

## **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.

## **2017 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	3/10	4/14	5/12	6/9	7/14	8/11	9/8	10/13	11/10	12/8
Publishing Date	1/27	2/24	3/24	4/28	5/26	6/23	7/28	8/25	9/22	10/27	11/24	12/22

## **REPRODUCING OFFICIAL DOCUMENTS**

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## **PUBLIC INSPECTION OF DOCUMENTS**

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## **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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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
4735			Chapter Revisions	1/15/18	Workers' Compensation Commission
4678			Investigation Procedures	1/18/18	South Carolina Human Affairs Commission
4665			Examples of the Application of Tax to Various Charges Imposed by Hotels, Motels, and Other Facilities	1/19/18	Department of Revenue
4746			Articles 4, 5, 7 and 8 of Chapter 126	5/02/18	Department of Health and Human Services
4740			Minimum Standards for Licensing Hospitals and Institutional General Infirmaries	5/09/18	Department of Health and Envir Control
4732			Method of Operations; Application of Federal Truth in Lending Act; Other Cases - Summary Procedure; Delinquent Notification Filing and Fee Payment; and Filing and Posting Maximum Rate Schedules	5/09/18	Department of Consumer Affairs
<b>Committee Request Withdrawal</b>					
4729			Determination of Rates of Tuition and Fees	Tolled	Commission on Higher Education



## 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>

<b>DOC. No.</b>	<b>SUBJECT</b>	<b>HOUSE COMMITTEE</b>	<b>SENATE COMMITTEE</b>
4735	Chapter Revisions	Regulations and Admin. Procedures	Judiciary
4678	Investigation Procedures	Regulations and Admin. Procedures	Judiciary
4665	Examples of the Application of Tax to Various Charges Imposed by Hotels, Motels, and Other Facilities	Regulations and Admin. Procedures	Finance
4746	Articles 4, 5, 7 and 8 of Chapter 126	Regulations and Admin. Procedures	Medical Affairs
4740	Minimum Standards for Licensing Hospitals and Institutional General Infirmaries		
4732	Method of Operations; Application of Federal Truth in Lending Act; Other Cases - Summary Procedure; Delinquent Notification Filing and Fee Payment; and Filing and Posting Maximum Rate Schedules		
<b>Committee Request Withdrawal</b>			
4729	Determination of Rates of Tuition and Fees	Regulations and Admin. Procedures	Education

## 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 27, 2017 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) 545-3495.

**Affecting Aiken County****Well Care Home Health of the Midlands, Inc.**

Establishment of a Home Health Agency in Aiken County at a total project cost of \$29,000.

**Affecting Beaufort County****Sea Island Healthcare, LLC d/b/a Sea Island Healthcare**

Establishment of a Home Health Agency in Beaufort County at a total project cost of \$10,553.

**SJC Oncology Services - South Carolina, LLC d/b/a The Nancy N. and J.C. Cancer & Research Pavilion – Bluffton**

Construction of an outpatient radiation oncology center to include the purchase and installation of one linear accelerator at a total project cost of \$10,836,005.

**Affecting Calhoun County****Well Care Home Health of the Midlands, Inc.**

Establishment of a Home Health Agency in Calhoun County at a total project cost of \$29,000.

**Affecting Charleston County****Medical University Hospital Authority d/b/a MUSC Shawn Jenkins Children's Hospital and Pearl Tourville Women's Pavilion**

Conversion of 14 level II bassinets to level III bassinets for a total of 36 level III bassinets at a total project cost of \$1,969,293.

**South Carolina Diagnostic Imaging, Inc. d/b/a Tricom Diagnostic Imaging**

Acquisition of a second fixed MRI at a total project cost of \$625,000.

**Trident Medical Center, LLC d/b/a Trident Medical Center**

Purchase and installation of a da Vinci Xi robotic surgical system at a total project cost of \$2,347,725.

**Affecting Dorchester County****Trident Medical Center, LLC d/b/a Summerville Medical Center**

Addition of 4 level 3 intensive care bassinets and the conversion of 2 level 2 intermediate bassinets to level 3 intensive care bassinets at a total project cost of \$1,378,197.

**Affecting Fairfield County****Well Care Home Health of the Midlands, Inc.**

Establishment of a Home Health Agency in Fairfield County at a total project cost of \$29,000.

## 4 NOTICES

### Affecting Florence County

**McLeod Regional Medical Center of the Pee Dee, Inc. d/b/a McLeod Regional Medical Center**

Conversion of 56 observation beds to general beds and the addition 5 neonatal intensive care bassinets at a total project cost of \$2,535,150.

**McLeod Regional Medical Center of the Pee Dee, Inc. d/b/a McLeod Regional Medical Center**

Transfer of services from McLeod Regional Medical Center of the Pee Dee Surgery Center to McLeod Regional Medical Center at a total project cost of \$2,150,448.

**QHC of South Carolina, Inc. d/b/a West Palmetto Emergency Center**

Construction of a freestanding emergency department at a total project cost of \$13,237,908.

### Affecting Greenville County

**Upstate Affiliate Organization d/b/a GHS North Greenville Long Term Acute Hospital**

Replacement of an existing mobile GE Signa 1.5T LX MRI with a new Philips Ingenia 1.5T Omega MRI at a total project cost of \$1,528,768.

### Affecting Jasper County

**Sea Island Healthcare, LLC d/b/a Sea Island Healthcare**

Establishment of a Home Health Agency in Jasper County at a total project cost of \$10,553.

### Affecting Kershaw County

**Well Care Home Health of the Midlands, Inc.**

Establishment of a Home Health Agency in Kershaw County at a total project cost of \$29,000.

### Affecting Lexington County

**Well Care Home Health of the Midlands, Inc.**

Establishment of a Home Health Agency in Lexington County at a total project cost of \$29,000.

### Affecting Newberry County

**Well Care Home Health of the Midlands, Inc.**

Establishment of a Home Health Agency in Newberry County at a total project cost of \$29,000.

### Affecting Orangeburg County

**Well Care Home Health of the Midlands, Inc.**

Establishment of a Home Health Agency in Orangeburg County at a total project cost of \$29,000.

### Affecting Richland County

**Well Care Home Health of the Midlands, Inc.**

Establishment of a Home Health Agency in Richland County at a total project cost of \$36,500.

### Affecting Saluda County

**Well Care Home Health of the Midlands, Inc.**

Establishment of a Home Health Agency in Saluda County at a total project cost of \$29,000.

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 October 27, 2017. "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) 545-3495.

**Affecting Aiken County**

**Well Care Home Health of the Midlands, Inc.**

Establishment of a Home Health Agency in Aiken County at a total project cost of \$29,000.

**Affecting Beaufort County**

**Sea Island Healthcare, LLC d/b/a Sea Island Healthcare**

Establishment of a Home Health Agency in Beaufort County at a total project cost of \$10,553.

**Affecting Calhoun County**

**Well Care Home Health of the Midlands, Inc.**

Establishment of a Home Health Agency in Calhoun County at a total project cost of \$29,000.

**Affecting Charleston County**

**South Carolina Diagnostic Imaging, Inc. d/b/a Tricom Diagnostic Imaging**

Acquisition of a second fixed MRI at a total project cost of \$625,000.

**Trident Medical Center, LLC d/b/a Trident Medical Center**

Purchase and installation of a da Vinci Xi robotic surgical system at a total project cost of \$2,347,725.

**Affecting Fairfield County**

**Well Care Home Health of the Midlands, Inc.**

Establishment of a Home Health Agency in Fairfield County at a total project cost of \$29,000.

**Affecting Florence County**

**McLeod Regional Medical Center of the Pee Dee, Inc. d/b/a McLeod Regional Medical Center**

Acquisition of a second da Vinci surgical system at a total project cost of \$2,516,658.

**Affecting Greenville County**

**Upstate Affiliate Organization d/b/a GHS North Greenville Long Term Acute Hospital**

Replacement of an existing mobile GE Signa 1.5T LX MRI with a new Philips Ingenia 1.5T Omega MRI at a total project cost of \$1,528,768.

**Affecting Greenwood County**

**Self Regional Healthcare**

Modernization and expansion of the Ambulatory Care Center and the Women's Center, by renovating 24,186 sf of existing space and adding 8,650 sf of new construction at a total project cost of \$11,200,000.

## 6 NOTICES

### Affecting Jasper County

#### **Sea Island Healthcare, LLC d/b/a Sea Island Healthcare**

Establishment of a Home Health Agency in Jasper County at a total project cost of \$10,553.

### Affecting Kershaw County

#### **Well Care Home Health of the Midlands, Inc.**

Establishment of a Home Health Agency in Kershaw County at a total project cost of \$29,000.

### Affecting Lexington County

#### **Well Care Home Health of the Midlands, Inc.**

Establishment of a Home Health Agency in Lexington County at a total project cost of \$29,000.

### Affecting Newberry County

#### **Well Care Home Health of the Midlands, Inc.**

Establishment of a Home Health Agency in Newberry County at a total project cost of \$29,000.

### Affecting Orangeburg County

#### **Well Care Home Health of the Midlands, Inc.**

Establishment of a Home Health Agency in Orangeburg County at a total project cost of \$29,000.

### Affecting Richland County

#### **Well Care Home Health of the Midlands, Inc.**

Establishment of a Home Health Agency in Richland County at a total project cost of \$36,500.

### Affecting Saluda County

#### **Well Care Home Health of the Midlands, Inc.**

Establishment of a Home Health Agency in Saluda County at a total project cost of \$29,000.

## 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 27, 2017 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 company has applied for certification as Underground Storage Tank Site Rehabilitation Contractor:

**Class I**

**Foth Infrastructure & Equipment, LLC.**

Attn: Ronn Beebe, PG  
101 Trade Zone Dr, Ste 16A  
West Columbia, SC 29170

## 8 DRAFTING NOTICES

### CLEMSON UNIVERSITY STATE CROP PEST COMMISSION CHAPTER 27

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

#### **Notice of Drafting:**

The State Crop Pest Commission is considering the implementation of new regulations which govern, to the extent authorized by the S.C. Code, Title 46, Chapter 9, designation, monitoring and control, including quarantine, of the plant pests Emerald Ash Borer (*Agilus planipennis*) and Benghal Dayflower (*Commelina benghalensi*) in South Carolina.

Interested parties should submit written comments to Dr. Stephen E. Cole, Director, Regulatory Services, Clemson University, 511 Westinghouse Road, Pendleton, SC 29670. To be considered, comments should be received no later than November 30, 2017, the close of the drafting comment period.

#### **Synopsis:**

The proposed amendments will set forth the quarantine and management practices related to new plant pests Emerald Ash Borer and Benghal Dayflower.

These proposed regulations will require legislative action.

### DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL CHAPTER 61

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

#### **Notice of Drafting:**

The Department of Health and Environmental Control (Department) proposes amending Regulation 61-62, Air Pollution Control Regulations and Standards, and the South Carolina Air Quality Implementation Plan (“State Implementation Plan” or “SIP”). Interested persons are invited to submit comments on the Department’s proposed amendments in writing to Michael Monroe, Regulation and SIP Management Section, Bureau of Air Quality, 2600 Bull Street, Columbia, SC 29201, or via email at [monroemc@dhec.sc.gov](mailto:monroemc@dhec.sc.gov). To be considered, the Department must receive comments by 5:00 p.m. on November 27, 2017, the close of the drafting comment period.

#### **Synopsis:**

(1) The Department proposes amending Regulation 61-62.1, Definitions and General Requirements, Section II, Permit Requirements, to expand and improve consistency in language regarding general and registration permits.

(2) The Department proposes amending the introductory paragraph to Regulation 61-62.5, Standard No. 2, Ambient Air Quality Standards, to remove the sentence describing the test method for Gaseous Fluorides to improve the accuracy and clarity of the regulation’s text.

(3) The Department proposes amending Regulation 61-62.5, Standard No. 5.2, Control of Oxides of Nitrogen (NO<sub>x</sub>), to update applicability and exemptions, as well as to propose corrections for internal consistency, punctuation, codification, and spelling.

(4) The Department proposes amending Regulation 61-62.5, Standard No. 7, Prevention of Significant Deterioration, to update applicability and exemptions, as well as to propose corrections for internal consistency, punctuation, codification, and spelling.

(5) The Department proposes amending Regulation 61-62.5, Standard No. 7.1, Nonattainment New Source Review (NSR), to improve the overall clarity and structure of the regulation, as well as to propose corrections for internal consistency, punctuation, codification, and spelling.

(6) The Department proposes amending Regulation 61-62.70, Title V Operating Permit Program; Regulation 61-62.1, Definitions and General Requirements; Regulation 61-62.5, Standard No. 7, Prevention of Significant Deterioration; and Regulation 61-62.5, Standard No. 7.1, Nonattainment New Source Review (NSR), to update public participation procedures.

The Department may also propose other changes to Regulation 61-62, Air Pollution Control Regulations and Standards, that may include definitional updates, clarification of certain permitting provisions, and other changes or additions as deemed necessary, as well as corrections for internal consistency, clarification, reference, punctuation, codification, formatting, and spelling to improve the overall text of Regulation 61-62 as necessary.

In accordance with S.C. Code Section 1-23-120(A) (Supp. 2016), these amendments will require legislative review.

**DEPARTMENT OF INSURANCE**

**CHAPTER 69**

Statutory Authority: 1976 Code Sections 1-23-110, 38-3-110, and 38-49-20 et seq.

**Notice of Drafting:**

The Department of Insurance proposes to revise Regulation 69-1, Temporary Licensure of Adjusters in the event of Emergency or Catastrophe. Interested persons may submit written comments to Melissa Manning, Associate General Counsel, South Carolina Department of Insurance, 1201 Main Street, Suite 1000 Columbia, SC 29201. For questions, call 803-737-6200 or email [mmanning@doi.sc.gov](mailto:mmanning@doi.sc.gov). To be considered, all comments must be received no later than 5:00 p.m. November 3, 2017, the close of the drafting comment period.

**Synopsis:**

The Department is proposing to make changes to Regulation 69-1 to add the temporary licensure of motor vehicle physical damage appraisers in the event of a catastrophe where there are insufficient motor vehicle physical damage appraisers. In its current form, the regulation is limited to the temporary licensure of non-resident adjusters in the event of a catastrophe.

Proposed revisions will require legislative review.



## 10 DRAFTING NOTICES

### DEPARTMENT OF LABOR, LICENSING AND REGULATION CHAPTER 10

Statutory Authority: 1976 Code Sections 40-1-50, 40-1-70 and 40-67-70

#### **Notice of Drafting:**

The South Carolina Department of Labor, Licensing and Regulation proposes to amend R.10-41 to reduce the fee for reinstatement of a license issued by the Board of Examiners in Speech-Language Pathology and Audiology: for Audiologists and Speech-Language Pathologists, from \$270 to \$210; and for Speech-Language Pathology Assistants, from \$150 to \$90. Interested persons may submit comments to Mack Williams, Administrator, South Carolina Board of Examiners in Speech-Language Pathology and Audiology, Post Office Box 11329, Columbia, S.C. 29211-1329.

#### **Synopsis:**

The South Carolina Department of Labor, Licensing and Regulation proposes to amend R.10-41 to reduce the fee for reinstatement of a license issued by the Board of Examiners in Speech-Language Pathology and Audiology: for Audiologists and Speech-Language Pathologists, from \$270 to \$210; and for Speech-Language Pathology Assistants, from \$150 to \$90. The reduction reflects a prior reduction in the renewal fee which is a component in calculating the reinstatement fee.

Legislative review of this amendment is required.

### DEPARTMENT OF LABOR, LICENSING AND REGULATION DIVISION OF LABOR CHAPTER 71

Statutory Authority: 1976 Code Section 41-15-220

#### **Notice of Drafting:**

The South Carolina Department of Labor, Licensing and Regulation, Division of Labor, Office of Occupational Safety and Health, proposes revisions to Chapter 71, Subarticle 3, to amend the requirements of the Occupational Injury and Illness Recording and Reporting Regulation. The amendments will update various sections of the regulation with regard to the requirement for employee involvement in the recordkeeping system and Appendix A to Subpart E of the regulation. The appendix contains a list of designated industries that are required to routinely submit information from the injury and illness records to OSHA. The proposed regulation will also prohibit the employer from discriminating against an employee for reporting a work-related fatality, injury, or illness. Written comments can be submitted to Gwendolyn Thomas, OSHA Technical Support Office, Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, South Carolina, 29211-1329.

#### **Synopsis:**

The South Carolina Department of Labor, Licensing and Regulation, Division of Labor, Office of Occupational Safety and Health operates an Occupational Safety and Health plan approved by the United States Department of Labor. As a requirement of that approval, the Department is required to have recordkeeping regulations that produce records and statistical data that are identical to those promulgated by the United States Department of Labor. The proposed regulation will revise the Occupational Injury and Illness Recording and Reporting regulation (SCRR 71, Article 1, Subarticle 3) to comport with current Federal OSHA regulations.

Legislative review of this amendment is required.

**DEPARTMENT OF NATURAL RESOURCES**

**CHAPTER 123**

Statutory Authority: 1976 Code Sections 50-1-60, 50-1-200, 50-1-220, 50-3-100, 50-9-650, 50-11-10, 50-11-65, 50-11-96, 50-11-105, 50-11-310, 50-11-315, 50-11-320, 50-11-350, 50-11-365, 50-11-390, 50-11-410, 50-11-430, 50-11-500, 50-11-520, 50-11-525, 50-11-530, 50-11-580, 50-11-854, 50-11-2200 and 50-11-2210

**Notice of Drafting:**

The Department of Natural Resources proposes to amend Regulations 123-40 "Wildlife Management Area Regulations," 123-51 "Turkey Hunting Rules and Seasons," and 123-52 "Either-sex Days and Antlerless Deer Limits for Private Lands in Game Zones 1-4 " and 123-53 "Bear 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, and to establish seasons, methods of take, and reporting requirements for bear hunting. 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. Amendments are also made to establish legal methods for harvesting bears on WMA lands and to establish requirements for reporting harvested bears.

## 12 PROPOSED REGULATIONS

Document No. 4775

### OFFICE OF THE ATTORNEY GENERAL

#### CHAPTER 13

Statutory Authority: 1976 Code Sections 35-11-100 et seq.

#### **Preamble:**

The Office of the Attorney General proposes to promulgate regulations to implement the South Carolina Anti-Money Laundering Act. The Notice of Drafting regarding these regulations was published on June 23, 2017, in the *State Register*.

#### Section-by-Section Discussion

13-2101. This section is added to define certain terms as used in these regulations, or to assist in interpreting definitions contained in the South Carolina Anti-Money Laundering Act.

13-2201. This section details the requirements for an application for a money transmission license, including the use of the Nationwide Multistate Licensing System and Registry.

13-2202. This section details the requirements for an application for approval to engage in money transmission.

13-2301. This section details the requirements of an application for a currency exchange license, including the use of the Nationwide Multistate Licensing System and Registry.

13-2501. This section includes information regarding requests for public records and requests for confidential treatment of documents filed pursuant to the South Carolina Anti-Money Laundering Act.

13-2701. This section is added to detail how an authorized delegate may apply for relief from a suspension or revocation of designation as an authorized delegate.

13-2801. This section outlines how persons may request interpretive orders from the Commissioner regarding the South Carolina Anti-Money Laundering Act.

#### **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, such a hearing will be held at the South Carolina Administrative Law Court, Edgar Brown Building, Second Floor, 1205 Pendleton Street, Columbia, S.C., on December 11, 2017, at 10:00 am. If no qualifying request is received by November 27, 2017, the hearing will be cancelled. Written comments may be directed to J. Louis Cote III, Assistant Attorney General, Office of the Attorney General, PO Box 11549, Columbia, SC 29211, or via email at [MSB@scag.gov](mailto:MSB@scag.gov), not later than 5:00 p.m. on November 27, 2017.

#### **Preliminary Fiscal Impact Statement:**

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

#### **Statement of Need and Reasonableness:**

DESCRIPTION OF REGULATION: South Carolina Anti-Money Laundering Act Regulations.

Purpose: To promulgate regulations to implement the South Carolina Anti-Money Laundering Act; this includes the regulation of money transmitter businesses.

Legal Authority: S.C. Code Ann. Sections 35-11-100 et seq.

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

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

The Attorney General, as Commissioner, oversees and enforces the provisions of the South Carolina Anti-Money Laundering Act. The Act will become effective upon the publication of the final regulations of the Commissioner in the State Register. These proposed regulations are necessary to carry out the purposes of the Act, to promote compliance with the Act, to provide for the protection of the public, and to assist potential licensees in interpreting the Act.

**DETERMINATION OF COSTS AND BENEFITS:**

There will be no additional costs incurred by the State or any political subdivision due to these proposed regulations. The proposed regulations will implement the South Carolina Anti-Money Laundering Act.

**UNCERTAINTIES OF ESTIMATES:**

There are no uncertainties of estimates concerning these regulations.

**EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH:**

The proposed regulations will have no effect on the environment or public health of this State.

**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 regulations are not implemented in this State.

**Statement of Rationale:**

The regulations are being added to implement the South Carolina Anti-Money Laundering Act. During its 2016 session, the General Assembly enacted the South Carolina Anti-Money Laundering Act. The new act was written, in part, to regulate money services businesses and money transmitters who conduct business in the State, and to establish uniformity with other states to the extent practical. Under the South Carolina Anti-Money Laundering Act, the Attorney General is named as Commissioner, and has the responsibility for promulgating rules and regulations that implement the Act.

**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.

## 14 PROPOSED REGULATIONS

Document No. 4773

**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 25, 2017.

### **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 December 4, 2017 at 9:00 a.m. If no request is received by December 1, 2017 the hearing will be canceled. Written comments may be directed to James T. Miller, Director, South Carolina Meat-Poultry Inspection Department, P. O. Box 102406, Columbia, SC 29224-2406 not later than December 1, 2017.

### **Preliminary Fiscal Impact Statement:**

No additional state funding is requested.

### **Statement of Need and Reasonableness:**

DESCRIPTION OF REGULATION: State Meat Inspection Regulation.

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.

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. 4774

**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 25, 2017.

**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 December 4, 2017 at 9:00 a.m. If no request is received by December 1, 2017 the hearing will be canceled.

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Written comments may be directed to Dr. James T. Miller, Director, South Carolina Meat-Poultry Inspection Department, P. O. Box 102406, Columbia, SC 29224-2406 not later than December 1, 2017.

### **Preliminary Fiscal Impact Statement:**

No additional state funding is requested.

### **Statement of Need and Reasonableness:**

DESCRIPTION OF REGULATION: State Poultry Products Inspection Regulation.

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.

### **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. 4784  
**STATE BOARD OF EDUCATION**  
 CHAPTER 43

Statutory Authority: 1976 Code Sections 59-5-60, 59-59-10 et seq., and Pub. L. No. 114-95

43-205. Administrative and Professional Personnel Qualifications, Duties, and Workloads.

**Preamble:**

The regulation defines qualification, duties, and workloads for district and school level professional personnel.

Notice of Drafting for the proposed amendments to the regulation was published in the *State Register* on July 28, 2017.

Section-by-Section Discussion

Section II(A)(3)	Deleted existing language and added clarifying language on the appropriate duties for school counselors and permits for properly certified staff
Section III(A)(3)	Deleted existing language and added clarifying language on the appropriate duties for school counselors and permits for properly certified staff
Section IV(A)(3)	Deleted existing language and added clarifying language on the appropriate duties for school counselors and permits for properly certified staff

**Notice of Public Hearing and Opportunity for Public Comment:**

A public hearing will be held on December 12, 2017, at 1:00 p.m. in the Rutledge Conference Center, 1429 Senate Street, Columbia, SC 29201. The proposed amendments to the regulation will be posted on the State Board of Education Web site for review and comment. To review the regulation, click on the attached link [2017–18 Regulations Under Review By The State Board of Education](#).

Written comments should be submitted to Darlene Prevatt, Office of Federal and State Accountability, Division Federal, State, and Community Resources, 1429 Senate Street, Room 501-A, Columbia, South Carolina 29201 or by e-mail to [dprevatt@ed.sc.gov](mailto:dprevatt@ed.sc.gov) or before 5:00 p.m. on November 27, 2017.

**Preliminary Fiscal Impact Statement:**

No additional state funding is requested. The South Carolina Department of Education estimates that no additional costs will be incurred in complying with the proposed revisions to Reg. 43-205.

**Statement of Need and Reasonableness:**

DESCRIPTION OF REGULATION: Administrative and Professional Personnel Qualifications, Duties, and Workloads.



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Purpose: State Board of Education (SBE) Regulation 43-205 (Reg. 43-205) governs the qualifications, duties, and workloads of district and school personnel.

The purpose of this amendment is to clarify duties of school counselors and give direction for professionals who are not properly certified.

Legal Authority: 1976 Code Sections 59-5-60, 59-59-10 et seq., and Pub. L. No. 114-95.

Plan for Implementation: The proposed amendments will be incorporated within Reg. 43-205 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. School and district personnel will be informed of the new procedures through electronic correspondence.

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

As reflected in 1976 Code Sections 59-5-60, 59-59-10 et seq., and Pub. L. No. 114-95, the SBE will adopt policies, rules, and regulations not inconsistent with the laws of the State. The proposed changes will ensure school counselors have appropriate job duties and instruct the local superintendent to seek a permit for any professional personnel who is not properly certified.

### DETERMINATION OF COSTS AND BENEFITS:

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

### UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates relative to the cost 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 regulations are not implemented.

### Statement of Rationale:

SBE Reg. 43-205 regulates the qualification, duties, and workloads of professional staff. The amendments to this regulation clarify these duties to avoid inappropriate tasks.

### 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. 4789  
**STATE BOARD OF EDUCATION**  
 CHAPTER 43  
 Statutory Authority: 1976 Code Sections 59-5-60 and 59-25-110

43-52. Application for Teaching Credential.

**Preamble:**

State Board of Education Regulation 43-52 governs the required application documents, fees, and effective dates of credentials for applicants seeking a South Carolina educator credential. Amendments to Regulation 43-52 will replace outdated document titles and office names, clarify procedures and credential effective dates, and remove references to the federal No Child Left Behind Act of 2001.

Notice of Drafting for the proposed amendments to the regulation was published in the *State Register* on June 23, 2017.

Section-by-Section Discussion

Section I	Replace Office of Teacher Certification with general term
Section I(A)	Update name of document to Certification Application
Section I(B)	Include language that the applicant must ensure submission of the document if applicable Replace name of document with general term Add language to indicate that a dean or other appropriate official of an educator preparation provider must sign the verification and recommendation for certification
Section I(C)	Add “university” to transcript types required Add language to indicate transcripts are required from each institution attended Add language to indicate that transcripts may be submitted electronically from an institution or through an approved credential service Delete reference to “as technology becomes available” since the SCDE now accepts transcripts submitted electronically
Section I(D)	Clarify that applicant must submit scores on required teaching area examination(s) and the pedagogy examination Delete reference to July 1, 2006, as the effective date for requiring the pedagogy examination prior to certification Add language to clarify that official score reports must be transmitted directly to the SCDE by testing agency
Section I(F)	Add language clarifying procedures for state and federal criminal records checks supported by fingerprints
Section I(G)	Add requirement that credentialed out-of-state educators must submit a copy of a current and valid credential from the other jurisdiction
Section II	Replace Office of Teacher Certification with general term
Section III	Delete current section letter “A” Add SCDE teacher certification office as designated recipient Correct language regarding certificate renewal Delete current Section III(B) Delete current Section III(C) Add new Section III(A) clarifying credential effective dates for completers of educator preparation programs Add new Section III(B) clarifying credential effective dates for educators applying from out-of-state Add new Section III(C) clarifying credential effective dates for certificate renewal

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Add Section III(D) clarifying credential effective dates for certificate advancement

### Notice of Public Hearing and Opportunity for Public Comment:

A public hearing will be held on December 12, 2017, at 1:00 p.m. in the Rutledge Conference Center, 1429 Senate Street, Columbia, SC 29201. The proposed amendments to the regulation will be posted on the State Board of Education Web site for review and comment. To review the regulation, click on the attached link [2017–18 Regulations Under Review By The State Board of Education](#).

Written comments should be submitted to Mary Hipp; Director, Office of Educator Services; Division of Federal, State, and Community Resources; 8301 Parklane Road; Columbia, SC 29223 or by e-mail to [mhipp@ed.sc.gov](mailto:mhipp@ed.sc.gov) on or before 5:00 p.m. on November 27, 2017.

### Preliminary Fiscal Impact Statement:

None.

### Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION: Application for Teaching Credential.

Purpose: Regulation 43-52, Application for Teaching Credential, is being amended.

Legal Authority: 1976 Code Sections 59-5-60 and 59-25-110.

Plan for Implementation: The proposed amendments will be posted on the South Carolina Department of Education's Web site for review and comment. The amendments 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:

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:**

Amendments to Regulation 43-52 will replace outdated document titles and office names, clarify procedures and credential effective dates, and remove references to the federal No Child Left Behind Act of 2001.

**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. 4790  
**STATE BOARD OF EDUCATION**  
 CHAPTER 43

Statutory Authority: 1976 Code Sections 59-5-60 and 59-25-110

43-51. Certification Requirements; approval of alternative certification; authorization for the SBE to approve additional alternative certification programs.

**Preamble:**

State Board of Education Regulation 43-51 governs the requirements for granting educator certificates. Amendments to Regulation 43-51 will remove the names of specific approved non-traditional or alternative educator preparation providers and replace these with general language indicating that an appropriate alternative route certificate will be issued to a candidate meeting the requirements for certification outlined in the Board of Education guidelines for a specific provider. The State Board of Education is authorized under Regulation 43-51 to approve non-traditional or alternative educator preparation providers and to promulgate related guidelines for the provider. These amendments will eliminate the need to change the regulation any time the State Board of Education approves a new alternative educator preparation provider.

Notice of Drafting for the proposed amendments to the regulation was published in the *State Register* on June 23, 2017.

Section-by-Section Discussion

Title	Change the title of the regulation
Section I(D)	Add the acronym SLED after first reference to the State Law Enforcement Division
Section IV	Delete all parts of current section IV which includes references to specific alternative route certification programs Add new Section IV(A) to include provisions of previous Section IV(E) establishing the authority of the SBE to approve alternative or non-traditional teacher preparation providers and certification programs Add new Section IV(B) to provide that the appropriate alternative route certificate will be issued to an individual who qualifies under the SBE-approved guidelines for the specific program
Sections VII(a–c)	Deletes parentheses and lower case letters and replaces with “A.–C.”
Section VII(c)	Replaces the Program of Alternative Certification for Educators (PACE) with general language referring to approved alternative route certification programs under which an individual may qualify for an educator certificate
Section VII(d)	Deletes reference to Teach for America since general language has been inserted in change to Section VII(C)
Section VII(e)	Deletes reference to American Board for the Certification of Teaching

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Excellence since general language has been inserted in change to Section VII(C)

### Notice of Public Hearing and Opportunity for Public Comment:

A public hearing will be held on December 12, 2017, at 1:00 p.m. in the Rutledge Conference Center, 1429 Senate Street, Columbia, SC 29201. The proposed amendments to the regulation will be posted on the State Board of Education Web site for review and comment. To review the regulation, click on the attached link [2017–18 Regulations Under Review By The State Board of Education](#).

Written comments should be submitted to Mary Hipp; Director, Office of Educator Services; Division of Federal, State, and Community Resources; 8301 Parklane Road; Columbia, SC 29223 or by e-mail to [mhipp@ed.sc.gov](mailto:mhipp@ed.sc.gov) on or before 5:00 p.m. on November 27, 2017.

### Preliminary Fiscal Impact Statement:

None.

### Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION: Certification Requirements; approval of alternative certification; authorization for the SBE to approve additional alternative certification programs.

Purpose: Regulation 43-51, Certification Requirements; approval of alternative certification; authorization for the SBE to approve additional alternative certification programs, is being amended.

Legal Authority: 1976 Code Sections 59-5-60 and 59-25-110.

Plan for Implementation: The proposed amendments will be posted on the South Carolina Department of Education's Web site for review and comment. The amendments 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:

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:**

Amendments to Regulation 43-51 will remove the names of specific approved non-traditional or alternative educator preparation providers and replace these with general language indicating that an appropriate alternative route certificate will be issued to a candidate meeting the requirements for certification outlined in the Board of Education guidelines for a specific provider. These amendments will eliminate the need to change the regulation any time the State Board of Education approves a new alternative educator preparation provider.

**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. 4788  
**STATE BOARD OF EDUCATION**  
 CHAPTER 43  
 Statutory Authority: 1976 Code Sections 59-5-60 and 59-5-65

43-53. Credential Classification.

**Preamble:**

State Board of Education Regulation 43-53 governs the types of certificates issued to educators. Amendments to Regulation 43-53 will update requirements for issuing specific credential types and will remove the names of specific approved non-traditional or alternative educator preparation providers. These specific terms will be replaced with general language indicating that an appropriate alternative route certificate will be issued to a candidate meeting the requirements for certification outlined in the Board of Education guidelines for a specific provider.

Notice of Drafting for the proposed amendments to the regulation was published in the *State Register* on June 23, 2017.

Section-by-Section Discussion

- |                 |                                                                                                                                                                                                                                                                                                                                     |
|-----------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Section I       | Add standardized acronyms for the state and federal entities                                                                                                                                                                                                                                                                        |
| Section I(B)    | Add provision that a professional certificate may be renewed as specified in Reg. 43-55 Renewal of Credentials<br>Delete out-of-date processes for advancing from an initial to professional certificate<br>Add updated language to indicate all means by which an educator may advance from an initial to professional certificate |
| Section I(C)    | Delete specific alternative route certificates<br>Add general language indicating that the appropriate alternative route certificate will be issued to an applicant who qualifies under the SBE-approved guidelines for the specific approved alternative route program                                                             |
| Section I(D)    | Add language to reflect current procedures for a cultural exchange educator to demonstrate content competency                                                                                                                                                                                                                       |
| Section I(E)(1) | Add “Approved Educator Preparation Program” to specify the conditions under which the Internship Certificate may be issued to candidates in an approved educator preparation program                                                                                                                                                |
| Section I(E)(2) | Add “School Psychologist” to specify the conditions under which the Internship Certificate may be issued to candidates completing internships requirements to become fully certified as School Psychologists                                                                                                                        |

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	Add language to clarify the type of educator certificate that will be issued following the successful completion of the internship year(s)
Section I(E)(3)	Add “Speech-Language Pathology” to specify the conditions under which the Internship Certificate may be issued to a candidate seeking educator certification in Speech-Language Pathology Add provision for renewing the Internship Certificate Amend language to align requirements with the State’s induction requirements for Speech-Language Pathologists
Section II	Add standardized acronyms for the State Board of Education
Section III(B)	Delete Section III(B)(1) and Section III(B)(2) Add new Section III(B)(1) and Section III(B)(2) to clarify credential effective dates and align with proposed amendments to Reg. 43-52 Application for Teaching Credential

### Notice of Public Hearing and Opportunity for Public Comment:

A public hearing will be held on December 12, 2017, at 1:00 p.m. in the Rutledge Conference Center, 1429 Senate Street, Columbia, SC 29201. The proposed amendments to the regulation will be posted on the State Board of Education Web site for review and comment. To review the regulation, click on the attached link [2017–18 Regulations Under Review By The State Board of Education](#).

Written comments should be submitted to Mary Hipp; Director, Office of Educator Services; Division of Federal, State, and Community Resources; 8301 Parklane Road; Columbia, SC 29223 or by e-mail to [mhipp@ed.sc.gov](mailto:mhipp@ed.sc.gov) on or before 5:00 p.m. on November 27, 2017.

### Preliminary Fiscal Impact Statement:

None.

### Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION: Credential Classification.

Purpose: Regulation 43-53, Credential Classification, is being amended.

Legal Authority: 1976 Code Sections 59-5-60 and 59-5-65.

Plan for Implementation: The proposed amendments will be posted on the South Carolina Department of Education’s Web site for review and comment. The amendments 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:

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:**

Amendments to Regulation 43-53 will update requirements for issuing specific credential types and will remove the names of specific approved non-traditional or alternative educator preparation providers. These specific terms will be replaced with general language indicating that an appropriate alternative route certificate will be issued to a candidate meeting the requirements for certification outlined in the Board of Education guidelines for a specific provider.

**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. 4783  
**STATE BOARD OF EDUCATION**  
CHAPTER 43

Statutory Authority: 1976 Code Sections 59-5-60, 59-29-10 et seq., 59-29-200, 59-33-30, 59-53-1810, and Pub. L. No. 114-95

43-232. Defined Program 6–8.

**Preamble:**

This regulation gives the principles for receiving high school credit at the middle school level.

Notice of Drafting for the proposed amendments to the regulation was published in the *State Register* on July 28, 2017.

Section-by-Section Discussion

Section I(A)	Deleted footnotes and added parenthetical explanations
Section I(B)	Deleted current list of high school courses and referenced the remaining courses list used at the middle level
Section I(C)	Replace “through” with en dashes
Section I(D)(3)	Replaced hypens with en dashes
Section II	Replaced hypens with en dashes
Section III	Replaced hypens with en dashes
Section IV	Deleted obsolete and incorrectly named regulations and added the correct names; replaced hypens with en dashes
Section V(2)	Deleted full name and added “SCDE”
Section VI	Deleted entire provision on emergency closings



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### Notice of Public Hearing and Opportunity for Public Comment:

A public hearing will be held on December 12, 2017, at 1:00 p.m. in the Rutledge Conference Center, 1429 Senate Street, Columbia, SC 29201. The proposed amendments to the regulation will be posted on the State Board of Education Web site for review and comment. To review the regulation, click on the attached link [2017–18 Regulations Under Review By The State Board of Education](#).

Written comments should be submitted to Darlene Prevatt, Office of Federal and State Accountability, Division Federal, State, and Community Resources, 1429 Senate Street, Room 501-A, Columbia, South Carolina 29201 or by e-mail to [dprevatt@ed.sc.gov](mailto:dprevatt@ed.sc.gov) or before 5:00 p.m. on November 27, 2017.

### Preliminary Fiscal Impact Statement:

No additional state funding is requested. The South Carolina Department of Education estimates that no additional costs will be incurred in complying with the proposed revisions to Reg. 43-232.

### Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION: Defined Program 6–8.

Purpose: State Board of Education (SBE) Regulation 43-232 (Reg.43-232) establishes that each school district board of trustees shall ensure quality schooling by providing a rigorous, relevant curriculum for all students. Each school district shall examine the academic achievement standards adopted by the South Carolina State Board of Education. Elementary, middle, and high school faculty and staff shall work together to ensure that students are prepared to achieve these standards. When approved by the principal and the parents, a student promoted to the seventh or eighth grade may take units of ninth grade or higher work for school credit.

The purpose of this amendment is to ensure middle school students who are advanced beyond middle school level demonstrate the ability and developmental readiness to accelerate.

Legal Authority: 1976 Code Sections 59-5-60, 59-29-10 et seq., 59-29-200, 59-33-30, 59-53-1810, and Pub. L. No. 114-95

Plan for Implementation: The proposed amendments will be incorporated within Reg.43-232 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. School and district personnel will be informed of the new procedures through electronic correspondence.

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

As reflected in 1976 Code Sections 59-5-60, 59-29-10 et seq., 59-29-200, 59-33-30, 59-53-1810, and Pub. L. No. 114-95, the SBE will adopt policies, rules, and regulations not inconsistent with the laws of the State. The purpose of the proposed change is to ensure middle school students who are advanced beyond middle school level demonstrate the ability and developmental readiness to accelerate.

### DETERMINATION OF COSTS AND BENEFITS:

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

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates relative to the cost 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 regulations are not implemented.

**Statement of Rationale:**

The amendment will ensure middle school students who are advanced beyond middle school level demonstrate the ability and developmental readiness to accelerate. Changes will also be made to bring the regulation’s language consistent with the new Uniform Grading Policy.

**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. 4782  
**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., 59-33-30, 59-53-1810, 20 U.S.C. 1232(g), and Pub. L. No. 114-95

43-234. Defined Program, Grades 9–12 and Graduation Requirements.

**Preamble:**

The regulation defines the graduation requirements for the State.

Notice of Drafting for the proposed amendments to the regulation was published in the *State Register* on July 28, 2017.

Section-by-Section Discussion

Section I(A)	Deleted keyboarding as a required computer science course
Section I(B)	Added language from the diploma pathways statute
Section I(B)(1)	Added optional graduation requirements
Section I(B)(2)	Added optional diploma pathways endorsement
Section I(B)(3)	Added English requirements to the diploma pathways endorsement
Section I(B)(4)	Added diploma pathway endorsement as option to diploma
Section I(C)	Deleted prior sequence and updated outline
Section I(D)	Deleted prior sequence and updated outline
Section I(E)	Deleted prior sequence and updated outline
Section II(C)	Added commas and the phrase “or one” and deleted the word “and”
Section II(H)(1)	Added clarifying language

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Section II(J)	Deleted keyboarding requirements and renumbers former sub-sections (K–L) to (J–K)
Section III(D)	Deleted phrase “or to” and added “, or certification programs that lead to an industry credential”
Section V(B)(9)	Deleted original physical education language and added physical education requirements from statute
Section VI(E)(4)	Added college entrance exams and career readiness assessments
Section VI(E)(5)	Added requirement for 10 <sup>th</sup> grade assessments
Section VII(A)(1)(a–e)	Items (a)–(e), replaced parentheses with periods
Section VII(E)	Added language on the required longitudinal data system study
Section VII(E)(1)	Added reporting on SC public schools graduates that do not need to be remediated in post-secondary institutions
Section VII(E)(2)	Added reporting on adults with post-secondary education and industry credentials
Section VII(E)(3)	Added reporting on gainfully employed adults 5 and 10 years post high school
Section VII(E)(4)	Added reporting on student achievement and teacher quality
Section VIII	Deleted language on emergency closings that are in state statute

### **Notice of Public Hearing and Opportunity for Public Comment:**

A public hearing will be held on December 12, 2017, at 1:00 p.m. in the Rutledge Conference Center, 1429 Senate Street, Columbia, SC 29201. The proposed amendments to the regulation will be posted on the State Board of Education Web site for review and comment. To review the regulation, click on the attached link [2017–18 Regulations Under Review By The State Board of Education](#).

Written comments should be submitted to Darlene Prevatt, Office of Federal and State Accountability, Division Federal, State, and Community Resources, 1429 Senate Street, Room 501-A, Columbia, South Carolina 29201 or by e-mail to [dprevatt@ed.sc.gov](mailto:dprevatt@ed.sc.gov) or before 5:00 p.m. on November 27, 2017.

### **Preliminary Fiscal Impact Statement:**

No additional state funding is requested. The South Carolina Department of Education estimates that no additional costs will be incurred in complying with the proposed revisions to Reg. 43-234.

### **Statement of Need and Reasonableness:**

DESCRIPTION OF REGULATION: 43-234. Defined Program, Grades 9–12 and Graduation Requirements.

Purpose: State Board of Education (SBE) Regulation 43-234 (Reg. 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 purpose of this amendment is for the regulation to be consistent with the Uniform Grading Policy and with other statutes governing graduation requirements.

Legal Authority: 1976 Code Sections 59-1-425(C), 59-5-60, 59-18-110, 59-18-310(B), 59-29-10 et seq., 59-33-30, 59-53-1810, 20 U.S.C. 1232(g), and Pub. L. No. 114-95.

Plan for Implementation: The proposed amendments will be incorporated within Reg. 43-234 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. School and district personnel will be informed of the new procedures through electronic correspondence.

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

As reflected in 1976 Code Sections 59-1-425(C), 59-5-60, 59-18-110, 59-18-310(B), 59-29-10 et seq., 59-33-30, 59-53-1810, 20 U.S.C. 1232(g), and Pub. L. No. 114-95, the SBE will adopt policies, rules, and regulations not inconsistent with the laws of the State. The purpose of the proposed changes is to ensure the regulation is aligned with the policies and laws governing graduation.

**DETERMINATION OF COSTS AND BENEFITS:**

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

**UNCERTAINTIES OF ESTIMATES:**

There are no uncertainties of estimates relative to the cost 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 regulations are not implemented.

**Statement of Rationale:**

SBE Reg. 43-234 regulates secondary school courses and the graduation requirements. The SBE recently approved a new Uniform Grading Policy and General Assembly recently enacted new law governing diploma pathways. These amendments align the regulation with the policy and the 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.

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Document No. 4785

### STATE BOARD OF EDUCATION

#### CHAPTER 43

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

43-73. Disposition of Instructional Materials Samples after State Adoption Process.

#### Preamble:

State Board of Education Regulation 43-73 sets forth the procedures for the Board-appointed members of the Instructional Materials Review Panels (Panels), the State Department of Education (SCDE), and the publishers/vendors regarding the disposition, retention, and sampling of the instructional materials provided during the review of instructional materials.

The changes to the regulation are proposed to update the process as more materials are provided digitally, combine similar Sections, and delete obsolete procedures. The change to combine content from Section A(5) to Section A(1) will make Section A(5) unneeded.

The proposed change to delete Sections A(6) and A(7) will make obsolete the requirement for the SCDE to store state adopted instructional materials for the duration of the contract. Storage of print materials is no longer needed as state adopted materials are accessible in digital formats.

Notice of Drafting for the proposed amendments to the regulation was published in the *State Register* on July, 28, 2017.

#### Section-by-Section Discussion

Title	Replaced old title “Disposition of Instructional Materials Samples after State Adoption Process” with “Sampling and Dispositions of Instructional Materials after State Adoption Process.”
Entire Document	Cleanup of this regulation includes the change in terminology for consistency throughout the document and to bring the regulation in line with other agency regulations. Terminology changes include replacing publisher(s) with publisher(s)/ vendor(s); State Department of Education with “SCDE”, State Board of Education with “SBE”, Instructional Materials Review Panel(s) with “Panel(s)”, and replace “panel(s)” with “Panel(s)”.
Section A.	Removed number “A.”; see 1 <sup>st</sup> sentence, added “and digital access”; replaced “, textbooks, and” with “including”; replaced “furnished” with “provided by bidding publishers/vendors”; added “(Panels) and the State Department of Education (SCDE)”; added “or accessible to”; added “the SCDE”; see 2 <sup>nd</sup> sentence, replaced “adoption” with “adopted”; replaced “furnished” with “provided”.
Section A.	Renumbered “A.”; added subtitle “Print Instructional Materials”.
Section A(1)	“A(1)”; added “of print materials”.
Section A(2)	“A(2)”; added “and SCDE”.
Section A(3)	“A(3)”, deleted “Where publishers do not elect to reclaim samples or fail to collect the materials” and replaced with “Sample materials not reclaimed or collected,”; deleted “panel members”; added “be”; changed “use” to “used”; added “by Panel members or SCDE staff”; deleted “them”; deleted “own”; added “or” changed “donate” to “donated”; and deleted “them”.
Section A(4)	“A(4)”; changed “panel” to “Panel”.
Section A(5)	Section deleted.
Section A(6)	Section deleted.

- Section A(7) Section deleted.
- Section B Replaced subtitle “Samples of Non-Textbook Materials” with “Digital and Non-Textbook Instructional Materials”.
- Section B(1) First sentence, added “SCDE’s designee for the” replaced “instructional materials adoption program” with “Instructional Materials Adoption Program”; deleted “coordinator”; added “the”; added “digital or”; replaced “kits,” with “kit”; deleted “software, Internet”; see 2<sup>nd</sup> sentence, added “SCDE’s designee”; deleted “program coordinator”; added “the requirement of the” after “acceptable for meeting”; replaced “State Board of Education sampling requirements” with “the requirements of the SBE”.
- Section B(2) Added “and SCDE staff”; deleted “A.2.”; deleted “Unless excluded by the alternative plan, the State Department of Education shall retain non-textbook samples of adopted materials and access to adopted Internet programs for the duration of the contract with its publisher.”
- Section B(3) New subsection.

**Notice of Public Hearing and Opportunity for Public Comment:**

A public hearing will be held on December 12, 2017, at 1:00 p.m. in the Rutledge Conference Center, 1429 Senate Street, Columbia, SC 29201. The proposed amendment regulation will be posted on the State Board of Education Web site for review and comment. To review the regulation, select on the following link [2017–18 Regulations Under Review By The State Board of Education](#).

Written comments should be submitted to Mrs. Clare L. Luther, Instructional Materials and Budget Manager, Office of Finance, 301 Greystone Boulevard, Columbia, SC 29210 South Carolina or by e-mail to [clluther@ed.sc.gov](mailto:clluther@ed.sc.gov) on or before 5:00 p.m. on November 27, 2017.

**Preliminary Fiscal Impact Statement:**

None.

**Statement of Need and Reasonableness:**

DESCRIPTION OF REGULATION: 43-73. Disposition of Instructional Materials Samples after State Adoption Process.

Purpose: Regulation 43-73 establishes the procedures for sampling, receiving, and disposing of the instructional materials samples used during the instructional materials review process by the Board-appointed members of the Panels and the SCDE.

Legal Authority: 1976 Code Sections 59-5-60 and 59-5-65.

Plan for Implementation: The proposed amendments will be incorporated in 43-73 upon publication in the *State Register* as a final regulation. The proposed amendments will be implemented in the same manner as the existing regulation. Panel members and publishers/vendors will be informed of the revised regulations through electronic correspondence and Panel orientation meetings.

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

Regulation 43-73 establishes the procedures for sampling, receiving, and disposing of the instructional materials samples used during the instructional materials review process by the Board-appointed members of the Panels and the SCDE. The proposed amendments remove the SCDE storage of state adopted materials

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requirement which has become obsolete with digital access to the state adopted instructional materials. The addition of Section B(3) of the proposed amendments require the publishers/vendors to make available digital access to the state adopted materials for the duration of the contract with the publisher/vendor.

### DETERMINATION OF COSTS AND BENEFITS:

There is no increased cost to the state nor will the proposed amendments result in any increased cost to the publishers/vendors.

### 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:

Regulation 43-73, Section A details the procedures for publishers to retrieve samples at their own expenses from Panel members and the SCDE.

Regulation 43-73, Sections A(6) and A(7) which require the SCDE to store state adopted instructional materials for the duration of the contract will be eliminated.

Regulation 43-73, Section B(3) requires the publishers/vendors to make available digital access to the state adopted materials for the duration of the instructional materials contract.

### 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. 4786

### STATE BOARD OF EDUCATION CHAPTER 43

Statutory Authority: 1976 Code Sections 59-5-60(7), 59-31-210, and 59-31-360

43-71. Free Textbooks.

### Preamble:

State Board of Education Regulation 43-71 establishes the procedures and provisions for providing state adopted instructional materials for grades K–12 in public schools in the state to include the procedures for the requisitioning and distributing of instructional materials; the guidelines for schools regarding inventory, damage/lost materials, return of materials, and the disposition of out-of-adoption materials; and the provisions for the most favored purchaser requirement to ensure that the State receives the lowest price offered by the

publisher or vendor. Amendments to Regulation 43-71 will establish an updated process and provisions for schools, school districts, and the state and delete obsolete procedures.

The changes to the regulation are proposed to update the process to include the SCDE’s Instructional Materials Web site and delete or replace obsolete procedures. The SCDE’s Instructional Materials Web site has made many procedures in regulation change or become obsolete. Deletions to the amended regulations will include Sections 4, 7, 11, 12, 14, 15, 16, 17, 18, 21, 22, 24, and 26. The proposed deleted Sections 21, 22, and 24 remain applicable to the current process but will be addressed in the Instructional Management Procedures for Schools in accordance with Section 2 of this regulation.

The proposed amendments to 43-71 will include moving Section 28 to Regulation 43-70, Section 14 with revisions. This Section pertains to Regulation 43-70 and the state adoption of instructional materials.

The proposed changes to the regulation will update terminology for consistency throughout the document and to bring the regulation in line with other agency regulations. The terminology update will include changing pupil(s) to student(s), publisher(s) to publisher(s)/vendor(s); and adding (print/digital) after instructional materials.

Notice of Drafting for the proposed amendments to the regulation was published in the *State Register* on July 28, 2017.

Section-by-Section Discussion

Title	Replaced old title “Free Textbooks” with “Distribution Process for State Adopted Instructional Materials (Print/Digital)”.
Entire Document	Cleanup of this regulation included the change in terminology for consistency throughout the document and to bring the regulation in line with other agency regulations and renumbered sections after deleting sections. Terminology changed to include replacing publisher(s) with “publisher(s)/vendor(s)”; State Department of Education with “SCDE”, and State Board of Education with “SBE”.
Section 1	Replaced “Grades 1” with “Kindergarten”; added “Grade” and “(K–12)”; replaced “S. C.” with “South Carolina”; added “and managing state adopted”.
Section 2	Replaced “Free” with “Stated Adopted” in title and 1 <sup>st</sup> sentence; added “the” before “Instructional Materials Management Procedures for Schools” and removed quotes; deleted “by completing the official current order form or on internet”; replaced “South Carolina” with “SCDE’s”; deleted “Central Depository”.
Section 3	Replaced “Free” with “State Adopted” before Instructional Materials.
Section 3(A)	Replaced “Free” with “State Adopted”; added for K–12”; and deleted “on Levels of Achievement” in title; see 1 <sup>st</sup> sentence, deleted “who is a member of any”; added “in”; replaced “grade” with “grades”; added “K–12”; deleted “within the free instructional materials program”; replaced “free” with “state adopted”; deleted “on the appropriate level as indicated by tests and other evaluations”.
Section 3	Added new Section “3(B)”.
Section 3(B)	Renumbered “3(C)”; see 2 <sup>nd</sup> sentence, replaced “program” with “Program; replaced “,” with “,” in two places.
Section 3(C)	Deleted.
Section 3(D)	Added new Section “3(D)”.
Section 4	Deleted.
Section 5	Renumbered Section “4”; deleted “and depositories”; added “Basal” and “Enabling”; added “.”; at the end of the section.
Section 6	Renumbered Section “5”; added “school”; replaced “district” with districts”; deleted “board of trustees”; deleted “and depositories”; deleted “in those schools and depositories”.



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Section 7	Deleted.
Section 8	Renumbered Section “6”. Replaced “Shipping of” with “Receiving” in title; see 1 <sup>st</sup> sentence, deleted “Each”; replaced “school” with “Schools”; deleted “or depository”; replaced “be sent a Shipment Advisory listing” with “receive packing lists itemizing”; added “and the materials available digitally”; deleted “to it”; see 2 <sup>nd</sup> sentence, replaced “school” with “school’s”; added “designee”; deleted “or depository agent”; replaced “Shipment Advisory” with “packing list”; see 3 <sup>rd</sup> sentence, deleted from “Shipment Advisory” to the end of sentence and added “packing list, a Shipping Error Form must be completed via the SCDE’s Instructional Materials web site”.
Section 9	Renumbered Section “7”. Replaced “Records” with “Inventory” in title; see 1 <sup>st</sup> sentence, deleted “Each”; replaced “school” with “Schools”; deleted “and depository”; added “complete an annual statewide inventory of print and digital materials through the Instructional Materials Management System.”; deleted from “maintain” in the 1 <sup>st</sup> sentence to end of 4 <sup>th</sup> sentence; added “Schools shall report lost and damaged materials and remit fees to the SCDE (see Section 8(B) Lost and Damaged Print Instructional Materials).”; deleted “and depository”; membership reports, inventory deleted “anticipated reports.”; replaced “reports” with “data”; deleted “may be”; deleted “Each school shall maintain a record of materials issued to each pupil.”
Section 10	Renumbered Section “8”. Replaced with new section.
Section 11	Deleted.
Section 12	Deleted.
Section 13	Renumbered Section “8(A)”; added “of Print” in subtitle; replaced “Free” with “Print editions of state adopted”; replaced “Instructional” with “instructional”; see 3 <sup>rd</sup> sentence, added “Students shall not remove, deface, or damage barcodes on state-owned materials.”
Section 14	Deleted.
Section 15	Deleted.
Section 16	Deleted.
Section 17	Deleted.
Section 18	Deleted.
Section 19	Renumbered Section “8(B)”; added “and Damaged Print” to subtitle; numbered the first three sentences subsection“(B)(1)”; added “lost and damaged”; deleted “lost” after “instructional materials”; replaced “Free” with “State Adopted”; deleted “with this requirement”; deleted 4 <sup>th</sup> sentence; numbered 5 <sup>th</sup> sentence subsection (B)(2); added “for lost and damaged beyond use materials”; deleted last sentence in section.
Section 20	Deleted subtitle; deleted 1 <sup>st</sup> , 2 <sup>nd</sup> , and 3 <sup>rd</sup> sentences of section and added reminder of the paragraph to the end of Section 8(B)(2) with the following changes: replaced “in such cases”; replaced “agent” with “authorized personnel”; replaced “cost exceed the amount of charge applicable had the materials been lost” with “amount charged for lost or damaged materials exceed the replacement cost.”; deleted “,” and reminder of sentence; added “Useable”; replaced “Materials” with “materials”; deleted next to last sentence in paragraph starting with “Materials damage fees”; added to last sentence in paragraph “lost or” and “beyond use” after “damaged”; added “(See Section 9)” to end paragraph.
Section 21	Deleted.
Section 22	Deleted.
Section 23	Renumbered Section “8(C)”; see 1 <sup>st</sup> sentence, deleted “or depositories shall not”; added “must”; added “to the Central Depository”; replaced “used free” with “surplus instructional materials (print/digital)”; added “using the Instructional Materials Management System”; deleted from “except when requested” to the

	end of section.
Section 24	Deleted.
Section 25	Renumbered Section “8(D)”;
Section 25(A)	added “Print” to subtitle;
Section 25(B)	Removed “A.”; added “state”;
Section 25(C)	added new Section “8(D)(1)”.
Section 25(D)	Renumbered Section “8(D)(2)”;
Section 25(E)	replaced new section.
	Deleted.
	Deleted.
	Deleted.
	Renumbered Section “8(D)(3)”.
	Deleted 1 <sup>st</sup> sentence; deleted “attempt to”;
	deleted “. Districts may dispose of those materials in any manner”;
	replaced “used” with “out-of-adoption”;
	added new sentence to end of section.
Section 26	Deleted.
Section 27	Renumbered Section “9”;
	replaced “textbook” with “instructional materials” in 2 <sup>nd</sup> sentence.
Section 28	Moved Section 28 to Regulation 43-70, Section 14 with revisions.
Section 29	Renumbered Section “10”;
	see 1 <sup>st</sup> sentence, added “instructional”;
	deleted “just closed”;
	see 3 <sup>st</sup> sentence, added “instructional”;
	replaced “5” with “five”.

**Notice of Public Hearing and Opportunity for Public Comment:**

A public hearing will be held on December 12, 2017, at 1:00 p.m. in the Rutledge Conference Center, 1429 Senate Street, Columbia, SC 29201. The proposed amendments to the regulation will be posted on the State Board of Education Web site for review and comment. To review the regulation, select the following link [2017–18 Regulations Under Review By The State Board of Education](#).

Written comments should be submitted to Mrs. Clare L. Luther, Instructional Materials and Budget Manager, Office of Finance, 301 Greystone Boulevard, Columbia, SC 29210 South Carolina or by e-mail to [clluther@ed.sc.gov](mailto:clluther@ed.sc.gov) on or before 5:00 p.m. on November 27, 2017.

**Preliminary Fiscal Impact Statement:**

None.

**Statement of Need and Reasonableness:**

DESCRIPTION OF REGULATION: 43-71. Free Textbooks.

Purpose: Regulation 43-71 establishes the procedures and provisions for providing state adopted instructional materials for grades K–12 in public schools in the State.

Legal Authority: 1976 Code Sections 59-5-60(7), 59-31-210, and 59-31-360.

Plan for Implementation: The proposed amendments will be incorporated in 43-71 upon publication in the *State Register* as a final regulation. The proposed amendments will be implemented in the same manner as the existing regulation. School districts, schools, and publishers/vendors will be informed of the revised regulations through electronic correspondence and the SCDE’s Instructional Materials Web site.

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

State Board of Education Regulation 43-71 establishes the procedures and provisions for providing state adopted instructional materials for grades K–12 in public schools in the state to include the procedures for the requisitioning and distributing of instructional materials; the guidelines for schools regarding inventory, damage/lost materials, return of materials, and the disposition of out-of-adoption materials; and the provisions

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for the most favored purchaser requirement to ensure that the state receives the lowest price offered by the publisher or vendor.

Amendments to Regulation 43-71 will establish an updated process and provisions for schools, school districts, and the state and delete obsolete procedures. The proposed amendments to 43-71 will include moving Section 28 to Regulation 43-70, Section 14 with revisions. This Section pertains to Regulation 43-70 and the state adoption of instructional materials.

### DETERMINATION OF COSTS AND BENEFITS:

There is no increased cost to the state nor will the proposed amendments result in any increased cost to the publishers/vendors.

### 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:

Regulation 43-71 amendments detail an update to the process to include the SCDE's Instructional Materials Web site, deleting obsolete procedures, and cleaning up terminology for consistency and to bring the regulation in line with other agency regulations.

Regulation 43-71, Sections 4, 7, 11, 12, 14, 15, 16, 17, 18, 21, 22, 24, and Section 26 are deleted. The SCDE's Instructional Materials web site has made many of the procedures in regulation obsolete. The proposed deleted Sections 21, 22, and 24 remain applicable to the current process but will be addressed in the Instructional Management Procedures for Schools in accordance with Section 2 of this regulation.

Regulation 43-71, Section 28 moves to Regulation 43-70, Section 14 with revisions. This Section pertains to Regulation 43-70 and the state adoption of instructional materials.

### 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. 4780  
**STATE BOARD OF EDUCATION**  
 CHAPTER 43

Statutory Authority: 1976 Code Sections 59-5-65, 59-65-90, Pub. L. No. 114-95, and  
 42 U.S.C. 5601 et seq.

43-274. Student Attendance.

**Preamble:**

This regulation defines lawful and unlawful absences, truancy, and attendance reporting requirements.

Notice of Drafting for the proposed amendments to the regulation was published in the *State Register* on July 28, 2017.

Section-by-Section Discussion

Entire Document	All subsections, replaced parentheses with periods
Section II(A)	Added language to clarify absence
Section II(B)	Added language to clarify absence
Section II(C)	Added language to clarify absence
Section IX	Deletes entire provision

**Notice of Public Hearing and Opportunity for Public Comment:**

A public hearing will be held on December 12, 2017, at 1:00 p.m. in the Rutledge Conference Center, 1429 Senate Street, Columbia, SC 29201. The proposed amendments to the regulation will be posted on the State Board of Education Web site for review and comment. To review the regulation, click on the attached link [2017–18 Regulations Under Review By The State Board of Education](#).

Written comments should be submitted to Darlene Prevatt, Office of Federal and State Accountability, Division Federal, State, and Community Resources, 1429 Senate Street, Room 501-A, Columbia, South Carolina 29201 or by e-mail to [dprevatt@ed.sc.gov](mailto:dprevatt@ed.sc.gov) or before 5:00 p.m. on November 27, 2017.

**Preliminary Fiscal Impact Statement:**

No additional state funding is requested. The South Carolina Department of Education estimates that no additional costs will be incurred in complying with the proposed revisions to Reg. 43-274.

**Statement of Need and Reasonableness:**

DESCRIPTION OF REGULATION: Student Attendance.

Purpose: State Board of Education (SBE) Regulation 43-274 (Reg. 43-274) establishes lawful and unlawful absences, defines truancy and reporting requirements, establishes intervention plans, and outlines referrals with judicial intervention and the South Carolina Department of Juvenile Justice.

The purpose of the amendments is to more clearly define absences.

Legal Authority: Statutory Authority: 1976 Code Sections 59-5-65, 59-65-90, Pub. L. No. 114-95, and 42 U.S.C. 5601 et seq.

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Plan for Implementation: The proposed amendments will be incorporated within Reg. 43-274 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. School and district personnel will be informed of the new procedures through electronic correspondence.

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

As reflected in 1976 Code Sections 59-5-65, 59-65-90, Pub. L. No. 114-95, and 42 U.S.C. 5601 et seq., the SBE will adopt policies, rules, and regulations not inconsistent with the laws of the State. The purpose of the proposed change is to ensure uniformity in the definition and reporting of student absences.

### DETERMINATION OF COSTS AND BENEFITS:

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

### UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates relative to the cost 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 regulations are not implemented.

### Statement of Rationale:

The amendment will clarify the definition of absence for the purposes of reporting chronic absenteeism to the Office of Civil Rights.

### 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. 4787  
**STATE BOARD OF EDUCATION**  
CHAPTER 43

Statutory Authority: 1976 Code Sections 59-5-60(7), 59-5-90, 59-31-30, 59-31-40, 59-31-50, 59-31-210, and 59-31-510 et seq.

43-70. Textbook Adoption Regulation.

### Preamble:

Through South Carolina Code of Laws Section 59-5-60(7), the State Board of Education has the responsibility and duty to adopt the instructional materials used for instruction in the free public schools of the state and

establish the process for the State Adoption Instructional Materials Program (print and digital). South Carolina contract statutes and any other applicable state laws guide the instructional materials adoption process. Amendments to Regulation 43-70 will update the process for print and digital instructional materials and revise the timeline for the review and adoption of instructional materials provided for student and classroom use.

The proposed amendments to 43-70 will include moving Regulation 43-71, Section 28 with revisions, adding Regulation 43-73, Section B(2) with revisions, and a new Section 15 for digital materials (state adopted and unvetted).

The proposed changes to the regulation will update terminology for consistency throughout the document and to bring the regulation in line with other agency regulations. The terminology update will include changing Instructional Materials Review Panel(s) to Panel(s), Instructional Materials Advisory Committee to Advisory Committee, State Board of Education to SBE, State Department of Education to SCDE, State Superintendent of Education to SSE, publisher(s) to publisher(s)/vendor(s); adding (print/digital) after instructional materials.

Notice of Drafting for the proposed amendments to the regulation was published in the State Register on July 28, 2017.

Section-by-Section Discussion

Title	Replaced old title “Textbook Adoption Regulation” with “Instructional Materials Adoption Program”.
Entire Document	Cleanup of this regulation included the change in terminology for consistency throughout the document and to bring the regulation in line with other agency regulations and renumbered sections after deleting sections. Terminology changed to include replacing publisher(s) with “publisher(s)/vendor(s)”; State Department of Education with “SCDE”; State Superintendent of Education to SSE, State Board of Education with “SBE”; Instructional Materials Review Panel(s) to “Panel(s), Instructional Materials Advisory Committee to “Advisory Committee”.
Section 2	Deleted.
Section 3	Renumbered Section “2”; see 2 <sup>nd</sup> sentence deleted “fifteen”; deleted “; six members”; deleted “; eight members”; added “or”; deleted “;”; added “with”; added “,” after “congressional district”; replaced “and two” with “at least one”; replaced “;” with “,”; deleted “, preferably a former member of the State Board of Education”; replaced “interests” with “expertise”; replaced “Seven” with “Half”; replaced “; eight” with “and the other members”; deleted “.” and added “and meet annually with additional meetings, when necessary, at the request of the SBE, SSE, or a majority of the members.”; see 2 <sup>nd</sup> paragraph 1 <sup>st</sup> sentence, deleted “to the State Board of Education through the State Superintendent of Education”; deleted “needed”; added “instructional materials (print/digital)”; deleted “instructional materials”; deleted “in regard to exercising options in”; added “for”; replaced “contracts; recommendations in regard to renegotiating” with “and”; replaced “;” with “,”; deleted “and recommendations for”; replaced “prioritization of” with “prioritizing”; added “of instructional materials (printed/digital)”; added “, and adoption areas for the call for bids of instructional materials (print/digital)”; replaced “new and improved methods of presenting instructional materials. The Committee is authorized to.” with “the cyclical schedule for new and revised academic standards and career and technology education course standards and”; added “with”; replace “.Special” with “special”; deleted “should be”; added two sentences at the end of the 2 <sup>nd</sup> paragraph”; deleted 3 <sup>rd</sup> and 4 <sup>th</sup> paragraphs in Section 3.
Section 4	Renumbered Section “3”; replaced “each” with “the”; replaced “area” with “areas”; added “recommended by the Advisory Committee”; deleted from “for which a

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- curriculum” through “State Superintendent of Education.”; replaced “curriculum framework” with “standards”; deleted “For each position there shall be a nominee and one alternate.”; added “The SSE shall recommend the number and size of Panels needed with length of service for each member and”; deleted “In the event the nominee does not accept, the State Superintendent of Education”; delete “the”; replaced “alternate” with “alternates”; add “should nominees not accept, and to appoint a SCDE staff member as facilitator for each Panel.”; deleted “and to make other substitutions when necessary.”; see second paragraph, replaced “. Each Review Panel may have up to 25 percent” with “, and include”; deleted last sentence in paragraph.
- Section 5 Renumbered Section “4”; added “subject area”; deleted “a curriculum framework standards”; deleted “The State Board of Education, through the State Superintendent of Education, shall make information relative to”; replaced “the” with “The”; added “with bidding instructions, bid forms, sample of the contract and bond, and information to ensure print and digital instructional materials are accessible to students with disabilities will be made available”; deleted “to publishers/vendors and school administrators, not later than 210 calendar days preceding the adoption date. It shall also make arrangements for an official announcement at least forty-five days before bids are to be opened. This announcement shall be sent”; deleted 2<sup>nd</sup> and 3<sup>rd</sup> paragraphs in section.
- Section 15 Renumbered Section “5”; replaced “home” with “e-mail” in two places; added “and addresses” in two places.
- Section 6 Deleted 1<sup>st</sup> paragraph; see 2<sup>nd</sup> paragraph, replaced “distributing” with “providing”; added “with briefs and correlations using the applicable standards”; added “and the SCDE”; deleted “by the State Board of Education”; replaced 2<sup>nd</sup> and 3<sup>rd</sup> sentences with two new sentences; deleted last three sentences in paragraph starting with “Arrangements shall”; replaced 3<sup>rd</sup> paragraph with new paragraph.
- Section 7 Replaced 1<sup>st</sup> sentence with new sentence; “deleted Panel evaluation,”; added “recommended”; deleted “which the Panel recommends as suitable for adoption,”; deleted “which includes”; deleted “item”; added “which includes”; replaced “text” with “the student”; deleted “level of learning difficulty,”; replaced 2<sup>nd</sup> and 3<sup>rd</sup> paragraph with new paragraph; see 4<sup>th</sup> paragraph added “access”; deleted “and copies of”; deleted “, curriculum framework, occupation education core curriculum,”; replaced “,” with “,”; added “information to ensure print and digital instructional materials are accessible to students with disabilities, information on manufacturing and industry standards for print and digital materials,”; replaced “his/her” with “the”; see 5<sup>th</sup> paragraph, deleted 2<sup>nd</sup> sentence; replaced 6<sup>th</sup> paragraph with three new paragraphs; deleted 7<sup>th</sup> paragraph.
- Section 8 Added “or under review”; deleted “sites”; added “conducted virtually and/or at display sites held in”; added “locations,” deleted “at as many state supported colleges and universities or, if necessary, other designated sites as will agree to host such reviews”; added “print”; added “or digital access to the materials”; added “the”; replaced “Public review sites shall be advertised in each congressional district in the newspaper with the largest circulation figures for that district” with “The SCDE shall announce the public review through its web site, the news media, and school districts”.
- Section 9 Replaced title “Review Panel Recommendations Submitted to State Board of Education with “Manufacturing and Industry Standards and Accessibility Compliance for Print and Digital Instructional Materials”; added “,”; added “industry standards for digital materials, Federal requirements to ensure print and digital instructional materials are accessible to students with disabilities,”; see 2<sup>nd</sup> paragraph, replaced “Materials” with “Instructional materials”; replaced “and specifications for those types of materials” with “for print materials or industry

- standards for digital materials”; added new 2<sup>nd</sup> sentence; see 3<sup>rd</sup> paragraph, deleted “physical”; added “members”; added new 4<sup>th</sup> paragraph at end of section.
- Section 10 Deleted.
- Section 11 Renumbered Section “10”; replaced “. A copy shall be provided” with “and make the listing available”; deleted “each”; replaced “school” with “schools”; replaced “district” with “districts”.
- Section 12 Renumbered Section “11”; replaced “copyrights” with “editions of”; see 2<sup>nd</sup> paragraph, numbered “A.”; replaced “later copyright” with “newer edition”; deleted “with minor changes that can be used interchangeably in the same classroom without confusion”; replaced “submit” with “provide”; added “or digital access” in two places; see 3<sup>rd</sup> paragraph, numbered “B.”; deleted “,”; added “or the SCDE’s designee,”; deleted 2<sup>nd</sup> sentence.
- Section 12(B) Renumbered Section “12(C)”; added “If, after consultation with the appropriate Panel, or the SCDE’s designee,”; replaced “Any company desiring to substitute a later copyright” with “newer edition”; deleted “that”; added “deemed”; added “the SSE shall require”; replaced “must make application to the State Board of Education and” with “the publisher/vendor”; deleted “agree”; replaced “take up” with “replace”; deleted “copies”; replaced “of the old instructional material” with “of the old editions (print/digital)”; added “with the newer editions.”; replaced “and allow” with “Additionally, the publisher/vendor must allow”; deleted last two sentences in Section 12(B) starting with “The State Board”; added new Section “12(D)”.
- Section 12(C) Renumbered Section “12(E)”.
- Section 13 Renumbered Section “12”; added “and Advisory Committee” to section title.
- Section 14 Renumbered Section “13”; deleted “by May of each year”; see 2<sup>nd</sup> paragraph, 1<sup>st</sup> sentence, replaced “copies of” with “to provide”; replaced “for use by” with “to”.
- Section 14 New Section 14 added from Regulation 73-71 with revisions.
- Section 15 Section 15 moved to Section 5; new Section 15 added.

**Notice of Public Hearing and Opportunity for Public Comment:**

A public hearing will be held on December 12, 2017, at 1:00 p.m. in the Rutledge Conference Center, 1429 Senate Street, Columbia, SC 29201. The proposed amendments to the regulation will be posted on the State Board of Education Web site for review and comment. To review the regulation, select the following link [2017–18 Regulations Under Review By The State Board of Education](#).

Written comments should be submitted to Mrs. Clare L. Luther, Instructional Materials and Budget Manager, Office of Finance, 301 Greystone Boulevard, Columbia, SC 29210 South Carolina or by e-mail to [clluther@ed.sc.gov](mailto:clluther@ed.sc.gov) on or before 5:00 p.m. on November 27, 2017.

**Preliminary Fiscal Impact Statement:**

None.

**Statement of Need and Reasonableness:**

DESCRIPTION OF REGULATION: 43-70, Textbook Adoption Regulation.

Purpose: Regulation 43-70 provides the SBE the responsibility to establishes the procedures and provisions for providing state adopted instructional materials for grades K–12 in public schools in the state.

Legal Authority: 1976 Code Sections 59-5-60(7), 59-5-90, 59-31-30, 59-31-40, 59-31-50, 59-31-210, and 59-31-510 et seq.



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Plan for Implementation: The proposed amendments will be incorporated in 43-70 upon publication in the *State Register* as a final regulation. The proposed amendments will be implemented in the same manner as the existing regulation. School districts, schools, and publishers/vendors will be informed of the revised regulations through electronic correspondence and the SCDE's Instructional Materials web site.

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

Through South Carolina Code of Laws Section 59-5-60(7), the State Board of Education has the responsibility and duty to adopt the instructional materials used for instruction in the free public schools K–12 of the state and establish the process for the State Adoption Instructional Materials Program (print/digital). Amendments to Regulation 43-70 will update the process for print and digital instructional materials and revise the timeline for the review and adoption of instructional materials provided for student and classroom use.

The proposed amendments to 43-70 will include moving Regulation 43-71, Section 28 with revisions, adding Regulation 43-73, Section B(2) with revisions, and a new Section 15 for digital materials (state adopted and unvetted).

The proposed changes to the regulation will update terminology for consistency throughout the document and to bring the regulation in line with other agency regulations. The terminology update will include changing Instructional Materials Review Panel(s) to Panel(s), Instructional Materials Advisory Committee to Advisory Committee, State Board of Education to SBE, State Department of Education to SCDE, State Superintendent of Education to SSE, publisher(s) to publisher(s)/vendor(s); adding (print/digital) after instructional materials.

### DETERMINATION OF COSTS AND BENEFITS:

There is no increased cost to the state nor will the proposed amendments result in any increased cost to the publishers/vendors.

### 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:

Regulation 43-70 amendments detail an update to the process and timeline for the state adoption of instructional materials, adding new procedures for digital materials, and cleaning up terminology for consistency and to bring the regulation in line with other agency regulations.

Regulation 43-70, Section 28 moves to Regulation 43-70, Section 14 with revisions. This Section pertains to Regulation 43-70 and the state adoption of instructional materials.

The proposed amendments to 43-70 include adding Regulation 43-73, Section B(2) with revisions and a new Section 15 for digital materials (state adopted and unvetted).

**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. 4781

**STATE BOARD OF EDUCATION**  
CHAPTER 43

Statutory Authority: 1976 Code Sections 59-19-90, 59-63-30 et seq., 59-63-420, 59-63-470, 59-63-480, 59-63-490, 59-63-500, 59-63-510, 59-63-520, 59-63-530, 59-65-30, 59-65-90, and 20 U.S.C. 7165

43-273. Transfers and Withdrawals.

**Preamble:**

This regulation governs the smooth transferal and withdrawal system of students from within the state and outside the state of South Carolina.

Notice of Drafting for the proposed amendments to the regulation was published in the State Register on July 28, 2017.

Section-by-Section Discussion

Section C. Deleted existing language and added language from the Uniform Grading Policy on transfers from home schools, private schools, and out-of-state non-public charter school

**Notice of Public Hearing and Opportunity for Public Comment:**

A public hearing will be held on December 12, 2017, at 1:00 p.m. in the Rutledge Conference Center, 1429 Senate Street, Columbia, SC 29201. The proposed amendments to the regulation will be posted on the State Board of Education Web site for review and comment. To review the regulation, click on the attached link [2017-18 Regulations Under Review By The State Board of Education](#).

Written comments should be submitted to Darlene Prevatt, Office of Federal and State Accountability, Division Federal, State, and Community Resources, 1429 Senate Street, Room 501-A, Columbia, South Carolina 29201 or by e-mail to [dprevatt@ed.sc.gov](mailto:dprevatt@ed.sc.gov) or before 5:00 p.m. on November 27, 2017.

**Preliminary Fiscal Impact Statement:**

No additional state funding is requested. The South Carolina Department of Education estimates that no additional costs will be incurred in complying with the proposed revisions to Reg. 43-273.

**Statement of Need and Reasonableness:**

DESCRIPTION OF REGULATION: Transfers and Withdrawals.

Purpose: State Board of Education (SBE) Regulation 43-273 (Reg. 43-273) governs the transfer and withdrawal of students and student records. It also gives the process by which the district accepts units earned by a student in an accredited high school of this state, in a school of another state which is accredited under the regulations of the board of education of that state, and from a school, which is not accredited.

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The purpose of this amendment is to clarify language and create consistent applications for the schools and districts to process transfers and withdrawals of students from schools.

Legal Authority: 1976 Code Sections 59-19-90, 59-63-30 et seq., 59-63-420, 59-63-470, 59-63-480, 59-63-490, 59-63-500, 59-63-510, 59-63-520, 59-63-530, 59-65-30, 59-65-90, and 20 U.S.C. 7165

Plan for Implementation: The proposed amendments will be incorporated within Reg. 43-273 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. School and district personnel will be informed of the new procedures through electronic correspondence.

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

As reflected in 1976 Code Sections 59-19-90, 59-63-30 et seq., 59-63-420, 59-63-470, 59-63-480, 59-63-490, 59-63-500, 59-63-510, 59-63-520, 59-63-530, 59-65-30, 59-65-90, and 20 U.S.C. 7165, the SBE will adopt policies, rules, and regulations not inconsistent with the laws of the State. The purpose of the proposed change is to ensure compliance with the new Uniform Grading Policy and ensuring a smooth transition for student transferring within and out of the state of South Carolina school system.

### DETERMINATION OF COSTS AND BENEFITS:

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

### UNCERTAINTIES OF ESTIMATES:

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

### EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

The proposed regulations have 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 regulations are not implemented.

### Statement of Rationale:

SBE Reg. 43-273 regulates the transferal and withdrawal of students from within and out of the state of South Carolina. The SBE has approved a new Uniform Grading Policy. The amendments to the regulation will update the language to provide a smoother and more consistent transition whether the student is from a public school, home school, private school, or out-of-state non-public charter school.

### 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. 4791  
**DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL**  
 CHAPTER 61  
 Statutory Authority: 1976 Code Section 13-7-40

61-63. Radioactive Materials (Title A).

**Preamble:**

The federal Atomic Energy Act of 1954 enables the United States Nuclear Regulatory Commission (“Commission”) to enter into agreements with state governors allowing for state regulation of byproduct, source, and special nuclear materials. 42 U.S.C. Section 2121. The Commission enters into such agreements if it finds the state regulatory program complies with applicable federal regulations. *Id.* To renew South Carolina’s ongoing agreement with the Commission, the Department of Health and Environmental Control (“DHEC”) proposes amendments to Regulation 61-63 for compliance with the Commission’s federal regulatory updates. The proposed amendments add clarification or corrections to Parts II, V, VII, and XII of the regulation. Additionally, for Part II, the proposed amendments enable specific licensees to install and service generally licensed devices. For Part XII, Physical Protection of Category 1 and Category 2 Quantities of Radioactive Material, the proposed amendments enable individuals receiving security-related information to protect it from public disclosure. DHEC proposes these amendments for compliance with federal regulations 10 CFR Parts 19, 20, 30, 31, 32, 34, 37, 40, 61 and 71.

In accordance with S.C. Code Section 1-23-120(H), the proposed amendments do not require legislative review as DHEC promulgates the amendments to comply with federal law indicated above.

A Notice of Drafting for this amendment was published in the *S.C. State Register* on April 28, 2017.

Section-by-Section Discussion of Proposed Amendments:

2.3.5

Revised to add text for clarification.

2.4.2.4

Revised to add text for clarification.

2.4.2.6 through subparagraphs 2.4.2.6.3

Added to allow specific licensees to install and service generally licensed devices.

2.7.14.8.2

Revised to add text for clarification.

2.20.2.2.13

Revised to add text for clarification.

2.20.2.3

Revised to add text for clarification.

2.20.2.5.6.1

Revised to add text for clarification.

2.22.1

Revised to delete reference and add new exceptions.

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2.22.5 through subparagraphs 2.22.5.3.5

Added to allow a general license for transportation of NRC-approved packages.

2.22.6 through subparagraphs 2.22.6.4.2

Added to allow a general license for transportation of foreign -approved packages.

2.22.7 through subparagraphs 2.22.7.2

Added to require maintenance of records.

2.22.8 through subparagraphs 2.22.8.3.1

Added to describe the quality assurance requirements.

2.22.9 through subparagraphs 2.22.9.1

Added to describe the quality assurance organization.

2.22.10 through subparagraphs 2.22.10.3

Added to describe how changes are to be made to quality assurance program.

2.22.11 through subparagraphs 2.22.11.1

Added to describe the quality assurance records' requirements.

3.55.1.1

Revised to change text for accuracy of information.

5.6.1

Revised to add text for clarification and add new web address.

7.32.8

Added. This provision was previously omitted during a prior revision.

12.5.2.2

Revised to change reference.

12.7.1.5

Revised to add text for clarification.

12.7.3.1

Text is removed and added to reflect correct name and email address. Web address added.

12.8.1.10

Revised to add text for clarification.

12.12.4.1

Revised to remove text.

12.23.1.1

Revised to remove and replace web address.

12.23.6

Added to require the protection of security related information.

**Notice of Public Hearing and Opportunity for Public Comment:**

Interested persons may submit written comments on the amendment by writing to James K. Peterson by mail at Bureau of Radiological Health, Division of Radioactive Material Licensing and Compliance, South Carolina Department of Health and Environmental Control, 2600 Bull Street, Columbia, SC 29201; by facsimile at 803-545-4412; or by email at [petersjk@dhec.sc.gov](mailto:petersjk@dhec.sc.gov). To be considered, comments must be received no later than 5:00 p.m. on November 27, 2017, the close of the public comment period. Comments received shall be submitted in a “Summary of Public Comments and Department Responses” for the Board of Health and Environmental Control’s consideration at the public hearing.

Interested persons may also make oral and/or written comments on the amendment at a public hearing to be conducted by the Board of Health and Environmental Control at its regularly scheduled meeting on December 7, 2017. The Board will conduct the public hearing in the Board Room, Third floor, Aycock Building of the Department of Health and Environmental Control at 2600 Bull Street, Columbia, South Carolina 29201. The Board meeting commences at 10:00 a.m. at which time the Board will consider items on its agenda in the order presented. The order of presentation for public hearings will be noted in the Board’s agenda published by the Department twenty-four (24) hours in advance of the meeting at the following address: <http://www.scdhec.gov/Agency/docs/AGENDA.PDF>. Persons desiring to make oral comments at the hearing are asked to limit their statements to five (5) minutes or less and, as a courtesy, are asked to provide written copies of their presentation for the record. Due to admittance procedures at the DHEC Building, all visitors should enter through the Bull Street entrance and register at the front desk.

The DHEC Regulation Development Update (accessible at <http://www.scdhec.gov/Agency/RegulationsAndUpdates/RegulationDevelopmentUpdate/>) provides a summary of the proposed amendment, a link to the proposed amendment, and applicable contact information. Interested persons may also obtain a copy of the proposed amendment by contacting James K. Peterson at the above mailing address or by email at [petersjk@dhec.sc.gov](mailto:petersjk@dhec.sc.gov).

**Statement of Need and Reasonableness:**

The following is based on an analysis of the factors listed in 1976 Code Section 1-23-115(C)(1)-(3) and (9)-(11):

DESCRIPTION OF REGULATION: Proposed Amendment to R.61-63, Radioactive Materials (Title A).

Purpose: The Department of Health and Environmental Control proposes amendments to Regulation 61-63 for compliance with federal regulations 10 CFR Parts 19, 20, 30, 31, 32, 34, 37, 40, 61 and 71.

Legal Authority: 1976 Code Section 13-7-40.

Plan for Implementation: The proposed regulation is available electronically on the South Carolina Legislature website. The DHEC Regulation Development Update (accessible at <http://www.scdhec.gov/Agency/RegulationsAndUpdates/RegulationDevelopmentUpdate/>) also provides a link to the proposed regulation. Printed copies are available for a fee from the Department’s Freedom of Information Office.

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

The federal Atomic Energy Act of 1954 enables the United States Nuclear Regulatory Commission (“Commission”) to enter into agreements with state governors allowing for state regulation of byproduct, source, and special nuclear materials. 42 U.S.C. Section 2121. The Commission enters into such agreements if it finds the state regulatory program complies with applicable federal regulations. To renew South Carolina’s ongoing agreement with the Commission, the Department of Health and Environmental Control proposes amendments

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to Regulation 61-63 for compliance with the Commission's federal regulatory updates. The amendments are beneficial in that they ensure state oversight of required standards.

### DETERMINATION OF COSTS AND BENEFITS:

Neither the state nor its political subdivisions will incur additional cost through implementation of this amendment. Existing staff and resources will be utilized to implement this amendment to the regulation. The amendment will not create any significant additional cost to the regulated community since requirements or changes to the regulations will be substantially consistent with the current guidelines and review guidelines utilized by the Department.

### UNCERTAINTIES OF ESTIMATES:

None.

### EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

These amendments seek to ensure an effective regulatory program for radioactive material users under state jurisdiction and protection of the public and workers from unnecessary exposure to ionizing radiation.

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

None. Federal requirements will apply to all affected users. The proposed amendments eliminate possible duplicative or redundant requirements.

### 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. 4792  
**DEPARTMENT OF INSURANCE**  
CHAPTER 69

Statutory Authority: 1976 Code Sections 1-23-110 et seq., 38-3-110, and 38-9-200 et seq.

69-53. Credit for Reinsurance.

### Preamble:

The South Carolina Department of Insurance proposes amendments based upon a recently approved NAIC model law and regulation. The amendments are part of a larger effort to modernize reinsurance regulation in the United States. The reinsurance framework is based on federal legislation. The proposed changes would allow the director or his designee to adopt additional requirements relating to 1) the valuation of assets or reserve credits; 2) the amount and forms of security supporting reinsurance arrangements; and 3) the circumstances under which reinsurance credit can be reduced or eliminated. Conforming to the NAIC's credit for reinsurance models is necessary for a state to maintain NAIC accreditation.

#### Section-by-Section Discussion

Entire Document

Adds and deletes language to make the Regulation compliant with the NAIC's Credit for Reinsurance Model Regulation. Corrects numbering.

Section IV.B

Adds language from NAIC Model Regulation.

Section VI.B.1 and 2	Adds language from NAIC Model Regulation.
Section VI.B.3.a.(1) and (2)	Corrects errors in earlier version of the NAIC Model Regulation regarding dates.
Section VI.E.6.a.(2)	Changes the Organization that approves automated securities quotation system to comply with NAIC Model Regulation.
Section VI.E.8.a.	Corrects citation error in earlier Regulation.
Section VIII	Adds language necessary to comply with NAIC Model Regulation regarding Certified Reinsurers, and corrects numbering.
Section IX	Corrects numbering.
Section IX.A.2.	Adds language from Model regarding securities.
Section IX.B.	Corrects numbering.
Section X	Corrects numbering.
Section X.B.4.d.	Adds language from NAIC Model Regulation.
Section X.B.12	Corrects numbering.
Section X.B.13	Adds language from NAIC Model Regulation regarding valuing assets.
Section X.D.1.b.	Deletes language not in Model Regulation regarding valuing assets.
Section X.D.1.b – d	Corrects numbering.
Section X.D.2.a.(1) and (2)	Adds “current fair” to market value.
Section XI	Corrects numbering.
Section XI.F.	Corrects reference to publications regarding letters of credit.
Section XI.G.	Removes language not in NAIC Model Regulation.
Sections XI. G – I	Corrects numbering.
Sections XII	Corrects numbering.
Section XIII	Corrects numbering.
Section XIII.A.	Adds language from NAIC Model Regulation regarding insolvency clause in reinsurance contract.
Section XIII.C.	Adds language from Model Regulation regarding reinsurance intermediary clause.
Section XIV	Adds Form CR-1 - Certificate of Certified Reinsurer form from Model Regulation.

Notice of Drafting was published in the *State Register* on August 25, 2017.

**Notice of Public Hearing and Opportunity for Public Comment:**

A Public Hearing will be held before the Administrative Law Judge beginning at 10:00 a.m., Thursday, November 30, 2017, at the Administrative Law Court, 2<sup>nd</sup> Floor hearing room, Edgar A. Brown Building, 1205 Pendleton Street, Columbia, South Carolina. The South Carolina Department of Insurance proposes to amend Regulation 69-53 Credit for Reinsurance

Written comments should be submitted in writing to Melissa Manning, Associate General Counsel, South Carolina Department of Insurance, 1201 Main Street, Suite 1000, Columbia, South Carolina, 29201. To be considered, all comments must be received no later than 5:00 p.m. on November 27, 2017.

**Preliminary Fiscal Impact Statement:**

No additional state funding is requested. The Department estimates that no additional costs will be incurred by the state in complying with the proposed amendments to 69-53.

**Statement of Need and Reasonableness:**

DESCRIPTION OF REGULATION: 69-53. Credit for Reinsurance.



## 50 PROPOSED REGULATIONS

**Purpose:** The purpose of this regulation is to set forth rules and procedural requirements that the director or his designee deems necessary to carry out the provisions of Sections 38-9-190 through 38-9-220.

**Legal Authority:** 1976 Code Sections 1-23-110 *et seq.*, 38-3-110, and 38-9-200 *et seq.*

**Plan for Implementation:** The proposed amendments will take effect upon approval by the S.C. General Assembly and publication in the State Register. This regulation will also be published on the S.C. Legislature website in the S.C. Code of Regulations.

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

The amendments are necessary to conform to the NAIC's credit for reinsurance models allowing for the State to maintain its NAIC accreditation, are necessary and appropriate in the public interest and for the protection of the ceding insurers in this State.

### DETERMINATION OF COSTS AND BENEFITS:

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

### UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates relative to the cost to the state or its political subdivisions.

### EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

The proposed amendments have 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 amended.

### **Statement of Rationale:**

The proposed amendments to this regulation are based upon a recently approved NAIC model law and regulation. The amendments are part of a larger effort to modernize reinsurance regulation in the United States. The reinsurance framework is based on federal legislation. On July 21, 2010, Congress and the President signed related federal legislation, the Non-admitted and Reinsurance Reform Act which became effective on July 21, 2011. While this Act does not implement the NAIC framework, it does preempt extraterritorial application of state credit for reinsurance law and permits states of domicile to proceed forward with reinsurance collateral on an individual basis if the state is accredited. The federal legislation also does not prohibit states from acting together to achieve reinsurance modernization. The proposed changes would allow the director or his designee to adopt additional requirements relating to 1) the valuation of assets or reserve credits; 2) the amount and forms of security supporting reinsurance arrangements; and 3) the circumstances under which reinsurance credit can be reduced or eliminated. The amendments are part of a national framework based, in part, upon federal legislation. Accordingly, most states must adopt regulations that are substantially similar in material aspects to the NAIC model regulation in the handling and treatment of such reinsurance arrangements. Conforming to the NAIC's credit for reinsurance models is necessary for a state to maintain NAIC accreditation.

**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. 4776

**DEPARTMENT OF LABOR, LICENSING AND REGULATION**  
**CHAPTER 10**

Statutory Authority: 1976 Code Sections 40-1-50, 40-1-70, 40-57-60, and 40-57-70

10-37. Real Estate Commission.

**Preamble:**

The South Carolina Department of Labor, Licensing and Regulation, on behalf of the Real Estate Commission, proposes to amend its regulation containing the fee schedule to modify fees for inactive licensees and correct a scrivener's error.

Section-by-Section Discussion

10-37. Real Estate Commission.

10-37(A) (1-5) No change.

10-37(B) No change.

10-37(B)(1) No change.

10-37(B)(2) Add "inactive broker" and "inactive property manager".

10-37(B)(3) Add inactive salesperson.

10-37(B)(4) Delete.

10-37(B)(5) Renumber.

10-37(B)(6) Renumber and correct fee.

10-37(C)(1-6) No change.

10-37(D)(1-3) No change.

10-37(E)(1-7) No change.

A Notice of Drafting was published in the *State Register* on August 25, 2017.

**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 a hearing will be conducted at the Administrative Law Court at 10:00 a.m. on December 13, 2017. Written comments may be directed to Roderick Atkinson, Administrator, Real Estate Commission, South Carolina Department of Labor, Licensing, and Regulation, Post Office Box 11329, Columbia, South Carolina 29211-1289, no later than 5:00 p.m., November 27, 2017. If a qualifying request pursuant to Section 1-23-110(A)(3) is not timely received, the hearing will be canceled.

**Preliminary Fiscal Impact Statement:**

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

## **52 PROPOSED REGULATIONS**

### **Statement of Need and Reasonableness:**

These regulations are amended to establish a consistent fee schedule between active and inactive licensees and to correct a scrivener's error.

### **DESCRIPTION OF REGULATION:**

**Purpose:** The board is amending its regulations to update the fee schedule to ensure fees charged to inactive licensees are the same as those charged to active licensees and to ensure the regulation correctly reflects a fee established in statute.

**Legal Authority:** 1976 Code Sections 40-1-50, 40-1-70, 40-57-60, and 40-57-70.

**Plan for Implementation:** The revised regulations will take effect upon approval by the General Assembly and upon publication in the State Register. LLR will notify licensees of the revised regulation and post the revised regulations on the agency's website.

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

The proposed regulations will establish uniform fees for active and inactive licensees and will correct a scrivener's error.

### **DETERMINATION OF COSTS AND BENEFITS:**

There is no cost incurred by the state for the promulgation of these regulations.

### **UNCERTAINTIES OF ESTIMATES:**

There are no uncertainties of estimates concerning the regulations.

### **EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:**

These regulations will have no effect on the environment.

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

There will be no detrimental effect on the environment and public health of this State if these regulations are not implemented.

### **Statement of Rationale:**

The updated regulations will establish uniform fees for active and inactive licensees and will correct a scrivener's error.

### **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. 4796  
**DEPARTMENT OF LABOR, LICENSING AND REGULATION**  
**CONTRACTOR'S LICENSING BOARD**  
CHAPTER 29

Statutory Authority: 1976 Code Section 40-11-60

**Preamble:**

The South Carolina Contractor's Licensing Board proposes to amend its regulations to establish terms for compliance with and enforcement of 2016 Act No. 193.

Section-by-Section Discussion

- 29.13 New.
- 29.13 (1) Add statutory requirement.
- 29.13 (2) Add vehicle requirements for decal.
- 29.13 (3) Add statutory requirement.

A Notice of Drafting was published in the *State Register* on August 25, 2017.

**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 a hearing will be conducted at the Administrative Law Court at 2:00 p.m. on December 13, 2017. Written comments may be directed to Roger Lowe, Administrator, Contractor's Licensing Board, South Carolina Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, South Carolina 29211-1289, no later than 5:00 p.m., November 27, 2017. If qualifying requests pursuant to Section 1-23-110(A)(3) are not timely received, the hearing will be canceled.

**Preliminary Fiscal Impact Statement:**

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

**Statement of Need and Reasonableness:**

These regulations are amended to comply with the requirements of 2016 Act No. 193, codified at S.C. Code Section 40-11-270, which requires that all commercial vehicles, used by mechanical contractors licensed in the sub classification of air conditioning, heating or packaged equipment exclusively in the operation of their business, shall have prominently displayed on them the mechanical contractor license number issued by the Department. Additionally, the act requires that invoices and proposal forms contain the same.

**DESCRIPTION OF REGULATION:**

Purpose: The board is amending its regulations to amend its regulations to establish terms for compliance with and enforcement of 2016 Act No. 193, codified at S.C. Code Section 40-11-270.

Legal Authority: 1976 Code Section 40-11-60.

Plan for Implementation: The revised regulations will take effect upon approval by the General Assembly and upon publication in the *State Register*. LLR will notify licensees of the revised regulation and post the revised regulations on the agency's website.

## 54 PROPOSED REGULATIONS

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

The proposed regulations are amended to comply with the requirements of 2016 Act No. 193, codified at S.C. Code Section 40-11-270, which requires that all commercial vehicles, used by mechanical contractors licensed in the sub classification of air conditioning, heating or packaged equipment exclusively in the operation of their business, shall have prominently displayed on them the mechanical contractor license number issued by the Department. Additionally, the act requires that invoices and proposal forms contain the same.

### DETERMINATION OF COSTS AND BENEFITS:

There is no cost incurred by the state for the promulgation of these regulations.

### UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning the regulations.

### EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

These regulations will have no effect on the environment.

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

There will be no detrimental effect on the environment and public health of this State if these regulations are not implemented.

### **Statement of Rationale:**

The updated regulations will comply with the requirements of 2016 Act No. 193, codified at S.C. Code Section 40-11-270, which requires that all commercial vehicles, used by mechanical contractors licensed in the sub classification of air conditioning, heating or packaged equipment exclusively in the operation of their business, shall have prominently displayed on them the mechanical contractor license number issued by the Department. Additionally, the act requires that invoices and proposal forms contain the same.

### **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. 4795

**DEPARTMENT OF LABOR, LICENSING AND REGULATION**  
**BOARD OF EXAMINERS FOR LICENSURE OF PROFESSIONAL COUNSELORS, MARRIAGE**  
**AND FAMILY THERAPISTS AND PSYCHO-EDUCATIONAL SPECIALISTS**  
CHAPTER 36

Statutory Authority: 1976 Code Section 40-75-60

36-01 through 36-23. Board of Examiners for Licensure of Professional Counselors, Marriage and Family Therapists and Psycho-Educational Specialists.

**Preamble:**

The South Carolina Board of Examiners for Licensure of Professional Counselors, Marriage and Family Therapists, and Psycho-Educational Specialists proposes to amend its regulations to revise and update licensing requirements, decrease the number of intern practicum hours, revise the allocation of supervised clinical experience hours, allow a portion of the required supervision to be obtained online, and revise the continuing education requirements.

Section-by-Section Discussion

- 36-01 Amend definition of supervision, group supervision, and DSM, and add definition of specific training to diagnose, assess and treat serious problems.
- 36-02 No change.
- 36-03 No change.
- 36-04 Update licensure requirements for LPC interns; add option of completing CACREP-accredited program for licensure; renumber; update required coursework and/or description of coursework; adding internship.
- 36-04.1 Delete.
- 36-05 Update experience requirements for LPC licensure.
- 36-05.1 Delete.
- 36-06 Remove language related to licensure of LPC supervisors prior to 1998.
- 36-07 Update licensure requirements for LMFT; add option of completing COAMFTE-accredited program for licensure; renumber; update required coursework and/or description of coursework; add disclosure statement requirement required in statute.
- 36-07.1 Delete.
- 36-08 Update experience requirements for LMFT licensure.
- 36-08.1 Delete.
- 36-09 Remove language related to licensure prior to 1998.
- 36-10 Update licensure requirements for Psycho-educational Specialists.
- 36-10.1 Delete.
- 36-11 Add language for licensure by endorsement requiring applicant to be in good standing in state of licensure, and requiring state of licensure to have substantially equivalent or higher requirements in effect at the date of initial licensure.
- 36-12 No change.
- 36-13 Update continuing education requirements for LMFTs.
- 36-14 Update continuing education requirements for Psycho-educational Specialists; renumber.
- 36-15 No change.
- 36-16 No change.
- 36-17 No change.
- 36-18 No change.
- 36-19 Change associates to interns. No other changes.
- 36-20 Change associates to interns. No other changes.
- 36-21 Change parents to students'/interns' parents.
- 36-22 No changes.

## 56 PROPOSED REGULATIONS

36-23 Change individual supervision to individual/triadic supervision. No other changes.

A Notice of Drafting was published in the *State Register* on July 28, 2017.

### **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 a hearing will be conducted at the Administrative Law Court at 10:00 a.m. on December 19, 2017. Written comments may be directed to Marlo Thomas-Koger, Administrator, Board of Examiners for Licensure of Professional Counselors, Marriage and Family Therapists, and Psycho-Educational Specialists, South Carolina Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, South Carolina 29211-1289, no later than 5:00 p.m., November 27, 2017. If qualifying requests pursuant to Section 1-23-110(A)(3) are not timely received, the hearing will be canceled.

### **Preliminary Fiscal Impact Statement:**

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

### **Statement of Need and Reasonableness:**

These regulations are amended to revise and update licensing requirements, decrease the number of intern practicum hours, revise the allocation of supervised clinical experience hours, allow a portion of the required supervision to be obtained online, and revise the continuing education requirements.

### **DESCRIPTION OF REGULATION:**

**Purpose:** The board is amending its regulations to revise and update licensing requirements, decrease the number of intern practicum hours, revise the allocation of supervised clinical experience hours, allow a portion of the required supervision to be obtained online, revise the continuing education requirements, and update the Code of Ethics.

**Legal Authority:** 1976 Code Section 40-75-60.

**Plan for Implementation:** The revised regulations will take effect upon approval by the General Assembly and upon publication in the *State Register*. LLR will notify licensees of the revised regulation and post the revised regulations on the agency's website.

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

The proposed regulations will revise and update licensing requirements, decrease the number of intern practicum hours, revise the allocation of supervised clinical experience hours, allow a portion of the required supervision to be obtained online, revise the continuing education requirements, and update the Code of Ethics.

### **DETERMINATION OF COSTS AND BENEFITS:**

There is no cost incurred by the state for the promulgation of these regulations.

### **UNCERTAINTIES OF ESTIMATES:**

There are no uncertainties of estimates concerning the regulations.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

These regulations will have no effect on the environment.

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

There will be no detrimental effect on the environment and public health of this State if these regulations are not implemented.

**Statement of Rationale:**

The updated regulations will revise and update licensing requirements, decrease the number of intern practicum hours, revise the allocation of supervised clinical experience hours, allow a portion of the required supervision to be obtained online, revise the continuing education requirements, and update the Code of Ethics.

**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. 4794  
**DEPARTMENT OF LABOR, LICENSING AND REGULATION**  
**OFFICE OF ELEVATORS AND AMUSEMENT RIDES**  
CHAPTER 71  
Statutory Authority: 1976 Code Section 41-18-120

71-4700. Fee Schedule.

**Preamble:**

The South Carolina Department of Labor, Licensing and Regulation, Office of Elevators and Amusement Rides, proposes to amend its regulations relating to fee schedules for amusement ride inspections.

Section-by-Section Discussion:

- 71-4700. Fee Schedule.
- 71-4700 1.A. No change.
- 71-4700 1.B. No change.
- 71-4700 2. Change \$35 to \$50.

A Notice of Drafting was published in the *State Register* on August 25, 2017.

**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 a hearing will be conducted at the Administrative Law Court at 2:00 p.m. on December 14, 2017. Written comments may be directed to Duane E. Scott, Sr., Administrator, Office of Elevators and Amusement Rides, South Carolina Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, South Carolina 29211-1289, no later than 5:00 p.m., November 27, 2017. If qualifying requests pursuant to Section 1-23-110(A)(3) are not timely received, the hearing will be canceled.



## **58 PROPOSED REGULATIONS**

### **Preliminary Fiscal Impact Statement:**

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

### **Statement of Need and Reasonableness:**

These regulations are amended to establish fees sufficient to fund the program tasked with inspecting elevators. Fees established for the device inspection have not been changed since at least 1993, and potentially longer ago than that. Fees charged for return inspections have not been changed since 2004, and the fees were actually lowered at that time from an annual fee of \$100 for the first device and \$50 for each other device to an annual permit fee at the rate of \$35 for each device covered by the application. These fees have proven to be insufficient to cover the cost of performing the minimum necessary inspections required by law.

### **DESCRIPTION OF REGULATION:**

**Purpose:** The board is amending its regulations to increase fees for inspection of amusement rides to cover the costs associated with the program.

**Legal Authority:** 1976 Code Section 41-18-120.

**Plan for Implementation:** The revised regulations will take effect upon approval by the General Assembly and upon publication in the State Register. LLR will notify impacted stakeholders of the revised regulation and post the revised regulations on the agency's website.

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

The proposed regulations will ensure that the program charges fees sufficient to cover the costs of the minimum requirements established by law. Fees for amusement ride inspections have not been changed since at least 1993, and potentially longer ago than that. Fees charged for return inspections have not been changed since 2004, and the fees were actually lowered at that time from an annual fee of \$100 for the first device and \$50 for each other device to an annual permit fee at the rate of \$35 for each device covered by the application. These fees have proven to be insufficient to cover the cost of performing the minimum necessary inspections required by law.

### **DETERMINATION OF COSTS AND BENEFITS:**

There is no cost incurred by the state for the promulgation of these regulations.

### **UNCERTAINTIES OF ESTIMATES:**

There are no uncertainties of estimates concerning the regulations.

### **EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:**

These regulations will have no effect on the environment.

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

There will be no detrimental effect on the environment and public health of this State if these regulations are not implemented. There is an impact on the public safety, however, if the Department cannot afford to cover the minimum inspections required by law.

**Statement of Rationale:**

The updated regulations will increase fees for inspection of amusement rides to cover the costs associated with 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.

Document No. 4793  
**DEPARTMENT OF LABOR, LICENSING AND REGULATION**  
**OFFICE OF ELEVATORS AND AMUSEMENT RIDES**  
 CHAPTER 71  
 Statutory Authority: 1976 Code Section 41-16-140

71-5600. Fee Schedules.

**Preamble:**

The South Carolina Department of Labor, Licensing and Regulation, Office of Elevators and Amusement Rides, proposes to amend its regulations relating to fee schedules for elevator inspections.

Section-by-Section Discussion:

- 71-5600. Fee Schedules.
- 71-5600 (1)(A) Remove duplicate line. Add \$50.00 to each fee.
- 71-5600 (B) and (C) No change.
- 71-5600 (2)(A)(1) and (2) No change.
- 71-5600 (B) Change \$35.00 to \$50.00.
- 71-5600 (C) No change.
- 71-5600 (3)(A) No change.

A Notice of Drafting was published in the *State Register* on August 25, 2017.

**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 a hearing will be conducted at the Administrative Law Court at 10:00 a.m. on December 14, 2017. Written comments may be directed to Duane E. Scott, Sr., Administrator, Office of Elevators and Amusement Rides, South Carolina Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, South Carolina 29211-1289, no later than 5:00 p.m., November 27, 2017. If qualifying requests pursuant to Section 1-23-110(A)(3) are not timely received, the hearing will be canceled.

**Preliminary Fiscal Impact Statement:**

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

## **60 PROPOSED REGULATIONS**

### **Statement of Need and Reasonableness:**

These regulations are amended to establish fees sufficient to fund the program tasked with inspecting elevators. Fees established for elevators inspection have not been increased since 2003. These fees have proven to be insufficient to cover the cost of performing the minimum necessary inspections required by law.

### DESCRIPTION OF REGULATION:

**Purpose:** The board is amending its regulations to increase fees for inspection of elevators to cover the costs associated with the program.

**Legal Authority:** 1976 Code Section 41-16-140.

**Plan for Implementation:** The revised regulations will take effect upon approval by the General Assembly and upon publication in the State Register. LLR will notify impacted stakeholders of the revised regulation and post the revised regulations on the agency's website.

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

These regulations are amended to establish fees sufficient to fund the program tasked with inspecting elevators. Fees established for elevators inspection have not been increased since 2003. These fees have proven to be insufficient to cover the cost of performing the minimum necessary inspections required by law.

### DETERMINATION OF COSTS AND BENEFITS:

There is no cost incurred by the state for the promulgation of these regulations.

### UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning the regulations.

### EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

These regulations will have no effect on the environment.

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

There will be no detrimental effect on the environment and public health of this State if these regulations are not implemented. There is an impact on the public safety, however, if the Department cannot afford to cover the minimum inspections required by law.

### **Statement of Rationale:**

The updated regulations will increase fees for inspection of elevators to cover the costs associated with 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.

Document No. 4798  
**DEPARTMENT OF LABOR, LICENSING AND REGULATION**  
**MANUFACTURED HOUSING BOARD**  
CHAPTER 79  
Statutory Authority: 1976 Code Sections 40-1-75 and 40-29-95(8)

79-6. License Renewal.

**Preamble:**

The South Carolina Manufactured Housing Board proposes to amend its regulations to require continuing education prior to renewal of licenses.

Section-by-Section Discussion

79-6. License Renewal.

79-6(A) No changes.

79-6(B) No changes.

79-6(C) Add language requiring proof of continuing education with license renewals.

79-6(D) Add language establishing continuing education requirements.

A Notice of Drafting was published in the *State Register* on July 28, 2017.

**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 a hearing will be conducted at the Administrative Law Court at 3:00 p.m. on December 19, 2017. Written comments may be directed to Roger Lowe, Administrator, Manufactured Housing Board, South Carolina Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, South Carolina 29211-1289, no later than 5:00 p.m., November 27, 2017. If qualifying requests pursuant to Section 1-23-110(A)(3) are not timely received, the hearing will be canceled.

**Preliminary Fiscal Impact Statement:**

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

**Statement of Need and Reasonableness:**

These regulations are amended to require licensees to accumulate three hours of continuing education per year in order to renew their licenses.

**DESCRIPTION OF REGULATION:**

Purpose: The board is amending its regulations to require continuing education courses.

Legal Authority: 1976 Code Sections 40-1-75 and 40-29-95(8).

Plan for Implementation: The revised regulations will take effect upon approval by the General Assembly and upon publication in the *State Register*. LLR will notify licensees of the revised regulation and post the revised regulations on the agency's website.

## **62 PROPOSED REGULATIONS**

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

The proposed regulations will require registrants to accumulate three hours of continuing education each year to renew a license.

### **DETERMINATION OF COSTS AND BENEFITS:**

There is no cost incurred by the state for the promulgation of these regulations.

### **UNCERTAINTIES OF ESTIMATES:**

There are no uncertainties of estimates concerning the regulations.

### **EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:**

These regulations will have no effect on the environment.

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

There will be no detrimental effect on the environment and public health of this State if these regulations are not implemented.

### **Statement of Rationale:**

The updated regulations will require continuing education prior to renewal.

### **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. 4797

## **DEPARTMENT OF LABOR, LICENSING AND REGULATION MANUFACTURED HOUSING BOARD**

### **CHAPTER 79**

Statutory Authority: 1976 Code Section 40-29-10

79-42. Manufactured Home Installation Requirements.

### **Preamble:**

The South Carolina Manufactured Housing Board proposes to amend Regulation 79-42 relating to manufactured home installation to conform to Federal requirements set forth by the Department of Housing and Urban Development.

### **Section-by-Section Discussion**

79-42. Manufactured Home Installation Requirements.

79-42(A) Delete existing language and replace with references to the Federal Manufactured Home Construction and Safety Standards Program, 24 CFR 3280, 3282.

79-42 (B) Delete existing language and replace with language directing installer to seek alternative design for installation from licensed engineer or architect approved by the Design Approval Primary Inspection Agency if conditions exist at the location that are not covered by the Manufacturers Installation Manual or 24 CFR Part 3285.

79-42 (C)-(G) Delete existing language.

A Notice of Drafting was published in the *State Register* on July 28, 2017.

**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 a hearing will be conducted at the Administrative Law Court at 2:00 p.m. on December 19, 2017. Written comments may be directed to Roger Lowe, Administrator, Manufactured Housing Board, South Carolina Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, South Carolina 29211-1289, no later than 5:00 p.m., November 27, 2017. If qualifying requests pursuant to Section 1-23-110(A)(3) are not timely received, the hearing will be canceled.

**Preliminary Fiscal Impact Statement:**

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

**Statement of Need and Reasonableness:**

These regulations are amended to conform to Federal requirements set forth by the Department of Housing and Urban Development.

**DESCRIPTION OF REGULATION:**

**Purpose:** The board is amending its regulations to conform to Federal requirements set forth by the Department of Housing and Urban Development.

**Legal Authority:** 1976 Code Section 40-29-10.

**Plan for Implementation:** The revised regulations will take effect upon approval by the General Assembly and upon publication in the *State Register*. LLR will notify licensees of the revised regulation and post the revised regulations on the agency's website.

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

The proposed regulations, pertaining to the installation of manufactured homes, are required to conform to Federal requirements set forth by the Department of Housing and Urban Development.

**DETERMINATION OF COSTS AND BENEFITS:**

There is no cost incurred by the state for the promulgation of these regulations.

**UNCERTAINTIES OF ESTIMATES:**

There are no uncertainties of estimates concerning the regulations.

## 64 PROPOSED REGULATIONS

### EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

These regulations will have no effect on the environment.

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

There will be no detrimental effect on the environment and public health of this State if these regulations are not implemented.

### Statement of Rationale:

The updated regulations will conform to requirements of the Department of Housing and Urban Development.

### 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. 4779  
**DEPARTMENT OF LABOR, LICENSING AND REGULATION**  
**BOARD OF NURSING**  
CHAPTER 91  
Statutory Authority: 1976 Code Section 40-33-10

91-2. Nurse Licensure Compact.

### Preamble:

The South Carolina Board of Nursing proposes to amend its regulations to repeal the provision related to the prior version of the Nurse Licensure Compact.

### Section-by-Section Discussion

91-2. Nurse Licensure Compact. Strikethrough and add Repealed.  
91-2A.-D. Strikethrough.

A Notice of Drafting was published in the *State Register* on July 28, 2017.

### 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 a hearing will be conducted at the Administrative Law Court at 2:00 p.m. on December 20, 2017. Written comments may be directed to Carol Moody, Administrator, Board of Nursing, South Carolina Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, South Carolina 29211-1289, no later than 5:00 p.m., November 27, 2017. If qualifying requests pursuant to Section 1-23-110(A)(3) are not timely received, the hearing will be canceled.

### Preliminary Fiscal Impact Statement:

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

**Statement of Need and Reasonableness:**

These regulations are repealed as they relate to a prior version of the multistate compact licensing statute that has been superseded by the enhanced Nurse Licensure Compact, effective January 2018.

DESCRIPTION OF REGULATION:

Purpose: The board is repealing Regulation 91-2 as it relates to a prior version of the multistate compact licensing statute that has been superseded by the enhanced Nurse Licensure Compact, effective January 2018.

Legal Authority: 1976 Code Section 40-33-10.

Plan for Implementation: The revised regulations will take effect upon approval by the General Assembly and upon publication in the State Register. LLR will notify licensees of the revised regulation and post the revised regulations on the agency's website.

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

The proposed regulations repeal Regulation 91-2 as it relates to a prior version of the multistate compact licensing statute that has been superseded by the enhanced Nurse Licensure Compact, effective January 2018.

DETERMINATION OF COSTS AND BENEFITS:

There is no cost incurred by the state for the promulgation of these regulations.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning the regulations.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

These regulations will have no effect on the environment.

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

There will be no detrimental effect on the environment and public health of this State if these regulations are not implemented.

**Statement of Rationale:**

The updated regulations will ensure consistency in application of the multistate licensure law by repealing existing non-conforming 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.



## 66 PROPOSED REGULATIONS

Document No. 4778  
**DEPARTMENT OF LABOR, LICENSING AND REGULATION**  
**RESIDENTIAL BUILDERS COMMISSION**  
CHAPTER 106  
Statutory Authority: 1976 Code Sections 40-1-70 and 40-59-70

106-1. Classification of Residential Specialty Contractors.

### **Preamble:**

The South Carolina Residential Builders Commission proposes to amend its regulations by making additions to the types of work that may be performed within certain residential specialty contractor classifications.

### Section-by-Section Discussion

106-1 No change.

106-1 (a) add “natural gas piping systems and “water filter and purification and conditioning systems” and other language; change punctuation.

106-1 (b) change punctuation.

106-1 (c) remove liquid fuel piping and tanks; change punctuation.

106-1 (d) change punctuation.

106-1 (e) change punctuation.

106-1 (f) change punctuation.

106-1 (g) no change.

106-1 (h) change punctuation.

106-1 (i) change punctuation.

106-1 (j) change punctuation.

106-1 (k) no change.

106-1 (l) no change.

106-1 (m) add section regarding solar panels.

A Notice of Drafting was published in the *State Register* on August 25, 2017.

### **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 a hearing will be conducted at the Administrative Law Court at 10:00 a.m. on December 15, 2017. Written comments may be directed to Janet Baumberger, Administrator, Residential Builders Commission, South Carolina Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, South Carolina 29211-1289, no later than 5:00 p.m., November 27, 2017. If qualifying requests pursuant to Section 1-23-110(A)(3) are not timely received, the hearing will be canceled.

### **Preliminary Fiscal Impact Statement:**

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

### **Statement of Need and Reasonableness:**

These regulations are amended to add types of work that may be performed within certain residential specialty contractor classifications.

DESCRIPTION OF REGULATION:

Purpose: The board is amending its regulations to add types of work that may be performed within certain residential specialty contractor classifications.

Legal Authority: 1976 Code Sections 40-1-70 and 40-59-70.

Plan for Implementation: The revised regulations will take effect upon approval by the General Assembly and upon publication in the State Register. LLR will notify licensees of the revised regulation and post the revised regulations on the agency's website.

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

The proposed regulations will add types of work that may be performed within certain residential specialty contractor classifications.

DETERMINATION OF COSTS AND BENEFITS:

There is no cost incurred by the state for the promulgation of these regulations.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning the regulations.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

These regulations will have no effect on the environment.

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

There will be no detrimental effect on the environment and public health of this State if these regulations are not implemented.

**Statement of Rationale:**

The updated regulations will add types of work that may be performed within certain residential specialty contractor classifications.

**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.

## 68 PROPOSED REGULATIONS

Document No. 4777  
**DEPARTMENT OF LABOR, LICENSING AND REGULATION**  
**RESIDENTIAL BUILDERS COMMISSION**  
CHAPTER 106  
Statutory Authority: 1976 Code Section 40-59-70

106-2. Residential Specialty Contractors License.

### **Preamble:**

The South Carolina Residential Builders Commission proposes to amend Regulation 106-2 to comport with statutory language.

### Section-by-Section Discussion

106-2 No change.

106-2 (a) add language “for more than three years”.

106-2 (b) add language “for more than three years”.

106-2 (c) add language, “for more than three years”.

A Notice of Drafting was published in the *State Register* on August 25, 2017.

### **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 a hearing will be conducted at the Administrative Law Court at 2:00 p.m. on December 15, 2017. Written comments may be directed to Janet Baumberger, Administrator, Residential Builders Commission, South Carolina Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, South Carolina 29211-1289, no later than 5:00 p.m., November 27, 2017. If qualifying requests pursuant to Section 1-23-110(A)(3) are not timely received, the hearing will be canceled.

### **Preliminary Fiscal Impact Statement:**

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

### **Statement of Need and Reasonableness:**

Regulation 106-2 is amended to comport with statutory language.

### **DESCRIPTION OF REGULATION:**

Purpose: The board is amending Regulation 106-2 to comport with statutory language.

Legal Authority: 1976 Code Section 40-59-70.

Plan for Implementation: The revised regulations will take effect upon approval by the General Assembly and upon publication in the State Register. LLR will notify licensees of the revised regulation and post the revised regulations on the agency’s website.

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

Regulation 106-2 is amended to comport with statutory language.

DETERMINATION OF COSTS AND BENEFITS:

There is no cost incurred by the state for the promulgation of these regulations.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning the regulations.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

These regulations will have no effect on the environment.

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

There will be no detrimental effect on the environment and public health of this State if these regulations are not implemented.

**Statement of Rationale:**

Regulation 106-2 is amended to comport with statutory language.

**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.

## 70 EMERGENCY REGULATIONS

Filed: October 10, 2017 11:24am

Document No. 4772

### DEPARTMENT OF NATURAL RESOURCES

#### CHAPTER 123

Statutory Authority: 1976 Code Sections 50-1-60, 50-11-430, and 50-11-2200

123-53. Bear Hunting Rules and Seasons.

#### Emergency Situation:

These emergency regulations amend and supersede indicated sections of South Carolina Department of Natural Resources Regulations 123-53. These regulations establish seasons, limits, and methods of take, for hunting of bears on private lands and WMAs outside of Game Zone 1 and establish tagging and reporting requirements for bears harvested in all Game Zones. Because the hunting season for bears begins on October 17, it is necessary to file these regulations as emergency.

#### Text:

123-53. Bear Hunting Rules and Seasons.

1. The open season for taking bear ~~by special draw hunt~~ in Georgetown County, Horry County, Marion County and Williamsburg County on private and WMA land is October 17 – October 30. Bear hunting is allowed on the following WMAs in those counties: Cartwheel Bay Heritage Preserve WMA, Lewis Ocean Bay Heritage Preserve WMA, Little Pee Dee River Heritage Preserve Complex, Waccamaw River Heritage Preserve WMA, and Wee Tee WMA.

2. Legal weapons for bear hunting on private land include archery equipment, muzzleloaders (.36 caliber or greater), centerfire rifles, centerfire handguns and shotguns with slugs or buckshot.

3. ~~The permit issued by the Department must be displayed in a visible location on the dash of the vehicle while the person is actively bear hunting.~~ On WMA lands, weapons used to hunt bear are limited to the weapons that are allowed for the current open season for deer on each WMA.

4. Harvested bear must be reported to SCDNR by ~~telephone within 12 hours of the kill.~~ midnight of the day of harvest as prescribed by the Department.

5. All harvested bears must be tagged immediately after harvest and before being moved from the point of kill and the tag must be validated as prescribed by the SCDNR.

6. ~~All persons drawn for the hunt must submit a harvest report and return unused tags to the Department no later than 7 days after the close of the season, regardless of whether or not a bear was harvested.~~ The harvest quota for areas outside of Game Zone 1 is 30 bears for all counties and WMAs combined. If the 30 bear quota is met prior to October 30, the season will close 24 hours following a season closure notice. Hunters are responsible for monitoring the season status as prescribed by the Department.

#### Statement of Need and Reasonableness:

Passage of Act number 71 of 2017 amended Section 50-11-430 of the SC Code of Laws by granting the Department of Natural Resources the authority to declare an open season and determine an appropriate quota for the harvest of bears in Game Zones 2, 3, and 4. These regulations fulfill the legislative intent of Act number 71 by establishing the bear season and quota in Game Zones 2, 3, and 4 and establishing additional requirements as stipulated by the Act. Because bear hunts begin on October 17, it is necessary to file these regulations as emergency so they are in effect prior to beginning of bear season.

**Fiscal Impact Statement:**

The amendment of Regulation 123-53 will result in increased public hunting opportunities which should generate additional State revenue through license and tag sales. In addition, local economies should benefit from sales of hunting supplies, food and overnight accommodations. Sales taxes on these items will also directly benefit government.