopsis:

State Board of Education Regulation 43-62 governs the requirements for additional areas of certification for educators in South Carolina as well as providing for certification grade spans. Amendments to Regulation 43-62 will adjust the certification grade spans to correctly reflect the statutory requirements of Title 59.

Legislative review is required.

**DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
CHAPTER 61**

Statutory Authority: 1976 Code Sections 44-56-410 et seq.

Notice of Drafting:

The Department of Health and Environmental Control proposes to amend Regulation 61-33, Drycleaning Facility Restoration. This second Notice of Drafting replaces and supersedes the Notice of Drafting published in the State Register on May 22, 2015 for the purpose of extending the statutory promulgation period pursuant to S.C. Code Section 1-23-120(A). Interested persons are invited to submit written comments to G. Kendall Taylor, P.G., Director, Site Assessment, Remediation, and Revitalization Division, Bureau of Land and Waste Management, S.C. Department of Health and Environmental Control, 2600 Bull Street, Columbia, South Carolina 29201 or via email at taylorgk@dhec.sc.gov. To be considered, comments must be received no later than 5:00 p.m. on August 22, 2016, the close of the drafting comment period.

Synopsis:

On May 21, 2013 South Carolina Governor Nikki Haley signed into law a revised version of the South Carolina Hazardous Waste Management Act. Article 4 of the Act establishes the Drycleaning Facility Restoration Trust Fund. Revisions to Article 4 were made to better organize and clarify the Act, as well as to delete obsolete provisions. The Department proposes amending R.61-33 to better conform the regulation to the revised South Carolina Hazardous Waste Management Act.

10 DRAFTING NOTICES

The Department may also make stylistic changes for internal consistency, clarification in wording, corrections of references, grammatical errors, outlining/codification, and such other changes as may be necessary to improve the overall quality of the regulation.

Legislative review is required.

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
CHAPTER 61
Statutory Authority: 1976 Code Section 43-5-910

Notice of Drafting:

The Department of Health and Environmental Control proposes to amend Regulation 61-94, WIC Vendors. Interested persons may submit written comments to Berry Kelly, WIC State Director, Division of WIC Services, South Carolina Department of Health and Environmental Control, 2600 Bull Street, Columbia, South Carolina 29201 or via email at kellybb@dhec.sc.gov. To be considered, all comments must be received no later than 5:00 p.m. August 22, 2016, the close of the drafting comment period.

The Department previously proposed an amendment to R.61-94 identified in State Register Document No. 4581. That proposed amendment was cancelled and the Department is reinitiating the statutory process to amend R.61-94 by publication of a new Notice of Drafting on July 22, 2016.

Synopsis:

The Department of Health and Environmental Control proposes to amend and update Regulation 61-94. This amendment and updates pertain to provisions included in the Child Nutrition and WIC Reauthorization Act of 2004 (P.L. 108-265). The provisions required the establishment of a vendor peer group system, distinct peer competitive price criteria, allowable reimbursement levels for each peer group and other vendor related provisions to ensure program integrity. In addition, an interim rule, published by the United States Department of Agriculture, Food and Nutrition Services in the Federal Register on December 6, 2007, revised the WIC food packages. The proposed revisions align the WIC food packages with the Dietary Guidelines for Americans and infant feeding practice guidelines of the American Academy of Pediatrics. This rule also encompassed vendor related amendments. All of the vendor provisions and amendments were implemented to ensure adequate and appropriate monitoring of the Program's food delivery system to prevent fraud, waste and abuse from occurring and to safeguard program benefits.

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

Legislative review will be required.

COMMISSION ON HIGHER EDUCATION
CHAPTER 62
 Statutory Authority: 1976 Code Section 59-112-100

Notice of Drafting:

The Commission on Higher Education proposes to amend the regulation that addresses the determination of rates of tuition and fees. The purpose of this regulation is to assist higher education institutions with determining a student's status as a South Carolina resident for purposes of assessment of tuition and fees. Interested persons may submit comments in writing to Dr. Karen Woodfaulk, Director of Student Affairs, S.C. Commission on Higher Education, 1122 Lady Street, Suite, 300, Columbia, S.C. 29201. To be considered, comments must be received no later than 5:00 p.m. on Friday, August 26, 2016, the close of the drafting comment period.

Synopsis:

The Commission on Higher Education proposes to amend the regulation (R.62-600 through 62-612) that addresses the determination of rates of tuition and fees (Section 59-112-10 et seq.). This regulation governs institutional decisions regarding classifying a student as a South Carolina resident or a non-resident. The regulation was last amended in 2009.

Revisions to the existing regulation are being considered to clarify the policies and procedures for administering the program. Proposed amendments are anticipated to ensure the regulation is consistent with the recently passed Act 11 of 2015, concerning classification of veterans for in-state tuition and fee purposes. Proposed amendments will also provide clarification to the definitions of independent and dependent persons, make other changes and to promote consistency in administration among the State institutions and their residency classification processes.

Legislative review of this proposal will be required.

COMMISSION ON HIGHER EDUCATION
CHAPTER 62
 Statutory Authority: 1976 Code Section 59-111-330

Notice of Drafting:

The Commission on Higher Education proposes to amend the regulation that addresses the regulations governing the administration of the provision for free tuition for residents sixty years of age. The purpose of this regulation is to assist higher education institutions with determining a student's eligibility to participate in the program as a South Carolina resident, sixty years of age or older, for purposes of assessment of tuition and fees. Interested persons may submit comments in writing to Dr. Karen Woodfaulk, Director of Student Affairs, S.C. Commission on Higher Education, 1122 Lady Street, Suite, 300, Columbia, S.C. 29201. To be considered, comments must be received no later than 5:00 p.m. on Friday, August 26, 2016, the close of the drafting comment period.

Synopsis:

The Commission on Higher Education proposes to amend the regulation (R.62-1100 through 62-1170) that addresses the administration of the provision for free tuition for residents sixty years of age or older (Section 59-111-310 et seq.). This regulation governs institutional decisions regarding the administration of the provision for free tuition for residents sixty years of age.

12 DRAFTING NOTICES

Revisions to the existing regulation are being considered to ensure the regulation is consistent with the recently passed Act 50 of 2015, which eliminated the requirement that the prospective student could not be employed in full-time status to be eligible for the provision.

Legislative review of this proposal will be required.

COMMISSION ON HIGHER EDUCATION
CHAPTER 62
Statutory Authority: 1976 Code Sections 59-114-10 et seq.

Notice of Drafting:

The South Carolina Commission on Higher Education proposes to amend the regulations for the South Carolina National Guard College Assistance Program. Interested persons should submit their comments in writing to Dr. Karen Woodfaulk, Director for Student Affairs, South Carolina Commission on Higher Education, 1122 Lady Street, Suite 300, Columbia, SC 29201. To be considered, comments must be received no later than 5:00 p.m. on August 26, 2016, the close of the drafting comment period.

Synopsis:

The South Carolina Commission on Higher Education promulgates Regulation 62-250 through 62-263 that governs requirements for the operation and administration of the South Carolina National Guard College Assistance Program under SC Code of Laws, Section 59-114-10 et seq. The program is administered by the Commission in coordination with the South Carolina National Guard and provides tuition assistance for eligible enlisted guard members enrolled in undergraduate programs. The Commission proposes amendments to these regulations for further clarification of administrative procedures for the program and additional definitions for clarification.

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

Notice of Drafting:

The Department of Natural Resources proposes to amend Regulations 123-203 “General Regulation” and 123-204 “Additional Regulations Applicable to Specific Properties.” The subject of the proposed action is to amend the regulations to add additional horseback riding opportunity on one area, to establish property use regulations on two new properties, to provide for temporary closures for special events or public safety, to establish regulations for shooting ranges and to specify properties requiring daily use card reporting for monitoring public use of remote properties. Any person interested may submit written comments to Emily Cope, Deputy Director, Wildlife & Freshwater Fisheries Division, S.C. Department of Natural Resources, Post Office Box 167, Columbia, SC 29202.

Synopsis:

These amended regulations will increase use of an existing DNR property, set regulations for new DNR properties, establish regulations for shooting ranges, allow the Department to determine public use of remote properties, and provide for temporary closures for special events or public safety. These regulations set general and specific uses allowed on DNR-owned lands and Wildlife Management Areas. Since 50-11-2200 prohibits many uses of DNR lands, regulations are required to allow use and set restrictions and conditions.

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

Notice of Drafting:

The Department of Natural Resources proposes to amend Regulations 123-40 "Wildlife Management Area Regulations" and 123-51 "Turkey Hunting Rules and Seasons." The subject of the proposed action is to amend the regulations to modify existing seasons and methods, to add new wildlife management areas to allow additional hunting opportunity, to provide an exemption to the requirement to wear international orange to archery hunters, and to amend the turkey bag limit on WMA lands in Game Zone 3 to conform to the statewide bag limit. Any person interested may submit written comments to Emily Cope, Deputy Director, Wildlife & Freshwater Fisheries Division, S.C. Department of Natural Resources, Post Office Box 167, Columbia, SC 29202.

Synopsis:

These amended regulations will allow the expansion of existing seasons and methods within the current season framework to allow additional opportunity on existing and new Wildlife Management Areas. These regulations set seasons, bag limits and methods of hunting and taking of wildlife and other restrictions on Wildlife Management Areas. Amended regulations also provide an exemption to the requirement to wear international orange to archery hunters.

DEPARTMENT OF REVENUE
CHAPTER 117
Statutory Authority: 1976 Code Section 12-4-320

Notice of Drafting:

The South Carolina Department of Revenue is considering amending SC Regulation 117-307.1, which provides examples of the application of the sales tax imposed on various charges by hotels, motels, and similar facilities to transient customers. Code Section 12-36-920(A) imposes a 7% sales tax on accommodations on the gross proceeds of rentals of rooms or lodgings provided by hotels, motels, and similar facilities; and Code Section 12-36-920(B) imposes a sales tax on certain "additional guest charges".

Effective July 1, 2014, Act 172 of 2014 amended Code Section 12-36-920(B) to limit additional guest charges to room service, laundering and dry cleaning services, in-room movies, telephone service, and rentals of meeting rooms; and amended Code Section 12-36-920(A) to provide that separately stated optional charges on a bill to a customer for amenities, entertainment, special items in promotional tourist packages, and other guest services are exempt from the 7% sales tax on accommodations.

The purpose of this regulation proposal is to revise the provisions of SC Regulation 117-307.1 to comply with Act 172 of 2014, which limited the sales tax on additional guest charges to room service, laundering and dry cleaning services, in-room movies, telephone service, and rentals of meeting rooms, and to inform the public of the impact of the new legislation. Additional questions were added to address room refreshment bars, safes, and other issues. The information in the regulation is consistent with the department's position, as expressed in SC Revenue Ruling #14-5. The amendment would be effective July 1, 2014, which is the effective date of Act No. 172 of 2014.

Interested persons may submit written comments to Meredith F. Cleland, South Carolina Department of Revenue, Legislative Services, P.O. Box 125, Columbia, SC 29214. To be considered, comments must be received no later than 5:00 p.m. on August 22, 2016.

14 DRAFTING NOTICES

Synopsis:

Code Section 12-36-920(A) imposes a 7% sales tax on accommodations on the gross proceeds of rentals of rooms or lodgings provided by hotels, motels, and similar facilities; and Code Section 12-36-920(B) imposes a sales tax on certain separately stated optional “additional guest charges”. New legislation limits additional guest charges to room service, laundering and dry cleaning services, in-room movies, telephone service, and rentals of meeting rooms; and provides that separately stated optional charges on a bill to a customer for amenities, entertainment, special items in promotional tourist packages, and other guest services are exempt from the 7% sales tax on accommodations. The purpose of this regulation proposal is to revise the provisions of SC Regulation 117-307.1 to comply with Act 172 of 2014, which limited the sales tax on additional guest charges to room service, laundering and dry cleaning services, in-room movies, telephone service, and rentals of meeting rooms, and to inform the public of the impact of the new legislation. Additional questions were added to address room refreshment bars, safes, and other issues. The information in the regulation is consistent with the department’s position, as expressed in SC Revenue Ruling #14-5. The amendment would be effective July 1, 2014, which is the effective date of Act No. 172 of 2014.

DEPARTMENT OF REVENUE

CHAPTER 117

Statutory Authority: 1976 Code Section 12-4-320

Notice of Drafting:

The South Carolina Department of Revenue is considering amending SC Regulation 117-307 to add a new subsection, 117-307.7, to address the application of the sales and use tax to hurricane rental insurance charges. The proposal addresses a change in policy due to the amendment of Code Section 12-36-920 by Act No. 172 of 2014. The proposal will summarize the treatment of both optional and mandatory hurricane rental insurance charges under Code Section 12-36-920. The treatment of hurricane rental insurance charges under Code Section 12-36-920 is presently set forth in an advisory opinion issued by the Department – SC Revenue Ruling #14-7.

Interested persons may submit written comments to Meredith F. Cleland, South Carolina Department of Revenue, Legislative Services, P.O. Box 125, Columbia, SC 29214. To be considered, comments must be received no later than 5:00 p.m. on August 22, 2016.

Synopsis:

The South Carolina Department of Revenue is considering amending SC Regulation 117-307 to add a new subsection, 117-307.7, to address the application of the sales and use tax to hurricane rental insurance charges. The proposal addresses a change in policy due to the amendment of Code Section 12-36-920 by Act No. 172 of 2014. The proposal will summarize the treatment of both optional and mandatory hurricane rental insurance charges under Code Section 12-36-920.

Filed: June 30, 2016 10:30am

Document No. 4652
DEPARTMENT OF NATURAL RESOURCES
 CHAPTER 123
 Statutory Authority: 1976 Code Section 50-11-2200

123-209. Term and Conditions for the Public's Use of State Lakes and Ponds Owned by the Department of Natural Resources.

Emergency Situation:

Emergency regulations are needed to allow the Department of Natural Resources to provide permits to the Lake Paul Wallace Authority in order to carry out their authorities under Title 49 Chapter 33 on properties owned by the Department for which activities are statutorily restricted by S.C. Code Ann. 50-11-2200.

Text:

123-209. Term and Conditions for the Public's Use of State Lakes and Ponds Owned by the Department of Natural Resources.

A. Pursuant to the conditions provided in 1976 Code Section 50-11-2200 prohibiting certain acts and conduct on state lakes owned or leased by the department, regulations defining the terms and conditions for public use of state lakes owned by the Department are as follows:

- g. Lake Paul Wallace in Marlboro County
 - i. The lake is open to fishing 24 hours a day. The lake is open for other allowed purposes from one-half hour before official sunrise until one-half hour after official sunset.
 - ii. Fishing is allowed with only rod and reels or poles. The statewide limit on the number of these devices applies.
 - iii. Daily limits are 20 bream and 3 catfish. No harvesting of largemouth bass (catch and release only). Statewide limits apply for all other fish species, except no size limit for crappie.
 - iv. No minnows allowed for bait.
 - v. Vehicles are restricted to roads and designated access areas only.
 - vi. Trails are for walking or fishing access only; no ATVs, motorized vehicles, or horses allowed on these trails.
 - vii. Pets must be on leashes or under the control of their owner at all times.
 - viii. The possession or consumption of alcoholic beverages is prohibited on department lake properties, except as by special permit from the department.
 - ix. Lake may be closed for special use activities by special permit of the department.
 - x. Lake Wallace Fishing Side (East of the earthen dike that separates the two lake portions)
 - 1. Boats are allowed, but may only be propelled by paddle, electric trolling motors, or outboard motors rated at 10 horsepower or less.
 - xi. Lake Wallace Boating Side (West of the earthen dike which separates the two lake portions)
 - 1. Boats and water skiing are allowed and must follow a counter-clockwise route of travel.
 - 2. Jet Ski or personal watercraft are allowed but not within 200 feet of boats.
 - 3. All other South Carolina watercraft rules and regulations apply.
 - xii. The Department of Natural Resources may issue to the Lake Paul Wallace Authority (the Authority) a permit with conditions where by the Authority may provide for a fireworks show on the Lake Paul Wallace property provided that the Authority ensures that such a fireworks show complies with all local and state laws, regulations and ordinances applicable to fireworks displays and shows.

16 EMERGENCY REGULATIONS

xiii. The Department of Natural Resources may issue to the Lake Paul Wallace Authority (the Authority) a permit with conditions where by the Authority may provide for a fireworks show on the Lake Paul Wallace property provided that the Authority ensures that such a fireworks show complies with all local and state laws, regulations and ordinances applicable to fireworks displays and shows.

Statement of Need and Reasonableness:

Emergency regulations are needed to allow the Department of Natural Resources to provide permits to the Lake Paul Wallace Authority (the Authority) in order to carry out their authorities under Title 49 Chapter 33 on properties owned by the Department. All Activities on properties owned by the Department are statutorily restricted by 50-11-2200, unless a regulation is promulgated by the Department to allow certain activities. The Department will be able to provide for the protection and conservation of the fish and wildlife resources associate with Lake Paul Wallace through the issuance of conditioned permits which will allow the Authority to provide for addition public use opportunities.

Fiscal Impact Statement:

This emergency regulation will result in the Lake Paul Wallace Authority's ability to provide for additional public use of the existing property which should generate additional economic benefit to Marlboro County through the additional public use opportunities provided.

Document No. 4653

DEPARTMENT OF LABOR, LICENSING AND REGULATION
OFFICE OF OCCUPATIONAL SAFETY AND HEALTH
CHAPTER 71

Statutory Authority: 1976 Code Section 41-15-210

Article 1, Subarticle 6 and Subarticle 7
Occupational Safety and Health Standards

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

In Subarticle 6 (General Industry and Public Marine Terminals):

Revisions to Section: 1910.106 as amended in Final Register Volume 81, Number 40, dated March 1, 2016, pages 10490 through 10491

Revisions to Sections: 1910.6, 1910.133, 1917.3, 1917.91 as amended in Final Register Volume 81, Number 58, dated March 25, 2016, pages 16090 through 16091

Revisions to Sections: 1910.1000 and 1910.1053 as amended in Final Register Volume 81, Number 58, dated March 25, 2016, pages 16861 through 16874

Revisions to Sections: 1910.1000 as amended in Final Register Volume 81, Number 96, dated May 18, 2016, page 31167

In Subarticle 7 (Construction):

Revisions to Sections: 1926.6 and 1926.102 as amended in Final Register Volume 81, Number 58, dated March 25, 2016, pages 16092 through 16093

Revisions to Sections: 1926.55 and 1926.1153 as amended in Final Register Volume 81, Number 58, dated March 25, 2016, pages 16875 through 16890

Revisions to Sections: 1926.55 as amended in Final Register Volume 81, Number 96, dated May 18, 2016, page 31168 through 31169

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