

SOUTH CAROLINA STATE REGISTER DISCLAIMER

While every attempt has been made to ensure the accuracy of this State Register, the printed version of the State Register and not the online version is the official version and the Legislative Council makes no warranties or representations regarding its accuracy or completeness, and each user of this product understands that the Legislative Council disclaims any liability for any damages in connection with its use. This information is not intended for commercial use and its dissemination by sale or other commercial transfer is not authorized, absent a written licensing agreement with the Legislative Council. For further information contact the Legislative Council at 803-212-4500.

SOUTH CAROLINA STATE REGISTER

PUBLISHED BY
THE LEGISLATIVE COUNCIL
of the
GENERAL ASSEMBLY

ASHLEY HARWELL-BEACH, DIRECTOR
DEIRDRE BREVARD SMITH, EDITOR
REBECCA FUDGER TURNER, ASSOCIATE EDITOR

P.O. BOX 11489
COLUMBIA, SC 29211
TELEPHONE (803) 212-4500

Published August 23, 2024

Volume 48 Issue No. 8

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.

2024 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	1/12	2/9	3/8	4/12	5/10	6/14	7/12	8/9	9/13	10/11	11/8	12/13
Publishing Date	1/26	2/23	3/22	4/26	5/24	6/28	7/26	8/23	9/27	10/25	11/22	12/27

REPRODUCING OFFICIAL DOCUMENTS

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

PUBLIC INSPECTION OF DOCUMENTS

Documents filed with the Office of the State Register are available for public inspection during normal office hours, 8:30 A.M. to 5:00 P.M., Monday through Friday. The Office of the State Register is in the Legislative Council, Fourth Floor, Rembert C. Dennis Building, 1000 Assembly Street, in Columbia. Telephone inquiries concerning material in the *State Register* or the *South Carolina Code of Regulations* may be made by calling (803) 212-4500.

ADOPTION, AMENDMENT AND REPEAL OF REGULATIONS

To adopt, amend or repeal a regulation, an agency must publish in the *State Register* a Notice of Drafting; a Notice of the Proposed Regulation that contains an estimate of the proposed action's economic impact; and, a notice that gives the public an opportunity to comment on the proposal. If requested by twenty-five persons, a public hearing must be held at least thirty days after the date of publication of the notice in the *State Register*.

After the date of hearing, the regulation must be submitted to the General Assembly for approval. The General Assembly has one hundred twenty days to consider the regulation. If no legislation is introduced to disapprove or enacted to approve before the expiration of the one-hundred-twenty-day review period, the regulation is approved on the one hundred twentieth day and is effective upon publication in the *State Register*.

EMERGENCY REGULATIONS

An emergency regulation may be promulgated by an agency if the agency finds imminent peril to public health, safety or welfare. Emergency regulations are effective upon filing for a ninety-day period. If the original filing began and expired during the legislative interim, the regulation can be renewed once.

REGULATIONS PROMULGATED TO COMPLY WITH FEDERAL LAW

Regulations promulgated to comply with federal law are exempt from General Assembly review. Following the notice of proposed regulation and hearing, regulations are submitted to the *State Register* and are effective upon publication.

EFFECTIVE DATE OF REGULATIONS

Final Regulations take effect on the date of publication in the *State Register* unless otherwise noted within the text of the regulation.

Emergency Regulations take effect upon filing with the Legislative Council and remain effective for ninety days. If the original ninety-day period begins and expires during legislative interim, the regulation may be refiled for one additional ninety-day period.

SUBSCRIPTIONS

The *South Carolina State Register* is available electronically through the South Carolina Legislature Online website at www.scstatehouse.gov, or in a printed format. Subscriptions run concurrent with the State of South Carolina's fiscal year (July through June). The annual subscription fee for the printed format is \$90.00 plus applicable sales tax. Payment must be made by check payable to the Legislative Council. To subscribe, complete the form below and mail with payment.

X-----X-----X

South Carolina State Register Subscription Order Form

Name	Title
Firm	
Mailing Address	
Billing Address (if different from mailing address)	
Contact Person(s)	E-mail Address
Phone Number	Fax Number
Number of subscriptions: (Cost is \$90.00 plus applicable sales tax per subscription. Checks payable to: Legislative Council)	
Printed	

Mail this form to:
South Carolina State Register
Deirdre Brevard Smith, Editor
P.O. Box 11489
Columbia, SC 29211
Telephone: (803) 212-4500
Fax: (803) 212-4501

TABLE OF CONTENTS

REGULATIONS SUBMITTED TO GENERAL ASSEMBLY

Status and Legislative Review Expiration Dates..... 1

EXECUTIVE ORDERS

Executive Order No. 2024-12 Appointing Oconee County Treasurer.....2
Executive Order No. 2024-13 Lowering Flags for John W. Parris..... 2
Executive Order No. 2024-14 Lowering Flags for Judge Michael S. Holt 3
Executive Order No. 2024-15 Activating SCNG in Response to Florida EMAC Request..... 3
Executive Order No. 2024-16 State of Emergency 5

NOTICES

PUBLIC HEALTH, DEPARTMENT OF

Certificate of Need 12

DRAFTING NOTICES

CLEMSON UNIVERSITY

Livestock-Poultry Health Commission, State

State Meat Inspection Regulation (Exempt)..... 13
State Poultry Products Inspection Regulation (Exempt) 13

EDUCATION, STATE BOARD OF

Assessment Program 14
Requirements for Certification at the Advanced Level 14

HEALTH AND ENVIRONMENTAL CONTROL, DEPARTMENT OF

Air Pollution Control Regulations and Standards; South Carolina Air Quality Implementation Plan
(State Implementation Plan or SIP); and Standards of Performance for Asbestos Projects 15
Amendment to Regulations 30-1, 30-2, 30-4, 30-6, 30-8, 30-10, 30-11, 30-12, 30-15, and 30-17,
pursuant to 2023 Act 60..... 15
Amendment to Regulations 61-9, 61-43, 61-44, 61-58, 61-67, 61-68, 61-82, 61-87, 61-101, 61-110,
61-113, and 61-119, pursuant to 2023 Act 60..... 16
Amendment to Regulations 61-33, 61-63, 61-64, 61-65, 61-79.124, 61-79.260, 61-79.261, 61-79.264,
61-79.266, 61-79.270, 61-83, 61-92, 61-98, 61-104, 61-105, 61-106, 61-107.2 to 61-107.10,
61-107.12, 61-107.14, 61-107.15, 61-107.17, 61-107.18, 61-107.19, 61-107.279, and 61-124,
pursuant to 2023 Act 60..... 17
Dams and Reservoirs Safety Act Regulations; Standards for Stormwater Management
and Sediment Reduction..... 18
Office of the Governor – Mining Council of South Carolina..... 19
Oil and Gas Exploration, Drilling, and Production 20
Onsite Wastewater Systems; State Environmental Laboratory Certification Program..... 20
Permits for Construction in Navigable Waters 21

TABLE OF CONTENTS

INSURANCE, DEPARTMENT OF	
Insurance Holding Company Systems.....	21
LABOR, LICENSING AND REGULATION, DEPARTMENT OF	
Cosmetology, State Board of	
Licensure for Out-of-State Applicants.....	22
Genetic Counselors, South Carolina Board of	
South Carolina Board of Genetic Counselors.....	22

PROPOSED REGULATIONS

FINANCIAL INSTITUTIONS, STATE BOARD OF		
Document No. 5283	Authority to Engage in Activities Authorized for Federally Chartered Institutions.....	23
Document No. 5286	Declaration of Dividends by State-chartered Credit Unions.....	24
Document No. 5287	Disposition of Real Property of Banks (Exempt).....	26
Document No. 5290	Electronic Fund Transfers.....	28
Document No. 5291	Financial Institutions May Share in Ownership or Lease and Operation of Freestanding Automatic Teller Machine Branches (Exempt).....	29
Document No. 5295	Home Improvement Loans (Exempt).....	31
Document No. 5281	Income and Expense Statements Re Dividends.....	33
Document No. 5297	Increase in Field of Membership (Exempt).....	35
Document No. 5298	Limitations and Restrictions on Purchase and Sale of Securities (Exempt).....	36
Document No. 5280	Loans to Officers and Directors (Exempt).....	38
Document No. 5282	Procedure for State Credit Unions to Use Share Drafts (Exempt).....	40
Document No. 5284	Purchase of Property for Future Expansion (Exempt).....	42
Document No. 5285	Record Retention for Credit Unions.....	44
Document No. 5288	Regulatory Net Worth Requirements (Exempt).....	45
Document No. 5289	Retention of Bank Records.....	47
Document No. 5292	State Bank Dividends.....	49
Document No. 5293	Terms and Conditions for State-chartered Credit Union to Make ARM Loans.....	51
SOCIAL SERVICES, DEPARTMENT OF		
Document No. 5296	Approval of Kinship Family Foster Homes and Kinship Adoptive Homes for Children in Foster Care.....	52

EMERGENCY REGULATIONS

CLEMSON UNIVERSITY		
Livestock-Poultry Health Commission, State		
Document No. 5277	Diseases and Health Documentation.....	55

TABLE OF CONTENTS

FINAL REGULATIONS

**LABOR, LICENSING AND REGULATION, DEPARTMENT OF
Occupational Safety and Health, Office of**

Document No. 5279 Occupational Safety and Health Standards (Article 1, Subarticle 6:
Hazardous Communication Standard, and
Incorporation by Reference)61

REGULATIONS SUBMITTED TO GENERAL ASSEMBLY 1

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

DOC. NO.	RAT. NO.	FINAL ISSUE	SUBJECT	EXP. DATE	AGENCY	HOUSE COMMITTEE	SENATE COMMITTEE
---------------------	---------------------	------------------------	----------------	----------------------	---------------	------------------------	-------------------------

2 EXECUTIVE ORDERS

Executive Order No. 2024-12

WHEREAS, the undersigned has been notified that a vacancy will exist in the office of Treasurer of Oconee County due to the resignation of Gregorie W. Nowell, effective July 26, 2024; and

WHEREAS, in the event of a vacancy in the office of a county treasurer, the undersigned is authorized to appoint a suitable person, who shall be an elector of the county, to serve as county treasurer pursuant to sections 1-3-220(2), 4-11-20(1), and 12-45-20 of the South Carolina Code of Laws, as amended; and

WHEREAS, Gena Acree, of West Union, South Carolina, is a fit and proper person to serve as Treasurer of Oconee County.

NOW, THEREFORE, by virtue of the authority vested in me as Governor of the State of South Carolina and pursuant to the Constitution and Laws of this State and the powers conferred upon me therein, I hereby appoint Gena Acree to serve as Treasurer of Oconee County, effective July 26, 2024, until a successor shall qualify as provided by law. This Order is effective immediately.

**GIVEN UNDER MY HAND AND THE GREAT
SEAL OF THE STATE OF SOUTH CAROLINA,
THIS 23rd DAY OF JULY, 2024.**

**HENRY DARGAN MCMASTER
Governor**

Executive Order No. 2024-13

WHEREAS, the undersigned has been notified of the passing of John W. Parris, who previously served as Executive Director of the South Carolina Land Resources Commission; and

WHEREAS, in addition to his dutiful service as Executive Director of the South Carolina Land Resources Commission, John W. Parris previously served the State of South Carolina as an educator, official with the South Carolina Soil and Water Conservation Commission, and in various other state and local capacities; and

WHEREAS, John W. Parris was a dedicated public servant, innovative educator, nationally recognized agricultural leader, and conservation visionary, and his passing warrants the people of this State further recognizing and appropriately honoring his extraordinary legacy and lifetime of service to the State of South Carolina; and

WHEREAS, Title 4, Section 7(m) of the United States Code, as amended, provides that “[i]n the event of the death of a present or former official of the government of any State, . . . the Governor of that State . . . may proclaim that the National flag shall be flown at half-staff”; and

WHEREAS, section 10-1-161(E) of the South Carolina Code of Laws, as amended, provides that “upon the death of a person of extraordinary stature, the Governor may order that the flags atop the State Capitol Building be lowered to half-staff at a designated time or for a designated period of time.”

NOW, THEREFORE, by virtue of the authority vested in me as Governor of the State of South Carolina and pursuant to the Constitution and Laws of this State and of these United States and the powers conferred upon me therein, I hereby order that the flags atop the State Capitol be lowered to half-staff from sunrise until sunset on Saturday, July 27, 2024, in honor of John W. Parris and in recognition of his extraordinary legacy and lifetime of service to the State of South Carolina. This Order is effective immediately.

**GIVEN UNDER MY HAND AND THE GREAT
SEAL OF THE STATE OF SOUTH CAROLINA,
THIS 26th DAY OF JULY, 2024.**

**HENRY DARGAN MCMASTER
Governor**

Executive Order No. 2024-14

WHEREAS, the undersigned has been notified of the passing of Judge Michael S. Holt, who dutifully served as a Circuit Court Judge for the Fourth Judicial Circuit of South Carolina from 2021 until the time of his passing; and

WHEREAS, in addition to his distinguished tenure as a Circuit Court Judge, Judge Holt previously served the State of South Carolina as a Family Court Judge, Mayor of the City of Hartsville, and in various other state and local capacities; and

WHEREAS, Judge Holt was a dedicated public servant, respected jurist, principled leader, and devoted father and family man, and his passing warrants the people of this State further recognizing and appropriately honoring his extraordinary legacy and lifetime of service to the State of South Carolina; and

WHEREAS, Title 4, Section 7(m) of the United States Code, as amended, provides that “[i]n the event of the death of a present or former official of the government of any State, . . . the Governor of that State . . . may proclaim that the National flag shall be flown at half-staff”; and

WHEREAS, section 10-1-161(E) of the South Carolina Code of Laws, as amended, provides that “upon the death of a person of extraordinary stature, the Governor may order that the flags atop the State Capitol Building be lowered to half-staff at a designated time or for a designated period of time.”

NOW, THEREFORE, by virtue of the authority vested in me as Governor of the State of South Carolina and pursuant to the Constitution and Laws of this State and of these United States and the powers conferred upon me therein, I hereby order that the flags atop the State Capitol be lowered to half-staff from sunrise until sunset on Sunday, August 4, 2024, in honor of Judge Holt and in recognition of his extraordinary legacy and lifetime of service to the State of South Carolina. This Order is effective immediately.

**GIVEN UNDER MY HAND AND THE GREAT
SEAL OF THE STATE OF SOUTH CAROLINA,
THIS 2nd DAY OF AUGUST, 2024.**

**HENRY DARGAN MCMASTER
Governor**

Executive Order No. 2024-15

WHEREAS, on August 1, 2024, the Governor of the State of Florida issued Executive Order No. 24-156, declaring a State of Emergency for the majority of the State of Florida in connection with a tropical wave—previously identified as Invest 97L, presently designated as Tropical Depression Four, and anticipated to be named Tropical Storm Debby—and projecting that forecasted conditions associated with the same, including the threat of significant rainfall and flooding, will constitute a major disaster for the State of Florida; and

4 EXECUTIVE ORDERS

WHEREAS, on August 1, 2024, in accordance with the provisions of the Emergency Management Assistance Compact (“EMAC”), S.C. Code Ann. §§ 25-9-420 *et seq.*, the Governor of the State of Florida formally requested that the State of South Carolina assist the State of Florida by providing mutual aid in preparation for and response to the declared emergency; and

WHEREAS, article IV, section 13 of the South Carolina Constitution designates the Governor as the “Commander-in-Chief of the organized and unorganized militia of the State”; and

WHEREAS, article XIII, section 3 of the South Carolina Constitution states that “[t]he Governor shall have the power to call out the volunteer and militia forces, either or both, to execute the laws, repel invasions, suppress insurrections and preserve the public peace”; and

WHEREAS, section 25-1-1820 of the South Carolina Code of Laws, as amended, provides that the South Carolina National Guard may be subject to active duty “for aiding civil officers in the execution of the laws, in which cases the Governor or local commander . . . shall order out for active service, by draft or otherwise, as many of the National Guard as necessity demands”; and

WHEREAS, section 25-1-1840 of the South Carolina Code of Laws, as amended, provides, in pertinent part, that “[i]n the event of (a) war, insurrection, rebellion, invasion, tumult, riot[,], or a mob, (b) a body of men acting together by force with intent to commit a felony to offer violence to persons or property or by force and violence to break and resist the laws of this State or the United States, (c) in case of the imminent danger of the occurrence of any such events[,], or (d) in the event of public disaster the Governor may order the National Guard of South Carolina or any part thereof into the active service of the State and cause them to perform such duty as he shall deem proper”; and

WHEREAS, South Carolina is prepared to provide the personnel, resources, and equipment necessary to assist the State of Florida and to respond to the cited circumstances and emergency conditions pursuant to the terms of the EMAC; and

WHEREAS, upon consultation with the Adjutant General of South Carolina and the South Carolina Emergency Management Division (“EMD”), the undersigned has determined that it is necessary and appropriate for South Carolina National Guard personnel, resources, and equipment to respond to the aforementioned request for mutual aid and emergency assistance from the State of Florida.

NOW, THEREFORE, by virtue of the authority vested in me as Governor of the State of South Carolina and pursuant to the Constitution and Laws of this State and the powers conferred upon me therein, I hereby order and direct as follows:

Section 1. Activating the South Carolina National Guard to Provide Requested Assistance and Mutual Aid to the State of Florida

A. In accordance with the foregoing authorities and other applicable law, I hereby authorize and direct the Adjutant General to place specified units or personnel, or both, of the South Carolina National Guard on State Active Duty; to issue any supplemental orders he deems necessary and appropriate; and to utilize the requisite South Carolina National Guard personnel, resources, and equipment to fulfill the aforementioned mission in support of, and requested by, the State of Florida.

B. South Carolina National Guard personnel and equipment deployments and mission requirements shall be coordinated through EMD, in consultation with the Office of the Governor, in accordance with the terms of the EMAC.

Section 2. General Provisions

A. This Order is not intended to create, and does not create, any individual right, privilege, or benefit, whether substantive or procedural, enforceable at law or in equity by any party against the State of South Carolina, its agencies, departments, political subdivisions, or other entities, or any officers, employees, or agents thereof, or any other person.

B. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this Order is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this Order, as the undersigned would have issued this Order, and each and every section, subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

C. This Order shall be implemented consistent with and to the maximum extent provided by applicable law and shall be subject to the availability of appropriations. This Order shall not be interpreted, applied, implemented, or construed in a manner so as to impair, impede, or otherwise affect the authority granted by law to an executive agency or department, or the officials or head thereof, including the undersigned.

D. I hereby expressly authorize the Office of the Governor to provide or issue any necessary and appropriate additional or supplemental guidance, rules, regulations, or restrictions regarding the application of this Order or to otherwise provide clarification regarding the same, through appropriate means, without the need for further Orders.

E. This Order is effective immediately and, in accordance with article 4 of the EMAC, shall remain in effect for so long as the activities for mutual aid are in progress, the state of emergency or disaster remains in effect in the State of Florida, or the loaned resources remain in the State of Florida, whichever is longer.

**GIVEN UNDER MY HAND AND THE GREAT
SEAL OF THE STATE OF SOUTH CAROLINA,
THIS 3rd DAY OF AUGUST, 2024.**

**HENRY DARGAN MCMASTER
Governor**

Executive Order No. 2024-16

WHEREAS, the National Hurricane Center has determined from the latest forecast models that Tropical Storm Debby, which is currently situated in the Gulf of Mexico, is anticipated to undergo intensification before making landfall along the coast of the State of Florida as a hurricane on August 5, 2024, and is thereafter expected to reduce speed before impacting the State of South Carolina and other areas in the southeastern region of the United States with strong winds and significant and sustained rainfall, as well as other severe weather conditions, including the potential for flash, urban, and river flooding; and

WHEREAS, according to preliminary forecasts, Tropical Storm Debby and the corresponding hazardous weather conditions have the potential to cause significant damage to public and private property and to disrupt essential utility services and other critical systems throughout the State of South Carolina; and

WHEREAS, the undersigned has been advised that Tropical Storm Debby—including the anticipated strong winds, substantial and sustained rainfall, flash flooding, urban and river flooding, dangerous storm surge, and other severe weather conditions associated therewith—represents a significant threat to the State of South Carolina, which requires that the State proactively prepare for the potential impacts and take timely precautions

6 EXECUTIVE ORDERS

to protect and preserve property, critical infrastructure, communities, and the general safety and welfare of the people of this State; and

WHEREAS, in light of the foregoing circumstances, the undersigned has determined that it is necessary and appropriate for the State to take additional proactive action to expedite ongoing preparations and to facilitate future emergency management, response, recovery, and relief efforts in connection with Tropical Storm Debby and the forecasted hazardous weather conditions and anticipated impacts associated with the same; and

WHEREAS, as the elected Chief Executive of the State, the undersigned is authorized pursuant to section 25-1-440 of the South Carolina Code of Laws, as amended, to “declare a state of emergency for all or part of the State if he finds a disaster . . . has occurred, or that the threat thereof is imminent and extraordinary measures are considered necessary to cope with the existing or anticipated situation”; and

WHEREAS, in accordance with section 25-1-440 of the South Carolina Code of Laws, when an emergency has been declared, the undersigned is “responsible for the safety, security, and welfare of the State and is empowered with [certain] additional authority to adequately discharge this responsibility,” to include issuing, amending, and rescinding “emergency proclamations and regulations,” which shall “have the force and effect of law as long as the emergency exists”; and

WHEREAS, pursuant to section 25-1-440 of the South Carolina Code of Laws, when an emergency has been declared, the undersigned is further authorized to “suspend provisions of existing regulations prescribing procedures for conduct of state business if strict compliance with the provisions thereof would in any way prevent, hinder, or delay necessary action in coping with the emergency”; and

WHEREAS, in addition to the foregoing, section 25-1-440 of the South Carolina Code of Laws authorizes the undersigned, during a declared emergency, to “transfer the direction, personnel, or functions of state departments, agencies, and commissions, or units thereof, for purposes of facilitating or performing emergency services as necessary or desirable,” and to “compel performance by elected and appointed state, county, and municipal officials and employees of the emergency duties and functions assigned them in the State Emergency Plan or by Executive Order”; and

WHEREAS, in accordance with section 56-5-70(A) of the South Carolina Code of Laws, as amended, during a declared emergency and in the course of responding to the emergency, requirements relating to registration, permitting, length, width, weight, and load are suspended for commercial and utility vehicles traveling on non-interstate routes for up to one hundred twenty (120) days, provided that such vehicles do not exceed a gross weight of ninety thousand (90,000) pounds and do not exceed a width of twelve (12) feet, and requirements relating to time of service suspensions for commercial and utility vehicles traveling on interstate and non-interstate routes are suspended for up to thirty (30) days, unless extended for additional periods pursuant to the Federal Motor Carrier Safety Regulations; and

WHEREAS, the Federal Motor Carrier Safety Regulations limit, *inter alia*, the hours of service for operators of commercial vehicles, 49 C.F.R. §§ 390 *et seq.*; and

WHEREAS, pursuant to 49 C.F.R. § 390.23, the governor of a State may suspend federal hours of service regulations for commercial vehicles responding to an emergency if the governor determines that an emergency condition exists; and

WHEREAS, section 56-5-70(B) of the South Carolina Code of Laws provides that “[w]hen an emergency is declared which triggers relief from regulations pursuant to 49 C.F.R. [§] 390.23 in North Carolina or Georgia, an emergency, as referenced in the regional emergency provision of 49 C.F.R. [§] 390.23(a)(1)(A), must be declared in this State by the Governor”; and

WHEREAS, on August 3, 2024, the Governor of Georgia issued an Executive Order declaring that an emergency exists in the State of Georgia in connection with the storm presently identified as Tropical Storm Debby and temporarily suspending certain motor vehicle and transportation regulations; and

WHEREAS, in light of the foregoing circumstances, the undersigned has determined that additional regulatory flexibility is warranted to assist proactively in facilitating and supporting the operation of critical utility and transportation services and mitigating or preventing interruptions and delays in transporting essential supplies, equipment, and persons to or from any impacted areas in the State of South Carolina or in neighboring States; and

WHEREAS, recognizing that the prompt restoration of utility services and the uninterrupted transportation of essential goods, equipment, and products to or from the impacted areas are critical to the safety and welfare of the people of South Carolina and neighboring States, the undersigned has concluded that it is necessary and appropriate for the State of South Carolina to expedite ongoing preparations and support further emergency management, response, recovery, and relief efforts by facilitating the operation of critical transportation services; and

WHEREAS, for the aforementioned and other reasons, and in recognition and furtherance of the undersigned's responsibility to provide for and ensure the health, safety, security, and welfare of the people of the State of South Carolina, after conferring with the relevant state and federal agencies, officials, and experts, the undersigned has determined that Tropical Storm Debby and the forecasted severe weather conditions and anticipated impacts associated therewith constitute an actual or imminent emergency for the State of South Carolina and that extraordinary measures are necessary to cope with the existing or anticipated situation.

NOW, THEREFORE, by virtue of the authority vested in me as Governor of the State of South Carolina and pursuant to the Constitution and Laws of this State and of these United States and the powers conferred upon me therein, I hereby declare that a State of Emergency exists in South Carolina. Accordingly, for the foregoing reasons and in accordance with the cited authorities and other applicable law, I further order and direct as follows:

Section 1. Emergency Measures to Prepare for and Respond to Tropical Storm Debby

A. I hereby activate the South Carolina Emergency Operations Plan ("Plan"), as approved by Executive Order No. 2023-11, and direct that the Plan be further placed into effect and that all prudent preparations be taken at the individual, local, and state levels to prepare for and respond to the forecasted severe weather related to Tropical Storm Debby and the potential impacts associated with the same. I further direct the utilization of all available resources of state government as reasonably necessary to address the current State of Emergency. In accordance with Section 1(E) of Executive Order No. 2023-11, "[a]ll departments or agencies of the State shall execute, without delay, the emergency functions so designated in the Plan, or as further ordered or otherwise directed by the undersigned, during any emergency or disaster through the initial use of existing department or agency appropriations and all necessary department or agency personnel, regardless of normal duty assignment."

B. I hereby place specified units or personnel, or both, of the South Carolina National Guard on State Active Duty, pursuant to section 25-1-1840 of the South Carolina Code of Laws, as amended, and direct the Adjutant General to issue any supplemental orders he deems necessary and appropriate. I further order the activation of South Carolina National Guard personnel and the utilization of appropriate equipment, in the discretion of the Adjutant General and in coordination with the Director of the South Carolina Emergency Management Division ("EMD"), to take necessary and prudent actions to assist the people of this State. I authorize Dual Status Command, as necessary, to allow the Adjutant General or his designee to serve as commander over both federal (Title 10) and state forces (National Guard in Title 32 status or State Active Duty status, or both).

8 EXECUTIVE ORDERS

C. I hereby order that all licensing and registration requirements regarding private security personnel or companies contracting with South Carolina security companies in protecting property and restoring essential services in South Carolina shall be suspended, and I direct the South Carolina Law Enforcement Division (“SLED”) to initiate an emergency registration process for those personnel or companies for a period specified, and in a manner deemed appropriate, by the Chief of SLED.

D. I hereby authorize and direct any agency within the undersigned’s Cabinet or any other department within the Executive Branch, as defined by section 1-30-10 of the South Carolina Code of Laws, as amended, through its respective director or secretary, to waive or “suspend provisions of existing regulations prescribing procedures for conduct of state business if strict compliance with the provisions thereof would in any way prevent, hinder, or delay necessary action in coping with the emergency,” in accordance with section 25-1-440 of the South Carolina Code of Laws and other applicable law.

E. I hereby authorize and direct state agencies and departments to utilize the emergency procurement procedures set forth in section 11-35-1570 of the South Carolina Code of Laws, as amended, and any regulations issued pursuant thereto, as necessary and appropriate, to facilitate and expedite the acquisition of any critical materials, resources, or services during the State of Emergency.

F. I hereby declare that the prohibitions against price gouging pursuant to section 39-5-145 of the South Carolina Code of Laws, as amended, are in effect and shall remain in effect for the duration of the State of Emergency.

G. I hereby waive the requirement of a written mutual aid agreement for law enforcement services authorized by the Law Enforcement Assistance and Support Act, codified as amended in Title 23, Chapter 20 of the South Carolina Code of Laws, during the State of Emergency in accordance with section 23-20-60 of the South Carolina Code of Laws, as amended.

H. I hereby authorize and direct state agencies and departments, including state-supported colleges, universities, and technical colleges, to follow county government closure determinations, consistent with the normal state procedure associated with hazardous weather conditions, for purposes of closing state government offices in any such counties or operating the same on an abbreviated schedule to ensure the safety of state employees and the general public. Emergency or other critical personnel designated and determined by, and in the sole discretion of, the corresponding Agency Head, or their designee, as essential or mission-critical to the State’s preparation for or response to emergency conditions related to Tropical Storm Debby, or otherwise necessary to serve the State of South Carolina or to ensure the continuity of critical operations of state government, may still be required to report to work. State agencies and departments shall utilize, to the maximum extent possible, telecommuting or work-from-home options for non-essential employees. Notwithstanding the foregoing, pursuant to section 25-1-440 of the South Carolina Code of Laws, as well as other applicable law, I hereby prohibit any county, municipality, or other political subdivision of the State of South Carolina from restricting access by essential state employees to any location or facility that is occupied or utilized, in whole or in part, by any state agency or department. Accordingly, I hereby direct that any such county, municipality, or other political subdivision of the State shall authorize, allow, and provide access to said locations or facilities by any state agency or department, and the officials and employees thereof, as deemed necessary and appropriate and in the manner prescribed by the state agency or department so as to ensure the uninterrupted performance and provision of emergency, essential, or otherwise mission-critical government functions and services during the State of Emergency.

Section 2. Transportation Waivers to Facilitate Emergency Management

A. I hereby determine and declare that the existing and anticipated threats, circumstances, or conditions associated with Tropical Storm Debby, as further described herein, and the potential impacts related to the same constitute an emergency pursuant to 49 C.F.R. § 390.23 for purposes of suspending certain rules and

regulations, as set forth below, for commercial vehicles and operators of commercial vehicles in accordance with 49 C.F.R. § 390.23 and section 56-5-70 of the South Carolina Code of Laws.

B. I hereby authorize and direct the South Carolina Department of Transportation (“DOT”) and the South Carolina Department of Public Safety (“DPS”), including the State Transport Police, as needed, to waive or suspend application and enforcement of the requisite state and federal rules and regulations pertaining to hours of service for operators of commercial vehicles operating in accordance with the provisions of any emergency declaration issued by the Federal Motor Carrier Safety Administration (“FMCSA”); responding or providing direct assistance, as defined by 49 C.F.R. § 390.5, to any emergency conditions in this State or any declared emergencies in the State of North Carolina or the State of Georgia or in other States in connection with the forecasted severe weather associated with Tropical Storm Debby or the anticipated impacts thereof; providing direct assistance to supplement state and local efforts and capabilities related to the same; or otherwise assisting with the existing or anticipated threats and circumstances associated with Tropical Storm Debby, to include commercial vehicles and operators of commercial vehicles transporting equipment, materials, or persons necessary for the restoration of utility services or debris removal and those transporting essential goods and products, such as food, water, medicine, medical supplies and equipment, fuels and petroleum products (to include fuel oil, diesel oil, gasoline, kerosene, propane, liquid petroleum, and other refined petroleum products and related equipment or assets), livestock, poultry, feed for livestock and poultry, and crops and other agricultural products ready to be harvested (to include timber and wood chips).

C. I hereby authorize DOT and DPS, as applicable, to apply for or request any additional federal regulatory relief, waivers, permits, or other appropriate flexibility deemed necessary, whether pertaining to the transportation of overweight loads on interstate highways or otherwise, on behalf of the State of South Carolina and to promptly implement the same without the need for further Orders.

D. This Section shall not be construed to require or allow an ill or fatigued driver to operate a commercial motor vehicle. In accordance with 49 C.F.R. § 390.23, “a driver who informs the motor carrier that he or she needs immediate rest must be permitted at least ten (10) consecutive hours off duty before the driver is required to return to such terminal or location.” Likewise, this Section shall not be construed as an exemption from the applicable controlled substances and alcohol use and testing requirements in 49 C.F.R. § 382, the commercial driver’s license requirements in 49 C.F.R. § 383, or the financial responsibility requirements in 49 C.F.R. § 387, and it shall not be interpreted to relieve compliance with any other state or federal statute, rule, order, regulation, restriction, or other legal requirement not specifically waived, suspended, or addressed herein or addressed in any additional or supplemental guidance, rules, regulations, restrictions, or clarifications issued, provided, or promulgated by DOT or DPS.

E. Subject to any guidance, rules, regulations, restrictions, or clarification issued, provided, or promulgated, or which may be issued, provided, or promulgated, by DOT or DPS, as authorized herein or as otherwise provided by law, and notwithstanding the waiver or suspension of certain rules and regulations as set forth above, drivers in South Carolina are still subject to the following state requirements to ensure public safety:

1. Weight, height, length, and width for any such vehicle with a minimum of five (5) weight bearing axles on highways or roadways maintained by the State of South Carolina shall not exceed, for continuous travel on all non-interstates, United States, and South Carolina designated routes, maximum dimensions of twelve (12) feet in width (except as provided in Paragraph 5 below), thirteen (13) feet six (6) inches in height, and ninety thousand (90,000) pounds in gross weight.

2. Posted bridges may not be crossed.

3. All vehicles shall be operated in a safe manner, shall not damage the highways nor unduly interfere with highway traffic, shall maintain the required limits of insurance, and shall be clearly identified as a utility vehicle or shall provide appropriate documentation indicating they are responding to the emergency.

4. Except as provided below, any vehicles that exceed the above dimensions, weights, or both, must obtain a permit with defined routes from DOT’s Oversize/Overweight Permit (“OSOW”) Office. To order

10 EXECUTIVE ORDERS

a permit, please call (803) 737-6769 during normal business hours, 8:30 a.m. – 5:00 p.m., or (803) 206-9566 after normal business hours.

5. In accordance with federal law, vehicles traveling on non-interstate routes within the National Network may not exceed a width of 102 inches or 8.6 feet without a special permit. A special permit for width on the National Network is available on DOT's OSOW website, and a list of routes on the National Network is set forth in Appendix A to 23 C.F.R. Part 658.

6. Transporters are responsible for ensuring they have oversize signs, markings, flags, and escorts as required by the South Carolina Code of Laws and OSOW guidelines relating to oversize/overweight loads operating on South Carolina roadways.

F. I hereby authorize DOT and DPS to issue, provide, or promulgate any necessary and appropriate additional or supplemental guidance, rules, regulations, or restrictions regarding the application, implementation, or enforcement of this Section, or to otherwise provide clarification regarding the same, without the need for further Orders.

G. I hereby authorize and direct DPS, including the South Carolina Highway Patrol, as needed, to waive or suspend, in whole or in part, operation of the requisite rules and regulations, to include Regulation 38–600 of the South Carolina Code of Regulations, pertaining to the use of the South Carolina Highway Patrol Wrecker Rotation List.

H. This Section is effective immediately and shall remain in effect for thirty (30) days or the duration of the emergency, whichever is less, in accordance with 49 C.F.R. § 390.23 and section 56-5-70(D) of the South Carolina Code of Laws, except that requirements relating to registration, permitting, length, width, weight, and load are suspended for commercial and utility vehicles traveling on non-interstate routes for up to one hundred twenty (120) days, pursuant to the provisions of section 56-5-70 of the South Carolina Code of Laws, unless otherwise modified, amended, or rescinded by subsequent Order.

Section 3. General Provisions

A. This Order is not intended to create, and does not create, any individual right, privilege, or benefit, whether substantive or procedural, enforceable at law or in equity by any party against the State of South Carolina, its agencies, departments, political subdivisions, or other entities, or any officers, employees, or agents thereof, or any other person.

B. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this Order is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this Order, as the undersigned would have issued this Order, and each and every section, subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

C. This Order shall be implemented consistent with and to the maximum extent provided by applicable law and shall be subject to the availability of appropriations. This Order shall not be interpreted, applied, implemented, or construed in a manner so as to impair, impede, or otherwise affect the authority granted by law to an executive agency or department, or the officials or head thereof, including the undersigned.

D. I hereby expressly authorize the Office of the Governor to provide or issue any necessary and appropriate additional or supplemental guidance, rules, regulations, or restrictions regarding the application of this Order or to otherwise provide clarification regarding the same, through appropriate means, without the need for further Orders.

E. This Order is effective immediately and shall remain in effect for a period of fifteen (15) days unless otherwise expressly stated herein or modified, amended, or rescinded by subsequent Order. Further

proclamations, orders, and directives deemed necessary to ensure the fullest possible protection of life and property during this State of Emergency shall be issued orally by the undersigned and thereafter reduced to writing and published for dissemination within the succeeding 24-hour period.

**GIVEN UNDER MY HAND AND THE GREAT
SEAL OF THE STATE OF SOUTH CAROLINA,
THIS 4th DAY OF AUGUST, 2024.**

**HENRY DARGAN MCMASTER
Governor**

12 NOTICES

DEPARTMENT OF PUBLIC HEALTH

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 on **August 23, 2024**, 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 Certificate of Need Program, 2100 Bull Street, Columbia, South Carolina 29201, at (803) 545-4200, or by email at coninfo@dph.sc.gov.

Affecting Anderson County

AnMed Encompass Health Rehabilitation Hospital, LLC d/b/a AnMed Health Rehabilitation Hospital, an Affiliate of AnMed Health and Encompass Health Corporation

Construction for the addition of 16 rehabilitation beds for a total of 76 rehabilitation beds and the addition of 11,405 sf at a total project cost of \$13,470,000.00.

Affecting York County

TSI South, LLC d/b/a Vital Care of Rock Hill

Establishment of a Specialty Home Health Agency to provide home infusion services in York County at a total project cost of \$13,000.00.

In accordance with Section 44-7-210(A), Code of Laws of South Carolina, and 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 no earlier than 30 days, but no later than 90 days, from **August 23, 2024**. "Affected persons" have 30 days from the above date to submit requests for a public hearing to Certificate of Need Program, 2100 Bull Street, Columbia, South Carolina 29201. If a public hearing is timely requested, the Department's decision will be made after the public hearing, but no later than 120 days from the above date. For further information, call (803) 545-4200 or email coninfo@dph.sc.gov.

Affecting Berkeley, Charleston, and Dorchester Counties

Roper St. Francis Healthcare (RSFH) Ancillary Services d/b/a Roper St. Francis Home Health

Establishment of a new Home Health Agency in Berkeley, Charleston, and Dorchester Counties at a total project cost of \$50,000.00.

Affecting Marion County

Medical University Hospital Authority d/b/a MUSC Health Mullins Nursing Center

Relocation of a nursing home to a facility requiring renovation and reduction of nursing home beds for a total of 90 nursing home beds for a total project cost of \$13,680,944.00.

CLEMSON UNIVERSITY
STATE LIVESTOCK-POULTRY HEALTH COMMISSION
 CHAPTER 27
 Statutory Authority: 1976 Code Sections 47-4-30 and 47-17-130

Notice of Drafting:

The Livestock-Poultry Health Commission is considering modernizing, clarifying and updating 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.

Interested parties should submit written comments to Dr. James H. Hollis, Director, South Carolina Meat-Poultry Inspection Department, 500 Clemson Rd., Columbia, S. C. 29229. To be considered, comments should be received no later than September 27, 2024, the close of the drafting comment period.

Synopsis:

This regulation is being promulgated to comply with the Federal Meat Inspection Act (21 USC 661, Section 301) which establishes Federal-State Cooperative Meat Inspection Programs. This is a grant program where federal funds for any year shall not exceed 50 per centum of the estimated total cost of the cooperative program. A cooperating state is required to adopt regulations at least as stringent as those adopted by the United States Government. This regulation will in effect, adopt the current Federal Meat Inspection Regulations with some minor exceptions for some state specific requirements, such as utilizing state marks of inspection, designating use of state holidays and other similar requirements.

This regulation will not require legislative action.

CLEMSON UNIVERSITY
STATE LIVESTOCK-POULTRY HEALTH COMMISSION
 CHAPTER 27
 Statutory Authority: 1976 Code Sections 47-4-30, 47-19-30, and 47-19-170

Notice of Drafting:

The Livestock-Poultry Health Commission is considering modernizing, clarifying and updating 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.

Interested parties should submit written comments to Dr. James H. Hollis, Director, South Carolina Meat-Poultry Inspection Department, 500 Clemson Rd., Columbia, S.C. 29229. To be considered, comments should be received no later than September 27, 2024, the close of the drafting comment period.

Synopsis:

This regulation is being promulgated to comply with the Poultry Products Inspection Act (21 USC 454, Section 5) which establishes Federal-State Cooperative Poultry Inspection Programs. This is a grant program where federal funds for any year shall not exceed 50 per centum of the estimated total cost of the cooperative program. A cooperating state is required to adopt regulations at least as stringent as those adopted by the United States Government. This regulation will in effect, adopt the current Federal Poultry Products Inspection Regulations with some minor exceptions for some state specific requirements, such as utilizing state marks of inspection, designating use of state holidays, and other similar requirements.

14 DRAFTING NOTICES

This regulation will not require legislative action.

STATE BOARD OF EDUCATION
CHAPTER 43
Statutory Authority: 1976 Code Section 59-5-60

Notice of Drafting:

The South Carolina Department of Education (SCDE) proposes to revise Regulation 43-262, Assessment Program. Interested persons may submit their comments in writing to Kristi Austin, Director, Office of Assessment and Standards, Division of College, Career, and Military Ready, 428 Wholesale Lane, West Columbia, SC 29172 or by e-mail to kdaustin@ed.sc.gov. To be considered, comments must be received no later than 5:00 p.m. on September 23, 2024, the close of the drafting comment period.

Synopsis:

Regulation 43-262.I. outlines the statewide assessment program, including the testing of public-school students at selected grade levels and in selected content and skill areas. The SCDE proposes to update outdated language in the regulation. Specifically, the No Child Left Behind Act is no longer in effect. It was replaced with the Every Student Succeeds Act in 2015. Changing the name to Every Student Succeeds Act (ESSA) or prevailing legislation would allow the regulation to be updated to the current legislation and allow for change in the future without a request for a regulation change.

Additionally, the name of the state summative assessment, SCPASS, is no longer in use. SC READY replaced that assessment and is the current assessment. By changing the name to SC READY or the corresponding state assessment would allow the regulation to be updated to the current test and allow for change in the future without a regulation change request.

Legislative review of this proposal is required.

STATE BOARD OF EDUCATION
CHAPTER 43
Statutory Authority: 1976 Code Sections 59-5-60, 59-25-110, and 59-26-10 et seq.

Notice of Drafting:

The South Carolina State Board of Education proposes to amend Regulation 43-64, Requirements for Certification at the Advanced Level. Interested persons may submit their comments in writing to Mary Hipp, Director, Office of Educator Service, South Carolina Department of Education, 428 Wholesale Lane, West Columbia, South Carolina 29172, or by e-mail to mhipp@ed.sc.gov. To be considered, comments must be received no later than 5:00 p.m. on September 23, 2024, the close of the drafting comment period.

Synopsis:

State Board of Education Regulation 43-64 governs the requirements for educators to become certified in leadership and administrative fields and in instructional service fields. Amendments to the regulation will update certification field titles to conform with current practice and State Board guidelines, revise principal certification to encompass a Pre-kindergarten through grade 12 grade span, and clarify other certification requirements at the advanced level.

Legislative review of this proposal is required.

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
CHAPTER 61

Statutory Authority: 1976 Code Sections 48-1-10 et seq., 48-6-10 et seq., 44-87-10 et seq., and 2023 Act No. 60, effective July 1, 2024

Notice of Drafting:

The South Carolina Department of Environmental Services (SCDES) proposes amending R.61-62, Air Pollution Control Regulations and Standards; the South Carolina Air Quality Implementation Plan (State Implementation Plan or SIP); and R.61-86.1, Standards of Performance for Asbestos Projects. Interested persons may submit comments on the proposed amendments to Mary Peyton Wall of the South Carolina Department of Environmental Services at 2600 Bull Street, Columbia, S.C. 29201; or via email at marypeyton.wall@des.sc.gov. To be considered, SCDES must receive comments no later than 5:00 p.m. on September 23, 2024, the close of the Notice of Drafting comment period.

Synopsis:

On May 19, 2023, Governor McMaster signed 2023 S.C. Act 60 (Act), restructuring the South Carolina Department of Health and Environmental Control (DHEC). Pursuant to that legislation, DHEC and the DHEC Board were abolished, and SCDES was created, effective July 1, 2024. Pursuant to S.C. Code Ann. § 48-6-20(A) and Section 14(B) of the Act, SCDES is vested with all the functions, powers, and duties of the environmental divisions, offices, and programs of DHEC including the power and duty to promulgate associated regulations.

SCDES proposes amending R.61-62.1, Definitions and General Requirements; R.61-62.3, Air Pollution Episodes; R.61-62.4, Hazardous Air Pollution Conditions; R.61-62.5, Standard 4, Emissions from Process Industries; R.61-62.96, Nitrogen Oxides (NO_x) Budget Program, and the SIP, to reflect the restructuring of DHEC pursuant to the Act, to revise related references, and to make non-substantive, grammatical changes.

SCDES also proposes amending R.61-62.60, South Carolina Designated Facility Plan and New Source Performance Standards; R.61-62.63, National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories; and R.61-62.70, Title V Operating Permit Program, to reflect the restructuring of DHEC pursuant to the Act, to revise related references, and to make non-substantive, grammatical changes.

SCDES also proposes amending R.61-86.1, Standards of Performance for Asbestos Projects, to reflect the restructuring of DHEC pursuant to the Act, to revise related references, and to make non-substantive, grammatical changes.

These amendments will require legislative review pursuant to S.C. Code Ann. §01-23-120(A) (Supp. 2023).

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
CHAPTER 30

Statutory Authority: 1976 Code Sections 48-6-10 et seq., 48-39-10 et seq., and 2023 Act No. 60, effective July 1, 2024

Notice of Drafting:

The South Carolina Department of Environmental Services (SCDES) proposes amending the following regulations:

- R.30-1. Statement of Policy.
- R.30-2. Applying for a Permit.
- R.30-4. Decisions on a Permit.

16 DRAFTING NOTICES

R.30-6. Appeals of Permit Decisions.

R.30-8. Enforcement.

R.30-10. Critical Area Boundaries.

R.30-11. General Guidelines for all Critical Areas.

R.30-12. Special Project Standards for Tidelands and Coastal Waters.

R.30-15. Activities Allowed Seaward of Baseline.

R.30-17. Application Procedures for General Permits Pursuant to Section 48-39-290(B)(4).

Interested persons may submit comments on the proposed amendments to Mary Peyton Wall of the South Carolina Department of Environmental Services at 2600 Bull Street, Columbia, S.C. 29201; or via email at marypeyton.wall@des.sc.gov. To be considered, SCDES must receive comments no later than 5:00 p.m. on September 23, 2024, the close of the Notice of Drafting comment period.

Synopsis:

On May 19, 2023, Governor McMaster signed 2023 S.C. Act 60 (Act), restructuring the South Carolina Department of Health and Environmental Control (DHEC). Pursuant to that legislation, DHEC and the DHEC Board were abolished, and SCDES was created, effective July 1, 2024. Pursuant to S.C. Code Ann. § 48-6-20(A) and Section 14(B) of the Act, SCDES is vested with all the functions, powers, and duties of the environmental divisions, offices, and programs of DHEC including the power and duty to promulgate associated regulations.

SCDES proposes amending the above-referenced regulations to reflect the restructuring of DHEC pursuant to the Act, to revise related references, and to make non-substantive, grammatical changes.

These amendments will require legislative review pursuant to S.C. Code Ann. § 1-23-120(A) (Supp. 2023).

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL CHAPTER 61

Statutory Authority: 1976 Code Sections 44-55-10 et seq., 44-55-2310 et seq., 46-45-80, 48-1-10 et seq., 49-4-10 et seq., 49-5-10 et seq., 48-6-10 et seq., and 2023 Act No. 60, effective July 1, 2024

Notice of Drafting:

The South Carolina Department of Environmental Services (SCDES) proposes amending the following regulations:

R.61-9. Water Pollution Control Permits.

R.61-43. Standards for the Permitting of Agricultural Animal Facilities.

R.61-44. Individual Residential Well and Irrigation Well Permitting.

R.61-58. State Primary Drinking Water Regulations.

R.61-67. Standards for Wastewater Facility Construction.

R.61-68. Water Classifications and Standards.

R.61-82. Proper Closeout of Wastewater Treatment Facilities.

R.61-87. Underground Injection Control Regulations.

R.61-101. Water Quality Certification.

R.61-110. Total Maximum Daily Loads for Pollutants in Water.

R.61-113. Groundwater Use and Reporting.

R.61-119. Surface Water Withdrawal, Permitting, Use and Reporting.

Interested persons may submit comments on the proposed amendments to Mary Peyton Wall of the South Carolina Department of Environmental Services at 2600 Bull Street, Columbia, S.C. 29201; or via email at

marypeyton.wall@des.sc.gov. To be considered, SCDES must receive comments no later than 5:00 p.m. on September 23, 2024, the close of the Notice of Drafting comment period.

Synopsis:

On May 19, 2023, Governor McMaster signed 2023 S.C. Act 60 (Act), restructuring the South Carolina Department of Health and Environmental Control (DHEC). Pursuant to that legislation, DHEC and the DHEC Board were abolished, and SCDES was created, effective July 1, 2024. Pursuant to S.C. Code Ann. § 48-6-20(A) and Section 14(B) of the Act, SCDES is vested with all the functions, powers, and duties of the environmental divisions, offices, and programs of DHEC including the power and duty to promulgate associated regulations.

SCDES proposes amending the above-referenced regulations to reflect the restructuring of DHEC pursuant to the Act, to revise related references, and to make non-substantive, grammatical changes.

These amendments will require legislative review pursuant to S.C. Code Ann. § 1-23-120(A) (Supp. 2023).

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
CHAPTER 61

Statutory Authority: 1976 Code Sections 13-7-10 et seq., 44-2-10 et seq., 44-56-10 et seq., 44-96-10 et seq., 48-1-10 et seq., 48-6-10 et seq., 48-60-5 et seq., and 2023 Act No. 60, effective July 1, 2024

Notice of Drafting:

The South Carolina Department of Environmental Services (SCDES) proposes amending the following regulations:

- R.61-33. Drycleaning Facility Restoration Trust Fund.
- R.61-63. Radioactive Materials (Title A).
- R.61-64. X-Rays (Title B).
- R.61-65. Particle Accelerators (Title C).
- R.61-79.124. Permit Administration.
- R.61-79.260. Hazardous Waste Management System; General.
- R.61-79.261. Identification and Listing of Hazardous Waste.
- R.61-79.264. Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities.
- R.61-79.266. Standards for the Management of Specific Hazardous Wastes and Specific Types of Hazardous Waste Management Facilities.
- R.61-79.270. Permit Requirements.
- R.61-83. Transportation of Radioactive Waste Into or Within South Carolina.
- R.61-92. Underground Storage Tank Control Regulations.
- R.61-98. State Underground Petroleum Environmental Response Bank (SUPERB) Site Rehabilitation and Fund Access Regulation.
- R.61-104. Hazardous Waste Management Location Standards.
- R.61-105. Infectious Waste Management Regulation.
- R.61-106. Tanning Facilities.
- R.61-107.2. Solid Waste Management: Full Cost Disclosure.
- R.61-107.3. Solid Waste Management: Waste Tires.
- R.61-107.4. Solid Waste Management: Compost and Mulch Production from Land-clearing Debris, Yard Trimmings, and Organic Residuals.
- R.61-107.5. Solid Waste Management: Collection, Temporary Storage, and Transportation of Municipal Solid Waste.
- R.61-107.6. Solid Waste Management: Solid Waste Processing Facilities.

18 DRAFTING NOTICES

- R.61-107.7. Solid Waste Management: Transfer of Solid Waste.
- R.61-107.8. Solid Waste Management: Lead Acid Batteries.
- R.61-107.9. Solid Waste Management: White Goods.
- R.61-107.10. Solid Waste Management: Research, Development, and Demonstration Permit Criteria.
- R.61-107.12. Solid Waste Management: Solid Waste Incineration and Solid Waste Pyrolysis Facilities.
- R.61-107.14. Solid Waste Management: Municipal Solid Waste Landfill Operator's Certification.
- R.61-107.15. Solid Waste Management: Land Application and Solid Waste.
- R.61-107.17. Solid Waste Management: Demonstration-of-Need.
- R.61-107.18. Solid Waste Management: Off-Site Treatment of Contaminated Soil.
- R.61-107.19. Solid Waste Management: Solid Waste Landfills and Structural Fill.
- R.61-107.279. Solid Waste Management: Used Oil.
- R.61-124. Consumer Electronic Equipment Collection and Recovery.

Interested persons may submit comments on the proposed amendments to Mary Peyton Wall of the South Carolina Department of Environmental Services at 2600 Bull Street, Columbia, S.C. 29201; or via email at marypeyton.wall@des.sc.gov. To be considered, SCDES must receive comments no later than 5:00 p.m. on September 23, 2024, the close of the Notice of Drafting comment period.

Synopsis:

On May 19, 2023, Governor McMaster signed 2023 S.C. Act 60 (Act), restructuring the South Carolina Department of Health and Environmental Control (DHEC). Pursuant to that legislation, DHEC and the DHEC Board were abolished, and SCDES was created, effective July 1, 2024. Pursuant to S.C. Code Ann. § 48-6-20(A) and Section 14(B) of the Act, SCDES is vested with all the functions, powers, and duties of the environmental divisions, offices, and programs of DHEC including the power and duty to promulgate associated regulations.

SCDES proposes amending the above-referenced regulations to reflect the restructuring of DHEC pursuant to the Act, to revise related references, and to make non-substantive, grammatical changes.

These amendments will require legislative review pursuant to S.C. Code Ann. § 1-23-120(A) (Supp. 2023).

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL CHAPTER 72

Statutory Authority: 1976 Code Sections 48-6-10 et seq., 48-14-10 et seq., 49-11-240, and 2023 Act No. 60, effective July 1, 2024

Notice of Drafting:

The South Carolina Department of Environmental Services (SCDES) proposes amending the following regulations:

- R.72-1 through 72-9. Dams and Reservoirs Safety Act Regulations.
- R.72-300 through 72-316. Standards for Stormwater Management and Sediment Reduction.

Interested persons may submit comments on the proposed amendments to Mary Peyton Wall of the South Carolina Department of Environmental Services at 2600 Bull Street, Columbia, S.C. 29201; or via email at marypeyton.wall@des.sc.gov. To be considered, SCDES must receive comments no later than 5:00 p.m. on September 23, 2024, the close of the Notice of Drafting comment period.

Synopsis:

On May 19, 2023, Governor McMaster signed 2023 S.C. Act 60 (Act), restructuring the South Carolina Department of Health and Environmental Control (DHEC). Pursuant to that legislation, DHEC and the DHEC Board were abolished, and SCDES was created, effective July 1, 2024. Pursuant to S.C. Code Ann. § 48-6-20(A) and Section 14(B) of the Act, SCDES is vested with all the functions, powers, and duties of the environmental divisions, offices, and programs of DHEC including the power and duty to promulgate associated regulations.

SCDES proposes amending the above-referenced regulations to reflect the restructuring of DHEC pursuant to the Act, to revise related references, and to make non-substantive grammatical changes.

These amendments will require legislative review pursuant to S.C. Code Ann. § 1-23-120(A) (Supp. 2023).

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
CHAPTER 89

Statutory Authority: 1976 Code Sections 48-6-10 et seq., 48-20-10 et seq., and 2023 Act No. 60, effective July 1, 2024

Notice of Drafting:

The South Carolina Department of Environmental Services (SCDES) proposes amending the following regulations:

R.89-10 through 89-350. Office of the Governor – Mining Council of South Carolina.

Interested persons may submit comments on the proposed amendments to Mary Peyton Wall of the South Carolina Department of Environmental Services at 2600 Bull Street, Columbia, S.C. 29201 or via email at marypeyton.wall@des.sc.gov. To be considered, SCDES must receive comments no later than 5:00 p.m. on September 23, 2024, the close of the Notice of Drafting comment period.

Synopsis:

On May 19, 2023, Governor McMaster signed 2023 S.C. Act 60 (Act), restructuring the South Carolina Department of Health and Environmental Control (DHEC). Pursuant to that legislation, DHEC and the DHEC Board were abolished, and SCDES was created, effective July 1, 2024. Pursuant to S.C. Code Ann. § 48-6-20(A) and Section 14(B) of the Act, SCDES is vested with all the functions, powers, and duties of the environmental divisions, offices, and programs of DHEC including the power and duty to promulgate associated regulations.

SCDES proposes amending the above-referenced regulation to reflect the restructuring of DHEC pursuant to the Act, to revise related references, and to make non-substantive grammatical changes.

These amendments will require legislative review pursuant to S.C. Code Ann. § 1-23-120(A) (Supp. 2023).

20 DRAFTING NOTICES

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL CHAPTER 121

Statutory Authority: 1976 Code Sections 48-6-10 et seq., 48-43-10 et seq., and 2023 Act No. 60, effective July 1, 2024

Notice of Drafting:

The South Carolina Department of Environmental Services (SCDES) proposes amending the following regulation:

R.121-8.0. through 121-8.28. Oil and Gas Exploration, Drilling, and Production.

Interested persons may submit comments on the proposed amendments to Mary Peyton Wall of the South Carolina Department of Environmental Services at 2600 Bull Street, Columbia, S.C. 29201 or via email at marypeyton.wall@des.sc.gov. To be considered, SCDES must receive comments no later than 5:00 p.m. on September 23, 2024, the close of the Notice of Drafting comment period.

Synopsis:

On May 19, 2023, Governor McMaster signed 2023 S.C. Act 60 (Act), restructuring the South Carolina Department of Health and Environmental Control (DHEC). Pursuant to that legislation, DHEC and the DHEC Board were abolished, and SCDES was created, effective July 1, 2024. Pursuant to S.C. Code Ann. § 48-6-20(A) and Section 14(B) of the Act, SCDES is vested with all the functions, powers, and duties of the environmental divisions, offices, and programs of DHEC including the power and duty to promulgate associated regulations.

SCDES proposes amending the above-referenced regulation to reflect the restructuring of DHEC pursuant to the Act, to revise related references, and to make non-substantive grammatical changes.

These amendments will require legislative review pursuant to S.C. Code Ann. § 1-23-120(A) (Supp. 2023).

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL CHAPTER 61

Statutory Authority: 1976 Code Sections 44-55-610 et seq., 44-55-825, 44-55-827, 48-1-10 et seq., 48-6-10 et seq., and 2023 Act No. 60, effective July 1, 2024

Notice of Drafting:

The South Carolina Department of Environmental Services (SCDES) proposes amending the following regulations:

R.61-56. Onsite Wastewater Systems.

R.61-81. State Environmental Laboratory Certification Program.

Interested persons may submit comments on the proposed amendments to Mary Peyton Wall of the South Carolina Department of Environmental Services at 2600 Bull Street, Columbia, S.C. 29201 or via email at marypeyton.wall@des.sc.gov. To be considered, SCDES must receive comments no later than 5:00 p.m. on September 23, 2024, the close of the Notice of Drafting comment period.

Synopsis:

On May 19, 2023, Governor McMaster signed 2023 S.C. Act 60 (Act), restructuring the South Carolina Department of Health and Environmental Control (DHEC). Pursuant to that legislation, DHEC and the DHEC

Board were abolished, and SCDES was created, effective July 1, 2024. Pursuant to S.C. Code Ann. § 48-6-20(A) and Section 14(B) of the Act, SCDES is vested with all the functions, powers, and duties of the environmental divisions, offices, and programs of DHEC including the power and duty to promulgate associated regulations.

SCDES proposes amending the above-referenced regulations to reflect the restructuring of DHEC pursuant to the Act, to revise related references, and to make non-substantive grammatical changes.

These amendments will require legislative review pursuant to S.C. Code Ann. § 1-23-120(A) (Supp. 2023).

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

CHAPTER 19

Statutory Authority: 1976 Code Sections 48-6-10 et seq., 49-1-10, and 2023 Act No. 60, effective July 1, 2024

Notice of Drafting:

The South Carolina Department of Environmental Services (SCDES) proposes amending the following regulation:

R.19-450. Permits for Construction in Navigable Waters.

Interested persons may submit comments on the proposed amendments to Mary Peyton Wall of the South Carolina Department of Environmental Services at 2600 Bull Street, Columbia, S.C. 29201 or via email at marypeyton.wall@des.sc.gov. To be considered, SCDES must receive comments no later than 5:00 p.m. on September 23, 2024, the close of the Notice of Drafting comment period.

Synopsis:

On May 19, 2023, Governor McMaster signed 2023 S.C. Act 60 (Act), restructuring the South Carolina Department of Health and Environmental Control (DHEC). Pursuant to that legislation, DHEC and the DHEC Board were abolished, and SCDES was created, effective July 1, 2024. Pursuant to S.C. Code Ann. § 48-6-20(A) and Section 14(B) of the Act, SCDES is vested with all the functions, powers, and duties of the environmental divisions, offices, and programs of DHEC including the power and duty to promulgate associated regulations.

SCDES proposes amending the above-referenced regulation to reflect the restructuring of DHEC pursuant to the Act, to revise related references, and to make non-substantive grammatical changes.

These amendments will require legislative review pursuant to S.C. Code Ann. § 1-23-120(A) (Supp. 2023).

DEPARTMENT OF INSURANCE

CHAPTER 69

Statutory Authority: 1976 Code Sections 38-3-110 and 38-21-300

Notice of Drafting:

The Department of Insurance proposes to revise Regulation 69-14, Insurance Holding Company Systems. Interested persons may submit written comments to Melissa Manning, Legislative 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. To be considered, all comments must be received no later than 5:00 p.m. September 27, 2024, the close of the drafting comment period.

22 DRAFTING NOTICES

Synopsis:

The Department is proposing to make changes to Regulation 69-14 to implement a group capital calculation and liquidity stress test framework to provide the Department, as a solvency regulator, additional tools for conducting group-wide supervision. Changes will also establish receivership provisions to ensure the continuity of essential services and functions to an insurer in receivership by affiliated entities and further clarify ownership of data and records of the insurer. These amendments are proposed as part of an accreditation standard of the National Association of Insurance Commissioners and are necessary in order for the South Carolina Department of Insurance to maintain its accreditation.

Proposed revisions will require legislative review.

DEPARTMENT OF LABOR, LICENSING AND REGULATION STATE BOARD OF COSMETOLOGY

CHAPTER 35

Statutory Authority: 1976 Code Section 40-13-60

Notice of Drafting:

The South Carolina Board of Cosmetology proposes revising its regulations regarding licensure for out-of-state applicants. Interested persons may submit comments to Tracy Adams, Board Executive for the Cosmetology Board, South Carolina Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, S.C. 29211-1329.

Synopsis:

The South Carolina Board of Cosmetology proposes revising its regulations regarding licensure for out-of-state applicants

Legislative review of this amendment is required.

DEPARTMENT OF LABOR, LICENSING AND REGULATION SOUTH CAROLINA BOARD OF GENETIC COUNSELORS

CHAPTER 41

Statutory Authority: 1976 Code Section 40-1-70 and 40-85-10(B)(1)(d)

Notice of Drafting:

The Board of Genetic Counselors is proposing regulations to implement the requirements of Act 187 of the 2024 legislative session, which established the South Carolina Board of Genetic Counselors as a board administered by the Department of Labor, Licensing and Regulation. Interested persons may submit comments to Pam Dunkin, Board Executive, Board of Genetic Counselors, South Carolina Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, S.C. 29211-1329.

Synopsis:

The Board of Genetic Counselors is proposing regulations to implement the requirements of Act 187 of the 2024 legislative session, which established the South Carolina Board of Genetic Counselors as a board administered by the Department of Labor, Licensing and Regulation.

Legislative review of this amendment is required.

Document No. 5283
STATE BOARD OF FINANCIAL INSTITUTIONS
CHAPTER 15
Statutory Authority: 1976 Code Section 34-26-210

15-42. Authority to Engage in Activities Authorized for Federally Chartered Institutions.

Preamble:

The State Board of Financial Institutions (BOFI) proposes to repeal Regulation 15-42 as it references repealed sections of the South Carolina Code, and because its language conflicts with existing statutory branching provisions, and because credit union trust powers are now addressed in Section 34-26-940.

Section-by-Section Discussion:

15-42. Authority to Engage in Activities Authorized for Federally Chartered Institutions.

Repeal in its entirety.

The Notice of Drafting was published in the *State Register* on June 28, 2024.

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 1205 Pendleton Street, Suite 415, Columbia, S.C. 29201 on October 2, 2024, at 10:00 a.m. Written comments may be directed to Kathy Bickham, Commissioner of Banking, Board of Financial Institutions, 1205 Pendleton Street, Suite 305, Columbia, S.C. 29201 no later than 5:00 p.m., September 23, 2024. 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.

Statement of Need and Reasonableness:

This regulation is repealed in accordance with Section 34-26-210.

DESCRIPTION OF REGULATION:

Purpose: The Agency is repealing this Regulation to remove references to repealed sections of the South Carolina Code, and to remove language that conflicts with current State law regarding branching of credit unions, and to remove language concerning credit union trust powers, as this matter is now addressed in Section 34-26-940.

Legal Authority: 1976 Code Section 34-26-210.

Plan for Implementation: The revised 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 REGULATION BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS:

24 PROPOSED REGULATIONS

The Agency is updating regulations to remove obsolete references to state law and to remove topics sufficiently addressed in current statute.

DETERMINATION OF COSTS AND BENEFITS:

There is no cost incurred by the State.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning the regulation.

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:

R.15-42 references repealed sections of the South Carolina Code, and because its language conflicts with existing statutory branching provisions, and because credit union trust powers are now addressed in Section 34-26-940. The State Board of Financial Institutions proposes to delete this regulation.

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. 5286
STATE BOARD OF FINANCIAL INSTITUTIONS
CHAPTER 15
Statutory Authority: 1976 Code Section 34-26-210

15-50. Declaration of Dividends by State-chartered Credit Unions.

Preamble:

The State Board of Financial Institutions (BOFI) proposes to amend Regulation 15-50 to incorporate languages that clarifies the meaning of Section 34-26-710 regarding the declaring and paying of dividends by a credit union.

Section-by-Section Discussion:

15-50. Declaration of Dividends by State-chartered Credit Unions.

This Regulation establishes rules for credit unions declaring dividends. The proposed amendments define terms in Section 34-26-710 addressing credit union dividends, including the definition of “current earnings” and

“undivided earnings,” as well as clarify the circumstances under which a state-chartered credit union may declare dividends.

The Notice of Drafting was published in the *State Register* on June 28, 2024.

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 1205 Pendleton Street, Suite 415, Columbia, S.C. 29201 on October 2, 2024, at 10:00 a.m. Written comments may be directed to Kathy Bickham, Commissioner of Banking, Board of Financial Institutions, 1205 Pendleton Street, Suite 305, Columbia, S.C. 29201 no later than 5:00 p.m., September 23, 2024. 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.

Statement of Need and Reasonableness:

This regulation is repealed in accordance with Section 34-26-210.

DESCRIPTION OF REGULATION:

Purpose: The Agency is amending this Regulation to provide needed clarity regarding statutory terms.

Legal Authority: 1976 Code Section 34-26-210.

Plan for Implementation: The revised 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 REGULATION BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS:

The Agency is updating regulations to provide clarity regarding the declaration and issuance of credit union dividends.

DETERMINATION OF COSTS AND BENEFITS:

There is no cost incurred by the State.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning the regulation.

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:

26 PROPOSED REGULATIONS

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

Statement of Rationale:

R.15-50 establishes rules for credit unions declaring dividends. The proposed amendments define terms in Section 34-26-710 addressing credit union dividends, including the definition of “current earnings” and “undivided earnings,” as well as clarify the circumstances under which a state-chartered credit union may declare dividends.

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. 5287

STATE BOARD OF FINANCIAL INSTITUTIONS

CHAPTER 15

Statutory Authority: 1976 Code Sections 34-1-60, 34-1-110, and 34-50-530(A)

15-26. Disposition of Real Property of Banks.

Preamble:

The State Board of Financial Institutions (BOFI) proposes to amend Regulation 15-26 in order to allow state-chartered banks, state savings banks, and savings and loan associations to hold, dispose of, and account for “Other Real Estate Owned” in the same manner as their nationally-chartered counterparts.

Section-by-Section Discussion:

15-26. Disposition of Real Property of Banks.

The current Regulation establishes limitations for holding, disposing of, and accounting for Other Real Estate Owned which are no longer consistent with the rules applying to nationally-chartered institutions.

The amended language defines Other Real Estate Owned, and articulates the rules for owning, disposing of, and accounting for this type of property which is consistent with the requirements for nationally-chartered institutions.

The Notice of Drafting was published in the *State Register* on June 28, 2024.

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 1205 Pendleton Street, Suite 415, Columbia, S.C. 29201 on October 2, 2024, at 10:00 a.m. Written comments may be directed to Kathy Bickham, Commissioner of Banking, Board of Financial Institutions, 1205 Pendleton Street, Suite 305, Columbia, S.C. 29201 no later than 5:00 p.m., September 23, 2024. 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.

Statement of Need and Reasonableness:

This regulation is amended in accordance with Section 34-1-110(A)(1), as it seeks to permit state-chartered banks “to engage in any activity authorized for national banks by federal law...”

DESCRIPTION OF REGULATION:

Purpose: The Agency is updating regulations to allow state-chartered banks, state savings banks, and savings and loan associations to hold, dispose of, and account for “Other Real Estate Owned” in the same manner as their nationally-chartered counterparts.

Legal Authority: 1976 Code Sections 34-1-60, 34-1-110, and 34-50-530(A).

Plan for Implementation: Legislative review of this proposal is not required pursuant to Section 1-23-120(H)(2) and Section 34-1-110(A)(1). Therefore, this regulation change will take effect upon publication of the final regulation in the State Register.

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

The Agency is updating the regulations to reflect modern banking practices, and to provide parity between certain types of institutions, as provided in Section 34-1-110(A)(1).

DETERMINATION OF COSTS AND BENEFITS:

There is no cost incurred by the State.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning the regulation.

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 amended language defines Other Real Estate Owned, and articulates the rules for owning, disposing of, and accounting for this type of property which is consistent with the requirements for nationally-chartered institutions.

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.

28 PROPOSED REGULATIONS

Document No. 5290
STATE BOARD OF FINANCIAL INSTITUTIONS
CHAPTER 15
Statutory Authority: 1976 Code Section 34-26-210

15-45. Electronic Fund Transfers.

Preamble:

The State Board of Financial Institutions (BOFI) proposes to repeal Regulation 15-45 as it references an outdated “pilot program” which allowed credit unions to utilize electronic fund transfers; these transfers are now allowed by statute at Section 34-26-410.

Section-by-Section Discussion:

15-45. Electronic Fund Transfers.

Repeal in its entirety.

The Notice of Drafting was published in the *State Register* on June 28, 2024.

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 1205 Pendleton Street, Suite 415, Columbia, S.C. 29201 on October 2, 2024, at 10:00 a.m. Written comments may be directed to Kathy Bickham, Commissioner of Banking, Board of Financial Institutions, 1205 Pendleton Street, Suite 305, Columbia, S.C. 29201 no later than 5:00 p.m., September 23, 2024. 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.

Statement of Need and Reasonableness:

This regulation is repealed in accordance with Section 34-26-210.

DESCRIPTION OF REGULATION:

Purpose: The Agency is repealing this Regulation to remove references to an outdated “pilot program” which allowed credit unions to utilize electronic fund transfers.

Legal Authority: 1976 Code Section 34-26-210.

Plan for Implementation: The revised 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 REGULATION BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS:

The Agency is updating regulations to remove obsolete references to state law and to remove topics sufficiently addressed in current statute.

DETERMINATION OF COSTS AND BENEFITS:

There is no cost incurred by the State.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning the regulation.

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 15-45 references an outdated “pilot program” which allowed credit unions to utilize electronic fund transfers. Electronic fund transfers are now allowed by statute at Section 34-26-410. Accordingly, BOFI proposes that this Regulation be repealed.

Text:

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

Document No. 5291
STATE BOARD OF FINANCIAL INSTITUTIONS
CHAPTER 15
Statutory Authority: 1976 Code Section 34-1-60

15-39H. Financial Institutions May Share in Ownership or Lease and Operation of Freestanding Automatic Teller Machine Branches.

Preamble:

The State Board of Financial Institutions (BOFI) proposes to repeal Regulation 15-39H as outdated and unnecessary.

Section-by-Section Discussion:

15-39H. Financial Institutions May Share in Ownership or Lease and Operation of Freestanding Automatic Teller Machine Branches.

This regulations establishes rules for institutions “sharing” an “ATM branch.” ATM’s are not considered branches under state or federal law. Moreover, this Regulation is unnecessary as it is not used in the industry.

The Notice of Drafting was published in the *State Register* on June 28, 2024.

30 PROPOSED REGULATIONS

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 1205 Pendleton Street, Suite 415, Columbia, S.C. 29201 on October 2, 2024, at 10:00 a.m. Written comments may be directed to Kathy Bickham, Commissioner of Banking, Board of Financial Institutions, 1205 Pendleton Street, Suite 305, Columbia, S.C. 29201 no later than 5:00 p.m., September 23, 2024. 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.

Statement of Need and Reasonableness:

This regulation is amended in accordance with Section 34-1-60, which empowers BOFI to “supervise all banks and building and loan associations and provide regulations and instructions for the direction, control and protection of all such institutions, the conservation of their assets and the liquidation thereof, as may be necessary or proper to effectuate the purposes of this Title.” See also Section 34-30-530(A) (regarding state savings banks, specifically).

DESCRIPTION OF REGULATION:

Purpose: The Agency is updating regulations to address outdated regulatory language, and language that is inconsistent with current State law.

Legal Authority: 1976 Code Section 34-1-60.

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

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

Repeal of the regulation is needed to address outdated and unnecessary regulatory language, and language that is inconsistent with current State law.

DETERMINATION OF COSTS AND BENEFITS:

There is no cost incurred by the State.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning the regulation.

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:

R.15-39H establishes rules for institutions “sharing” an “ATM branch.” ATM’s are not considered branches under state or federal law. Moreover, this Regulation is unnecessary as it is not used in the industry.

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. 5295
STATE BOARD OF FINANCIAL INSTITUTIONS
 CHAPTER 15
 Statutory Authority: 1976 Code Sections 34-1-60 and 34-1-110

15-32. Home Improvement Loans.

Preamble:

The State Board of Financial Institutions (BOFI) proposes to repeal Regulation 15-32, as it references the Home Loan Bank Board a federal regulatory entity which no longer exists, and incorporates federal regulations that have been repealed.

Section-by-Section Discussion:

15-32. Home Improvement Loans.

The current Regulation limits state-chartered savings and loan associations to making home improvement loans in accordance with the rules established by the Home Loan Bank Board, which no longer exists. The Regulation incorporates certain federal regulations issued by the Home Loan Bank Board, which are no longer in effect.

Repealing this Regulation will remove references to outdated federal law, and clarify that Section 34-28-510 allows savings and loan associations may make or invest in loans of any type, secured or unsecured, subject to the limitations established therein.

The Notice of Drafting was published in the *State Register* on June 28, 2024.

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 1205 Pendleton Street, Suite 415, Columbia, S.C. 29201 on October 2, 2024, at 10:00 a.m. Written comments may be directed to Kathy Bickham, Commissioner of Banking, Board of Financial Institutions, 1205 Pendleton Street, Suite 305, Columbia, S.C. 29201 no later than 5:00 p.m., September 23, 2024. 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:

32 PROPOSED REGULATIONS

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

Statement of Need and Reasonableness:

This regulation is repealed in accordance with Section 34-1-60: “The Board may supervise all banks and building and loan associations and provide regulations and instructions for the direction, control and protection of all such institutions, the conservation of their assets and the liquidation thereof, as may be necessary or proper to effectuate the purposes of this Title.”

DESCRIPTION OF REGULATION:

Purpose: The Agency seeks to repeal this Regulation as it references the Home Loan Bank Board a federal regulatory entity which no longer exists, and incorporates federal regulations that have been repealed.

Legal Authority: 1976 Code Sections 34-1-60 and 34-1-110.

Plan for Implementation: Legislative review of this proposal is not required pursuant to Section 1-23-120(H)(1) and Section 34-1-60. Therefore, this regulation change will take effect upon publication of the final regulation in the State Register.

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

The Agency is updating the regulations to remove outdated references to federal regulatory bodies and their repealed regulations.

DETERMINATION OF COSTS AND BENEFITS:

There is no cost incurred by the State.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning the regulation.

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:

Repealing this Regulation will remove references to outdated federal law, and clarify that Section 34-28-510 allows savings and loan associations may make or invest in loans of any type, secured or unsecured, subject to the limitations established therein.

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. 5281
STATE BOARD OF FINANCIAL INSTITUTIONS
 CHAPTER 15
 Statutory Authority: 1976 Code Section 34-1-60

15-28. Income and Expense Statements Re Dividends.

Preamble:

The State Board of Financial Institutions (BOFI) proposes to repeal Regulation 15-28 requiring banks to file income and expense reports along with any request to the Board to allow the bank to pay cash dividends to its shareholders. BOFI already receives this information in the “report of condition” required by Section 34-3-380.

Section-by-Section Discussion:

15-28. Income and Expense Statements Re Dividends.

The original language of this Regulation requires banks to file income and expense reports along with any request to the Board to allow the bank to pay cash dividends to its shareholders.

BOFI proposes to repeal this Regulation as it already receives the referenced information in the “report of condition” required by Section 34-3-380.

The Notice of Drafting was published in the *State Register* on June 28, 2024.

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 1205 Pendleton Street, Suite 415, Columbia, S.C. 29201 on October 2, 2024, at 10:00 a.m. Written comments may be directed to Kathy Bickham, Commissioner of Banking, Board of Financial Institutions, 1205 Pendleton Street, Suite 305, Columbia, S.C. 29201 no later than 5:00 p.m., September 23, 2024. 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.

Statement of Need and Reasonableness:

This regulation is repealed in accordance with Section 34-1-60, which empowers BOFI to “supervise all banks and building and loan associations and provide regulations and instructions for the direction, control and protection of all such institutions, the conservation of their assets and the liquidation thereof, as may be necessary or proper to effectuate the purposes of this Title.”

DESCRIPTION OF REGULATION:

34 PROPOSED REGULATIONS

Purpose: The Agency is updating regulations to simplify and clarify, as well as to cut down on redundancy in filings, where possible.

Legal Authority: 1976 Code Section 34-1-60.

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

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

Repeal of the Regulation is reasonable because the Regulation requires an institutions to submit information which it is already required to provide to BOFI on a regular basis in the “report of condition” required by Section 34-3-380. Thus, the Regulation is a redundant and unnecessary requirement.

DETERMINATION OF COSTS AND BENEFITS:

There is no cost incurred by the State.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning the regulation.

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:

R.15-28 banks to file income and expense reports along with any request to the Board to allow the bank to pay cash dividends to its shareholders. BOFI proposes to repeal this Regulation as it already receives the referenced information in the “report of condition” required by Section 34-3-380.

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. 5297
STATE BOARD OF FINANCIAL INSTITUTIONS
 CHAPTER 15
 Statutory Authority: 1976 Code Sections 34-1-110 and 34-26-210

15-52. Increase in Field of Membership.

Preamble:

The State Board of Financial Institutions (BOFI) proposes to repeal Regulation 15-52 because the federal policy statements referenced therein have been withdrawn, and because the Regulation pre-dates current credit union statute and is inconsistent with current statutory field of membership rules.

Section-by-Section Discussion:

15-52. Increase in Field of Membership.

Repeal in its entirety.

The Notice of Drafting was published in the *State Register* on June 28, 2024.

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 1205 Pendleton Street, Suite 415, Columbia, S.C. 29201 on October 2, 2024, at 10:00 a.m. Written comments may be directed to Kathy Bickham, Commissioner of Banking, Board of Financial Institutions, 1205 Pendleton Street, Suite 305, Columbia, S.C. 29201 no later than 5:00 p.m., September 23, 2024. 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.

Statement of Need and Reasonableness:

This regulation is repealed in accordance with Section 34-26-210.

DESCRIPTION OF REGULATION:

Purpose: The Agency proposes to repeal Regulation 15-52 because the federal policy statements referenced therein have been withdrawn, and because the Regulation pre-dates current credit union statute and is inconsistent with current statutory field of membership rules.

Legal Authority: 1976 Code Sections 34-1-110 and 34-26-210.

Plan for Implementation: Legislative review of this proposal is not required pursuant to Section 1-23-120(H)(1). Therefore, this regulation change will take effect upon publication of the final regulation in the State Register.

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

36 PROPOSED REGULATIONS

The Agency is updating regulations to remove references to outdated federal policy statements, and to ensure consistency between regulations and current statutes.

DETERMINATION OF COSTS AND BENEFITS:

There is no cost incurred by the State.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning the regulation.

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 15-52 incorporates by references federal policy statements which have been withdrawn. Moreover, the Regulation pre-dates current credit union statute and is inconsistent with current statutory field of membership rules. BOFI proposes to repeal this Regulation.

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. 5298

STATE BOARD OF FINANCIAL INSTITUTIONS

CHAPTER 15

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

15-1. Limitations and Restrictions on Purchase and Sale of Securities.

Preamble:

The State Board of Financial Institutions (BOFI) proposes to amend Regulation 15-1 in order to allow state-chartered banks, state savings banks, and savings and loan associations to purchase and sell securities and invest in operating subsidiaries in the same manner as their nationally-chartered counterparts.

Section-by-Section Discussion:

15-1. Limitations and Restrictions on Purchase and Sale of Securities.

The language of Subsections (1) through (7) are deleted in their entirety and replaced by amended Subsections (1) and (2).

Amended Subsection (1) allows state-chartered banks, state savings banks, and savings and loan associations to engage in investment activities in the same manner as national banks and federal savings associations are permitted to do, without the specific approval of the Board.

Amended Subsection (2) allows state-chartered banks, state savings banks, and savings and loan associations to invest in operating subsidiaries engaged in activities the bank could perform directly, without the specific approval of the Board, as national banks and federal savings associations are permitted to do.

The Notice of Drafting was published in the *State Register* on June 28, 2024.

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 1205 Pendleton Street, Suite 415, Columbia, S.C. 29201 on October 2, 2024, at 10:00 a.m. Written comments may be directed to Kathy Bickham, Commissioner of Banking, Board of Financial Institutions, 1205 Pendleton Street, Suite 305, Columbia, S.C. 29201 no later than 5:00 p.m., September 23, 2024. 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.

Statement of Need and Reasonableness:

This regulation is amended in accordance with Section 34-1-110(A)(1), as it seeks to permit state-chartered banks “to engage in any activity authorized for national banks by federal law,” and Section 34-1-110(A)(2), as it seeks to permit state savings banks, and savings and loan associations to “to engage in any activity authorized for federally chartered savings and loan associations by federal law or regulation...”

DESCRIPTION OF REGULATION:

Purpose: The Agency is updating regulations to allow state-chartered banks, state savings banks, and savings and loan associations to purchase and sell securities and invest in operating subsidiaries in the same manner as their nationally-chartered counterparts.

Legal Authority: 1976 Code Sections 34-1-60 and 34-1-110.

Plan for Implementation: Legislative review of this proposal is not required pursuant to Section 1-23-120(H)(2) and Section 34-1-110(A)(1) and (2). Therefore, this regulation change will take effect upon publication of the final regulation in the *State Register*.

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

The Agency is updating the regulations to reflect modern banking practices, and to provide parity between certain types of institutions, as provided in Section 34-1-110(A)(1) and (2).

DETERMINATION OF COSTS AND BENEFITS:

There is no cost incurred by the State.

UNCERTAINTIES OF ESTIMATES:

38 PROPOSED REGULATIONS

There are no uncertainties of estimates concerning the regulation.

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:

R.15-1 prohibits state-chartered banks, state savings banks, and state savings and loan associations from purchasing shares of stock in any corporation except as specifically provided therein, and limits the circumstances in which these institutions may own stocks in subsidiary corporations primarily engaged in a banking activity. Amending this regulation will allow these institutions to purchase and sell securities and invest in operating subsidiaries in the same manner as their nationally-chartered counterparts.

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. 5280
STATE BOARD OF FINANCIAL INSTITUTIONS
CHAPTER 15
Statutory Authority: 1976 Code Sections 34-1-60 and 34-1-110

15-29. Loans to Officers and Directors.

Preamble:

The State Board of Financial Institutions (BOFI) proposes to repeal Regulation 15-29, which requires loans to officers and directors of a state chartered bank to be approved by a two-thirds vote of the board of directors. Loans to officers and directors is already addressed sufficiently by Section 34-13-80 and by federal law at 12 C.F.R. Section 215, et seq (often referred to as “Reg O”).

Section-by-Section Discussion:

15-29. Loans to Officers and Directors.

The current Regulation requires loans to officers and directors of a state chartered bank to be approved by a two-thirds vote of the board of directors. This rule is inconsistent with Section 34-13-80, which allowed officers and directors to borrow in the same manner and under the same terms as the officers and directors of “any national bank.”

Repealing this Regulation will clarify that Section 34-13-80 is intended to provide state bank officers and directors with parity with their national bank counterparts.

The Notice of Drafting was published in the *State Register* on June 28, 2024.

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 1205 Pendleton Street, Suite 415, Columbia, S.C. 29201 on October 2, 2024, at 10:00 a.m. Written comments may be directed to Kathy Bickham, Commissioner of Banking, Board of Financial Institutions, 1205 Pendleton Street, Suite 305, Columbia, S.C. 29201 no later than 5:00 p.m., September 23, 2024. 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.

Statement of Need and Reasonableness:

This regulation is repealed in accordance with Section 34-1-110(A)(1), as it seeks to permit state-chartered banks “to engage in any activity authorized for national banks by federal law...”

DESCRIPTION OF REGULATION:

Purpose: The Agency seeks to repeal this Regulation to clarify that Section 34-13-80 is intended to provide state bank officers and directors with parity with their national bank counterparts.

Legal Authority: 1976 Code Sections 34-1-60 and 34-1-110.

Plan for Implementation: Legislative review of this proposal is not required pursuant to Section 1-23-120(H)(2) and Section 34-1-110(A)(1). Therefore, this regulation change will take effect upon publication of the final regulation in the State Register.

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

The Agency is updating the regulations to reflect modern banking practices, and to provide parity between certain types of institutions, as provided in Section 34-1-110(A)(1).

DETERMINATION OF COSTS AND BENEFITS:

There is no cost incurred by the State.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning the regulation.

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.

40 PROPOSED REGULATIONS

Statement of Rationale:

Repealing this Regulation to clarify that Section 34-13-80 is intended to provide state bank officers and directors with parity with their national bank counterparts regarding borrowing or obtaining credit from their banks. Currently the applicable rule for national banks is codified at 12 C.F.R. Section 215, et seq.

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. 5282
STATE BOARD OF FINANCIAL INSTITUTIONS
CHAPTER 15
Statutory Authority: 1976 Code Section 34-26-210

15-48. Procedure for State Credit Unions to Use Share Drafts.

Preamble:

The State Board of Financial Institutions (BOFI) proposes to repeal Regulation 15-48 as it incorporates by reference a federal regulation no longer in effect.

Section-by-Section Discussion:

15-48. Procedure for State Credit Unions to Use Share Drafts.

Repeal in its entirety.

The Notice of Drafting was published in the *State Register* on June 28, 2024.

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 1205 Pendleton Street, Suite 415, Columbia, S.C. 29201 on October 2, 2024, at 10:00 a.m. Written comments may be directed to Kathy Bickham, Commissioner of Banking, Board of Financial Institutions, 1205 Pendleton Street, Suite 305, Columbia, S.C. 29201 no later than 5:00 p.m., September 23, 2024. 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.

Statement of Need and Reasonableness:

This regulation is repealed in accordance with Section 34-26-210.

DESCRIPTION OF REGULATION:

Purpose: The Agency is repealing this Regulation to remove outdated and inapplicable references to federal regulations.

Legal Authority: 1976 Code Section 34-26-210.

Plan for Implementation: Legislative review of this proposal is not required pursuant to Section 1-23-120(H)(1) and Section 34-26-210. Therefore, this regulation change will take effect upon publication of the final regulation in the State Register.

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

The Agency is updating regulations to remove obsolete references to state law and to remove topics sufficiently addressed in current statute.

DETERMINATION OF COSTS AND BENEFITS:

There is no cost incurred by the State.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning the regulation.

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 15-48 references an outdated federal regulation which apparently set forth procedures for credit unions to use “share drafts.” As the underlying procedure is no longer applicable, BOFI proposes that this Regulation be repealed in its entirety.

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.

42 PROPOSED REGULATIONS

Document No. 5284

STATE BOARD OF FINANCIAL INSTITUTIONS

CHAPTER 15

Statutory Authority: 1976 Code Sections 34-1-60, 34-1-110, and 34-50-530(A)

15-25. Purchase of Property for Future Expansion.

Preamble:

The State Board of Financial Institutions (BOFI) proposes to amend Regulation 15-25 in order to allow state-chartered banks, state savings banks, and savings and loan associations to hold property acquired for future expansion in the same manner as their nationally-chartered counterparts.

Section-by-Section Discussion:

15-25. Purchase of Property for Future Expansion.

The current Regulation establishes limitations for institutions purchasing property for future expansion and requires approval by the Board of Financial Institutions prior to making such a purchase.

The amended language allows state chartered banks, state savings banks, and state savings and loan associations to hold property acquired for future expansion under the same conditions as national banks and federal savings associations are permitted to hold such property and requires the institutions to account for and dispose of such property accordingly.

The Notice of Drafting was published in the *State Register* on June 28, 2024.

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 1205 Pendleton Street, Suite 415, Columbia, S.C. 29201 on October 2, 2024, at 10:00 a.m. Written comments may be directed to Kathy Bickham, Commissioner of Banking, Board of Financial Institutions, 1205 Pendleton Street, Suite 305, Columbia, S.C. 29201 no later than 5:00 p.m., September 23, 2024. 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.

Statement of Need and Reasonableness:

This regulation is amended in accordance with Section 34-1-110(A)(1), as it seeks to permit state-chartered banks “to engage in any activity authorized for national banks by federal law,” and Section 34-1-110(A)(2), as it seeks to permit state savings banks, and savings and loan associations to “to engage in any activity authorized for federally chartered savings and loan associations by federal law or regulation...”

DESCRIPTION OF REGULATION:

Purpose: The Agency is updating regulations to allow state-chartered banks, state savings banks, and savings and loan associations to hold property acquired for future expansion in the same manner as their nationally-chartered counterparts.

Legal Authority: 1976 Code Sections 34-1-60, 34-1-110, and 34-50-530(A).

Plan for Implementation: Legislative review of this proposal is not required pursuant to Section 1-23-120(H)(2) and Section 34-1-110(A)(1) and (2). Therefore, this regulation change will take effect upon publication of the final regulation in the State Register.

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

The Agency is updating the regulations to reflect modern banking practices, and to provide parity between certain types of institutions, as provided in Section 34-1-110(A)(1) and (2).

DETERMINATION OF COSTS AND BENEFITS:

There is no cost incurred by the State.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning the regulation.

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 amended language allows state chartered banks, state savings banks, and state savings and loan associations to hold property acquired for future expansion under the same conditions as national banks and federal savings associations are permitted to hold such property and requires the institutions to account for and dispose of such property accordingly.

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.

44 PROPOSED REGULATIONS

Document No. 5285
STATE BOARD OF FINANCIAL INSTITUTIONS
CHAPTER 15
Statutory Authority: 1976 Code Sections 34-1-110 and 34-26-210

15-54. Record Retention for Credit Unions. (New)

Preamble:

The State Board of Financial Institutions (BOFI) proposes a new regulation to be codified as “15-54. Record Retention for Credit Unions.” This regulation will establish the record retention requirements for state-chartered credit unions.

Section-by-Section Discussion:

15-54. Record Retention for Credit Unions.

Establishes applicable record retention requirements for state-chartered credit unions.

The Notice of Drafting was published in the *State Register* on June 28, 2024.

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 1205 Pendleton Street, Suite 415, Columbia, S.C. 29201 on October 2, 2024, at 10:00 a.m. Written comments may be directed to Kathy Bickham, Commissioner of Banking, Board of Financial Institutions, 1205 Pendleton Street, Suite 305, Columbia, S.C. 29201 no later than 5:00 p.m., September 23, 2024. 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.

Statement of Need and Reasonableness:

The new regulation is proposed to create consistency among institutions, and to create parity between state chartered and federally chartered credit unions regarding record retention.

DESCRIPTION OF REGULATION:

Purpose: The Agency proposes this regulation to require credit unions to maintain certain records for specified periods of time.

Legal Authority: 1976 Code Sections 34-1-110 and 34-26-210.

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

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

The Agency proposes this new regulation to create consistency among institutions regarding retention of records and to create parity between state chartered and federally chartered credit unions.

DETERMINATION OF COSTS AND BENEFITS:

There is no cost incurred by the State.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning the regulation.

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 State Board of Financial Institutions proposes Regulation 15-54 to require credit unions to maintain certain records for specified periods of time.

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. 5288

STATE BOARD OF FINANCIAL INSTITUTIONS

CHAPTER 15

Statutory Authority: 1976 Code Section 34-1-60

15-39R. Regulatory Net Worth Requirements.

Preamble:

The State Board of Financial Institutions (BOFI) proposes to repeal Regulation 15-39R, as it references the Federal Savings and Loan Insurance Company (FSLIC), a federal regulatory entity which no longer exists, and incorporates federal regulations that have been repealed.

Section-by-Section Discussion:

15-39R. Regulatory Net Worth Requirements.

The current Regulation requires state-chartered savings and loan associations to maintain net worth requirements established for FSLIC-insured associations. FSLIC no longer exists; therefore this regulation should be repealed.

46 PROPOSED REGULATIONS

The Notice of Drafting was published in the *State Register* on June 28, 2024.

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 1205 Pendleton Street, Suite 415, Columbia, S.C. 29201 on October 2, 2024, at 10:00 a.m. Written comments may be directed to Kathy Bickham, Commissioner of Banking, Board of Financial Institutions, 1205 Pendleton Street, Suite 305, Columbia, S.C. 29201 no later than 5:00 p.m., September 23, 2024. 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.

Statement of Need and Reasonableness:

This regulation is repealed in accordance with Section 34-1-60: “The Board may supervise all banks and building and loan associations and provide regulations and instructions for the direction, control and protection of all such institutions, the conservation of their assets and the liquidation thereof, as may be necessary or proper to effectuate the purposes of this Title.”

DESCRIPTION OF REGULATION:

Purpose: The Agency seeks to repeal this Regulation as it references rules established by FSLIC, a federal regulatory entity which no longer exists.

Legal Authority: 1976 Code Section 34-1-60.

Plan for Implementation: Legislative review of this proposal is not required pursuant to Section 1-23-120(H)(1) and Section 34-1-60. Therefore, this regulation change will take effect upon publication of the final regulation in the State Register.

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

The Agency is updating the regulations to remove outdated references to federal regulatory bodies and their repealed regulations.

DETERMINATION OF COSTS AND BENEFITS:

There is no cost incurred by the State.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning the regulation.

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:

Repealing this Regulation will remove outdated references to FSLIC, a federal regulatory body that no longer exists, and its rules.

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. 5289

STATE BOARD OF FINANCIAL INSTITUTIONS

CHAPTER 15

Statutory Authority: 1976 Code Sections 34-1-60 and 34-50-530(A)

15-14. Retention of Bank Records.

Preamble:

The State Board of Financial Institutions (BOFI) proposes to amend Regulation 15-14 to address outdated record retention language, and simplify and clarify the current record retention requirements, as well as clarify that the regulation applies to state chartered banks, savings banks, savings and loan associations, and trust companies.

Section-by-Section Discussion:

15-14. Retention of Bank Records.

The original language of this Regulation is voluminous and significantly outdated. Many of the records referenced therein do not contemplate the use of computers.

The proposed amendment simplifies and modernizes the record retention rules. Amended Subsection (1) clarifies that the regulation applies to state chartered banks, savings banks, savings and loan associations, and trust companies and incorporates the requirements for all corporations under Section 33-16-101, as well as any federal rules regarding record retention into the Regulation.

Amended Subsection (2) succinctly establishes additional record retention rules.

Amended Subsection (3) states that institutions may maintain records beyond the minimum periods established in this Regulation.

The Notice of Drafting was published in the *State Register* on June 28, 2024.

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 1205 Pendleton Street, Suite 415, Columbia, S.C. 29201 on October 2, 2024, at 10:00 a.m. Written comments may be directed to Kathy Bickham, Commissioner of Banking, Board of Financial Institutions, 1205 Pendleton Street, Suite 305, Columbia, S.C. 29201 no later than 5:00 p.m., September 23,

48 PROPOSED REGULATIONS

2024. 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.

Statement of Need and Reasonableness:

This regulation is amended in accordance with Section 34-1-60, which empowers BOFI to “supervise all banks and building and loan associations and provide regulations and instructions for the direction, control and protection of all such institutions, the conservation of their assets and the liquidation thereof, as may be necessary or proper to effectuate the purposes of this Title.” See also Section 34-30-530(A) (regarding state savings banks, specifically).

DESCRIPTION OF REGULATION:

Purpose: The Agency is updating regulations to address outdated record retention language, and simplify and clarify the current record retention requirements, as well as clarify that the regulation applies to state chartered banks, savings banks, savings and loan associations, and trust companies.

Legal Authority: 1976 Code Sections 34-1-60 and 34-50-530(A).

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

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

Amendment to the regulation is needed to address outdated record retention language, and simplify and clarify the current record retention requirements, as well as clarify that the regulation applies to state chartered banks, savings banks, savings and loan associations, and trust companies.

DETERMINATION OF COSTS AND BENEFITS:

There is no cost incurred by the State.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning the regulation.

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:

R.15-14 establishes a record retention Regulation that is voluminous and significantly outdated. Many of the records referenced therein do not contemplate the use of computers. Amending this regulation will address outdated record retention language, and simplify and clarify the current record retention requirements, as well as clarify that the regulation applies to state chartered banks, savings banks, savings and loan associations, and trust companies.

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. 5292

STATE BOARD OF FINANCIAL INSTITUTIONS

CHAPTER 15

Statutory Authority: 1976 Code Sections 34-1-60 and 34-50-530(A)

15-4. State Bank Dividends.

Preamble:

The State Board of Financial Institutions (BOFI) proposes to amend Regulation 15-4 in order to provide greater flexibility for sound institutions and broaden application of the regulation to include savings banks and savings and loan associations.

Section-by-Section Discussion:

15-4. State Bank Dividends.

The original language of this regulation required any state bank to obtain approval of the Board of Financial Institutions prior to paying a dividend.

The proposed amendment authorizes institutions to declare cash dividends up to 100% of year-to-date net income in any calendar year without obtaining the prior approval of the Board, and clarifies that the regulation applies to state chartered banks, state savings banks, and state savings and loan associations.

The Notice of Drafting was published in the *State Register* on June 28, 2024.

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 1205 Pendleton Street, Suite 415, Columbia, S.C. 29201 on October 2, 2024, at 10:00 a.m. Written comments may be directed to Kathy Bickham, Commissioner of Banking, Board of Financial Institutions, 1205 Pendleton Street, Suite 305, Columbia, S.C. 29201 no later than 5:00 p.m., September 23, 2024. 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.

50 PROPOSED REGULATIONS

Statement of Need and Reasonableness:

This regulation is amended in accordance with Section 34-1-60, which empowers BOFI to “supervise all banks and building and loan associations and provide regulations and instructions for the direction, control and protection of all such institutions, the conservation of their assets and the liquidation thereof, as may be necessary or proper to effectuate the purposes of this Title.” See also Section 34-30-530(A) (regarding state savings banks, specifically).

DESCRIPTION OF REGULATION:

Purpose: The Agency is updating regulations to authorize institutions to declare cash dividends up to 100% of year-to-date net income in any calendar year without obtaining the prior approval of the Board, and clarifies that the regulation applies to state chartered banks, state savings banks, and state savings and loan associations.

Legal Authority: 1976 Code Sections 34-1-60 and 34-50-530(A).

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

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

The Agency is updating regulations to authorize institutions to declare cash dividends up to 100% of year-to-date net income in any calendar year without obtaining the prior approval of the Board, and clarifies that the regulation applies to state chartered banks, state savings banks, and state savings and loan associations.

DETERMINATION OF COSTS AND BENEFITS:

There is no cost incurred by the State.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning the regulation.

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:

R.15-4 required any state bank to obtain approval of the Board of Financial Institutions prior to paying a dividend. The proposed amendment authorizes institutions to declare cash dividends up to 100% of year-to-date net income in any calendar year without obtaining the prior approval of the Board, and clarifies that the regulation applies to state chartered banks, state savings banks, and state savings and loan associations.

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. 5293
STATE BOARD OF FINANCIAL INSTITUTIONS
CHAPTER 15
Statutory Authority: 1976 Code Section 34-26-210

15-51. Terms and Conditions for State-chartered Credit Union to Make ARM Loans.

Preamble:

The State Board of Financial Institutions (BOFI) proposes repeal Regulation 15-51 as current state law allows greater flexibility.

Section-by-Section Discussion:

15-51. Terms and Conditions for State-chartered Credit Union to Make ARM Loans.

Repealed in its entirety.

The Notice of Drafting was published in the *State Register* on June 28, 2024.

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 1205 Pendleton Street, Suite 415, Columbia, S.C. 29201 on October 2, 2024, at 10:00 a.m. Written comments may be directed to Kathy Bickham, Commissioner of Banking, Board of Financial Institutions, 1205 Pendleton Street, Suite 305, Columbia, S.C. 29201 no later than 5:00 p.m., September 23, 2024. 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.

Statement of Need and Reasonableness:

This regulation is repealed in accordance with Section 34-26-210.

DESCRIPTION OF REGULATION:

Purpose: The Agency is repealing this Regulation in light of the fact that Section 34-26-800 and Section 34-26-810 allow greater flexibility than what is provided in the current language of this Regulation.

Legal Authority: 1976 Code Section 34-26-210.

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

52 PROPOSED REGULATIONS

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

The Agency is updating regulations to remove unnecessarily restrictive provisions regarding credit unions making adjustable rate mortgage loans.

DETERMINATION OF COSTS AND BENEFITS:

There is no cost incurred by the State.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning the regulation.

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:

R.15-51 establishes rules for credit unions making adjustable rate mortgage loans. Sections 34-26-800 and 34-26-810 allow credit unions broad authority to establish terms, purposes, conditions, and interest rates for their loans. This Regulation is unnecessarily restrictive; therefore BOFI proposes that it be repealed.

Text:

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

Document No. 5296

DEPARTMENT OF SOCIAL SERVICES

CHAPTER 114

Statutory Authority: 1976 Code Section 63-7-2320

114-551. Kinship Foster Family Home and Kinship Adoptive Home Standards. (New)

Preamble:

On September 28, 2023, the United States Department of Health and Human Services, Administration on Children and Families, issued a final rule amending 45 CFR Section 1355.20 to allow agencies to claim Title IV-E federal financial participation for the cost of foster care maintenance payments on behalf of an otherwise eligible child who is placed in a licensed or approved kinship foster family home using licensing standards for kinship foster family homes that differ from the standards used for non-relative foster family homes. The South Carolina Department of Social Services proposes to add Regulation 114-551 to establish discrete, less burdensome standards for the licensure of kinship foster family and kinship adoptive homes.

Section-by-Section Discussion:

114-551. Kinship Foster Family Home and Kinship Adoptive Home Standards.

New Text.

1. Subsection (A) provides a general policy statement and describes the persons and entities to whom Regulation 114-551 applies.
2. Subsection (B) sets forth a nondiscrimination statement as it relates to the administration of public service programs.
3. Subsection (C) defines key terms found in Regulation 114-551.
4. Subsection (D) outlines the process to apply for kinship foster parent and kinship adoptive parent licensure.
5. Subsection (E) provides a general explanation of when a license will be issued and outlines conditions associated with licensure, for example, the effect of a license and the duration of a license.
6. Subsection (F) explains procedures for issuance of a provisional license and for making an emergency placement with kin.
7. Subsection (G) outlines criminal and child protective services background check procedures.
8. Subsection (H) outlines the department’s caregiver suitability assessment which the department conducts to promote placement with kin who can meet all physical, emotional, medical, and educational needs of a child placed in the home.
9. Subsection (I) explains the department’s safety and needs assessment designed to evaluate the safety of the kin’s living space.
10. Subsection (J) provides a right to a fair hearing in accordance with the department’s fair hearing regulations.
11. Subsection (K) to provide a delayed effective date.

The Notice of Drafting was published in the *State Register* on April 26, 2024.

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 of Laws, as amended, such matter will be heard before the Honorable Robert L. Reibold at the Administrative Law Court, Edgar A. Brown Building, 1205 Pendleton Street, Second Floor, Columbia, South Carolina 29201 on Monday, October 7, 2024, beginning at 10:00 a.m. If a qualifying request pursuant to Section 1-23-110(A)(3) is not timely received, the hearing will be canceled.

Written comments may be directed to Dawn Barton, Director, South Carolina Department of Social Services, Office of Permanency Management, 1535 Confederate Avenue, Post Office Box 1520, Columbia, South Carolina 29202, and by way of electronic mail to dawn.barton@dss.sc.gov, no later than 5:00 p.m. on September 23, 2024.

Preliminary Fiscal Impact Statement:

The Department of Social Services estimates the costs incurred by the State and its political subdivisions in complying with the proposed regulation will be approximately \$3,884,984.

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION:

Purpose: The Department of Social Services is adding Regulation 114-551 to provide discrete, less burdensome standards for the licensure of kinship foster family and kinship adoptive homes.

Legal Authority: 1976 Code Section 63-7-2320.

54 PROPOSED REGULATIONS

Plan for Implementation: Regulation 114-551 will take effect upon approval by the General Assembly and upon publication in the *State Register*. The Department of Social Services will notify licensees of the new regulation and will post the regulation on the Department's website. The Department of Social Services will also notify child placing agencies concerned with the licensure of foster family homes and agencies and organizations concerned with kinship care policy.

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

The proposed regulation is necessary to promote consistent application of a discrete set of standards for licensure of kinship foster family and kinship adoptive homes, as well as compliance with said standards.

DETERMINATION OF COSTS AND BENEFITS:

When children in the State's foster care system are placed with kin, these children experience less trauma associated with removal from parents, fewer moves while in foster care, enhanced ability to maintain family and community connections, continuity in school attendance, greater likelihood of being placed in the same foster family home as siblings, and placement in kinship foster care tends to reduce overall time spent in foster care before exiting to a permanent, safe, and stable home. By implementing discrete, less burdensome licensing standards for kin and kinship foster family and adoptive homes, the Department of Social Services expects to increase the number of children in State's foster care system who can be safely placed with kin when out of home care is necessary.

UNCERTAINTIES OF ESTIMATES:

Uncertainties of estimates relate to the inability to know with certainty the number of kin the Department of Social Services will license.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

Regulation 114-551 will have no effect on the environment and public health of the 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 Regulation 114-551 is not implemented in this State.

Statement of Rationale:

Regulation 114-551 is added to provide discrete, less burdensome standards for the licensure of kinship foster family and adoptive homes.

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.

Filed: July 23, 2024 9:14am

Document No. 5277
CLEMSON UNIVERSITY
STATE LIVESTOCK-POULTRY HEALTH COMMISSION
CHAPTER 27
Statutory Authority: 1976 Code Sections 47-4-30 and 47-4-50

27-1011. Diseases and Health Documentation.

Emergency Situation:

Highly pathogenic avian influenza (HPAI) is a contagious, deadly viral disease of domestic poultry and wild birds. In March 2024, HPAI was detected in lactating dairy cows in Texas. USDA APHIS issued a federal order on April 24, 2024, making this a reportable disease in lactating dairy cattle.

Since USDA began tracking HPAI affecting lactating dairy cows, it has spread to 13 states (Colorado, Idaho, Iowa, Kansas, Michigan, Minnesota, New Mexico, North Carolina, Ohio, Oklahoma, South Dakota, Texas, and Wyoming), with over 152 premises affected. Additionally, lactating dairy cattle have infected backyard and commercial poultry operations.

Epidemiology of the disease has found that infected wild birds were initially responsible for transmitting the disease to lactating dairy cows. Now, animal movement and poor biosecurity are responsible for the majority of the spread of this disease.

Text:

27-1011. Diseases and Health Documentation. (See generally Section 47-4-60).

A. All persons must report the diagnosed or suspected existence of the following diseases to the State Veterinarian within twenty-four (24) hours after discovery.

1. Brucellosis
2. Tuberculosis
3. Pseudorabies
4. Equine Infectious Anemia (EIA)
5. Paratuberculosis—Johne's Disease
6. Pullorum—Fowl Typhoid
7. Eastern Equine Encephalomyelitis (EEE)
8. Western Equine Encephalomyelitis (WEE)
9. Venezuelan Equine Encephalomyelitis (VEE)
10. West Nile (WNV) Encephalitis

56 EMERGENCY REGULATIONS

11. Scrapie
12. Anthrax
13. Erysipelas
14. Rabies—coordinated with DHEC
15. Vesicular Stomatitis
16. Hog Cholera
17. Cattle Tick Fever
18. Foot and Mouth Disease
19. Vesicular Exanthema
20. Rinderpest
21. African Swine Fever
22. African Horse Sickness
23. Contagious Equine Metritis
24. Equine Viral Arteritis
25. Screwworm (*Cochliomyia hominivorax*)
26. Dourine (*Trypanosoma equiperdum*)
27. Glanders—*Burkholderia mallei* (formerly *Pseudomonas mallei*)
28. Highly Pathogenic Avian Influenza (Fowl Plague)
29. Newcastle Disease (Exotic)
30. Avian Infectious Laryngotracheitis
31. Heartwater (*Cowdria ruminantium*)
32. Q Fever (*Coxiella burnetii*)
33. Babesiosis (*Babesia bovis*, *B. bigemina*)
34. All foreign and Exotic Diseases and Parasites of Animals and Birds
35. OIE Lists A&B

The State Veterinarian may declare other diseases as reportable, upon publication of such notice in the State Register.

REPORTABLE DISEASE IN SOUTH CAROLINA BY CLINICAL SYMPTOMS

Sore Mouth-Muzzle: especially if accompanied by foot, udder, vulva or skin lesions (Blisters-Vesicles)

Ex: Foot & Mouth, Vesicular Stomatitis, etc.

Encephalitis (CNS) Conditions in All Animals and Birds.

Ex: Eastern, Western and Venezuelan Equine Encephalomyelitis, West Nile Encephalitis

Pseudorabies, Bovine Spongiform Encephalopathy—BSE

Caprine Arthritis Encephalitis

High Death Loss —especially over a short period and in older animals past several weeks old.

Ex : Hog Cholera, Erysipelas, Anthrax, Acute Septicemias

Reproductive Problems

Ex: Brucellosis, Pseudorabies, Contagious Equine Metritis (CEM)

Any Highly Unusual Condition —Disease or parasites differing from conditions one is familiar with.

Ex: All foreign and exotic diseases and parasites, unusual symptomatology of any kind.

B. Certificate of Veterinary Inspection (CVI)-In addition to the statutory requirements, each CVI shall list all applicable permit numbers, the date of issuance thereof, the name of the issuing agency and the farm or other location from whence the livestock/poultry originated.

C. Health Permits (HP)-The State Veterinarian may authorize the issuance of HPs, under such terms and conditions as he deems appropriate. HPs shall not be employed as substitutes or in lieu of CVIs, but shall be issued as temporary measures only in emergency situations or under circumstances which could not have been reasonably foreseen. HPs shall expire no more than 30 days after issue and may not be renewed.

D. Appropriate Test(s)-A requirement for a negative test for a particular disease or condition may be satisfied by a negative result from any test approved by the USDA for detection of the particular disease or condition, unless otherwise indicated.

1. Federal Order Requiring Testing for and Reporting of Highly Pathogenic Avian Influenza (HPAI) in Livestock, April 24, 2024

a. The Animal and Plant Health Inspection Service (APHIS), United States Department of Agriculture (USDA), is issuing this Federal Order to prevent the spread of highly pathogenic avian influenza (HPAI). HPAI is a contagious viral disease of domestic poultry and wild birds. HPAI is deadly to domestic poultry and can wipe out entire flocks within a matter of days. HPAI is a threat to the poultry industry, animal health, human health, trade, and the economy worldwide. In the US, HPAI has now been detected in dairy cattle.

b. This Federal Order is issued in accordance with the regulatory authority provided by the Animal Health Protection Act, as amended, 7 U.S.C. § 8301 et seq. Section 8305 authorizes the Secretary of Agriculture to prohibit or restrict the movement in interstate commerce of any animal, article, or means of conveyance if the Secretary determines that the prohibition or restriction is necessary to prevent the introduction of any pest or disease of livestock into the United States or the dissemination of any pest or disease of livestock within the

58 EMERGENCY REGULATIONS

United States. Section 8308 authorizes the Secretary of Agriculture to carry out operations and measures to detect, control, or eradicate any pest or disease of livestock. Section 8315 authorizes the Secretary of Agriculture to issue orders as he determines necessary to carry out the Animal Health Protection Act. Should this Order be deemed a substantive rule, APHIS has determined that good cause exists to impose these requirements without notice and comment, as further delay would threaten to hasten the spread of the disease, multiplying the potential harm to livestock, poultry, the dairy industry, and, potentially, human health.

c. On February 8, 2022, the U.S. Department of Agriculture (USDA) confirmed HPAI H5N1 virus in a commercial poultry flock in the United States. Since February 2022, USDA has worked swiftly with states and poultry producers to identify and respond to over 1,100 HPAI detections on poultry farms and mitigate the virus' impact on U.S. poultry production and trade.

d. Since late March 2024, the U.S. Department of Agriculture, Food and Drug Administration, Centers for Disease Control and Prevention, state veterinary and public health officials and the National Animal Health Laboratory Network (NAHLN) laboratories have been investigating the emergence of the HPAI, H5N1 virus in dairy cows. The National Animal Health Laboratory Network (NAHLN) is a nationally coordinated network and partnership of Federal, State and university-associated animal diagnostic laboratories. The laboratories are trained and proficiency tested by USDA's National Veterinary Services Laboratories (NVSL) to perform official federal animal health testing; the network provides ongoing disease surveillance, responds quickly to disease events, communicates diagnostic outcomes to decision makers, and has the capability and capacity to meet diagnostic needs during animal disease outbreaks.

e. APHIS will provide reimbursement for testing at NAHLN labs, including samples submitted for (1) dairy cattle suspected of disease due to clinical signs, (2) pre-movement testing, (3) producers interested in the disease status of their asymptomatic animals, and (4) samples taken from other animals on dairies associated with this disease event.

f. As of April 24, 2024, USDA has confirmed HPAI H5N1 clade 2.3.4.4b virus detections on 33 dairy cattle premises in 8 states (Kansas, Idaho, Michigan, New Mexico, North Carolina, Ohio, South Dakota, Texas). USDA has also confirmed – based on specific phylogenetic evidence and epidemiological information – that 8 poultry premises in 5 states (Kansas, Michigan, Minnesota, New Mexico and Texas) have also been infected with the same HPAI H5N1 virus genotype detected in dairy cattle. Additionally, APHIS' National Veterinary Services Laboratories found HPAI in a lung tissue sample from an asymptomatic cull dairy cow that originated from an affected herd and which did not enter the food supply.

g. HPAI has already been recognized as a threat by USDA, and the interstate movement of animals infected with HPAI is already prohibited. See 9 C.F.R. 71.3(b). However, the detection of this new distinct HPAI H5N1 virus genotype in dairy cattle poses a new animal disease risk for dairy cattle – as well as an additional disease risk to domestic poultry farms – since this genotype can infect both cattle and poultry.

h. In order to continue to monitor and understand the extent of this virus and reduce the risk of further disseminating HPAI H5N1 virus, resulting in greater threats to poultry and livestock, this Federal Order requires the following measures, effective Monday, April 29, 2024.

2. Mandatory Testing for Interstate Movement of Dairy Cattle.

a. Prior to interstate movement, dairy cattle are required to receive a negative test for Influenza A virus at an approved National Animal Health Laboratory Network (NAHLN) laboratory.

b. Owners of herds in which dairy cattle test positive for interstate movement will be required to provide epidemiological information, including animal movement tracing.

c. Dairy cattle moving interstate must adhere to conditions specified by APHIS.

d. As will be described in forthcoming guidance, these steps will be immediately required for lactating dairy cattle, while these requirements for other classes of dairy cattle will be based on scientific factors concerning the virus and its evolving risk profile.

3. Mandatory Reporting

a. Laboratories and state veterinarians must report positive Influenza A nucleic acid detection diagnostic results (e.g. PCR or genetic sequencing) in livestock to USDA APHIS.

b. Laboratories and state veterinarians must report positive Influenza A serology diagnostic results in livestock to USDA APHIS.

Statement of Need and Reasonableness:

The proposed regulations will help prevent the spread of highly pathogenic avian influenza (HPAI H5N1) in lactating dairy cows in South Carolina. By requiring intra-state Influenza A testing with the required federal interstate testing prior to the movement of lactating dairy cows to fairs or exhibitions, will help to ensure the prevention of the spread of the disease by minimizing the risk of commingling infected animals. The cost of the testing will be at not cost to exhibitors of lactating dairy cattle covered under this emergency regulation. Costs to be covered by the USDA.

DESCRIPTION OF REGULATION:

Purpose: All out-of-state lactating dairy cattle traveling to a South Carolina fair or exhibition must follow the *Technical Notes: Clarification to Inquiries Received on April 24 Federal Order* and must have a valid interstate certificate of veterinary inspection with an accession number for a negative test result from a National Animal Health Laboratory Network (NAHLN) laboratory. Samples must be collected no more than seven days prior to movement to the fair or exhibition and should be collected and submitted by the veterinarian completing the interstate certificate of veterinary inspection. The state of origin must also take the animals back at the farm of origin if any positive results occur at the fair or exhibition.

South Carolina exhibitors with lactating dairy cattle traveling in-state to a fair or exhibition must receive a negative test for Influenza A virus at the Clemson Veterinary Diagnostic Center. The test is available to South Carolina exhibitors at no cost. Samples must be collected no more than seven days prior to movement to the fair or exhibition. A PCR milk test is required to return to the in-state farm of origin if the original test exceeds ten days length from the initial collection of milk samples. This intrastate order requiring a negative Influenza A test prior to traveling to a fair or exhibition will remain in effect until 60 days after the last detection of H5N1 in cattle herds in the United States.

Legal Authority: 1976 Code Sections 47-4-30 and 47-4-50.

Plan for Implementation: LPH program staff, in collaboration with United States Department of Agriculture, will implement and enforce the described procedures immediately upon passage. Outreach and education efforts working with fair and exhibition leadership about biosecurity best practices and guidance for animal testing, and informing the exhibitors and public about said requirements have already ensued and will continue. Additionally, any person, business, or entity regularly engaged in the possible movement of lactating dairy cattle may contact LPH staff for guidance.

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

By requiring intra-state Influenza A testing with the required federal interstate testing prior to the movement of lactating dairy cows to fairs or exhibitions, we are helping ensure we are preventing infected animals into fairs

60 EMERGENCY REGULATIONS

and exhibitions, minimizing the risk of the spread of the disease by preventing the commingling of infected animals. This will help decrease the risk of lactating dairy cows developing or exhibiting HPAI during public events.

DETERMINATION OF COSTS AND BENEFITS:

The cost of this additional testing requirement is largely being supported by free testing provided by USDA to CVDC. Primarily impacted industries include dairy producers, dairy processors, exhibitors, and poultry producers. By conducting the required additional testing, these producers, we are mitigating a possible outbreak at a public event.

UNCERTAINTIES OF ESTIMATES:

Great efforts have gone into predicting and mitigating unnecessary financial impacts to the aforementioned exhibitors. Some costs are required of exhibitors, and efforts were made to minimize those and incorporate them with other requirements in order to mitigate the risk of disease spread and provide as little negative impact to dairy industry as possible while providing good preventative measures/practices related to protecting livestock herd health and disease transfer across the state. The cost of having an event occur at a fair or exhibition will well exceed the cost of mitigation.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

Additional testing for H5N1 in lactating dairy cattle attending South Carolina fairs and exhibits will help ensure that negative animals are brought into South Carolina and not be a source of the virus in the environment or possibly cause public distress if the disease were to breakout during a fair or exhibit. Additionally, only importing negative animals will reduce human exposure and concerns of disease spread to H5N1 at fairs and exhibits that have large public attendance.

Will support and follow livestock health and public health guidance and requirements as set forth by certain both State and Federal authorities.

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

Without implementation of the proposed regulations, the risk of H5N1 infected lactating dairy cows participating in fairs and exhibitions increases, which increases the risk of intra and interstate spread of the disease by not taking appropriate measures to prevent. This may affect the South Carolina dairy or poultry industries causing economic loss and animal welfare issues on farms. If the disease were to occur during the fair or exhibition, it will affect human mental wellness and could cause human exposure and potential disease to exhibitors who will be around the animals. There is a small risk of spreading the disease to the public attending the event.

Statement of Rationale:

Additional testing for H5N1 for lactating dairy cattle moving within South Carolina will prevent the introduction of the virus into fair and exhibit barns, and prevent the spread of disease to other dairy cattle and poultry in South Carolina, and decrease the human health risks of exposure of exhibitors to H5N1.

Document No. 5279
DEPARTMENT OF LABOR, LICENSING AND REGULATION
OFFICE OF OCCUPATIONAL SAFETY AND HEALTH
CHAPTER 71

Statutory Authority: 1976 Code Section 41-15-210

Article I, Subarticle 6, Sections 1910.6 and 1910.1200
Occupational Safety and Health Standards

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

In Subarticle 6 (General Industry):

Revisions to Sections 1910.6 and 1910.1200 as amended in Federal Register Volume 89, Number 98, dated Monday, May 20, 2024. OSHA is updating the agency's incorporation by reference section, 29 CFR 1910.6, to include the national and international consensus standards. OSHA is also amending the Hazard Communication Standard (HCS) to conform to the United Nations' Globally Harmonized System of Classification and Labelling of Chemicals (GHS), primarily Revision 7, address issues that arose during the implementation of the 2012 update to the HCS, and provide better alignment with other U.S. agencies and international trading partners, while enhancing the effectiveness of the standard.

Copies of these final regulation changes can be obtained or reviewed at the South Carolina Department of Labor, Licensing and Regulation during normal business hours by contacting the OSHA Standards Office at (803) 896-7682 or visiting the OSHA website at www.OSHA.gov.