

SOUTH CAROLINA STATE REGISTER DISCLAIMER

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SOUTH CAROLINA STATE REGISTER

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THE LEGISLATIVE COUNCIL
of the
GENERAL ASSEMBLY

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

THE 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 OF THE SOUTH CAROLINA STATE REGISTER

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 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.

2001 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	3/9	4/13	5/11	6/8	7/13	8/10	9/14	10/12	11/9	12/14
Publishing Date	1/26	2/23	3/23	4/27	5/25	6/22	7/27	8/24	9/28	10/26	11/23	12/28

REPRODUCING OFFICIAL DOCUMENTS

All documents appearing in the South Carolina *State Register* are prepared and printed at public expense. All media services are especially encouraged to give wide publicity to all documents printed in the *State Register*.

PUBLIC INSPECTION OF DOCUMENTS

A copy of each document filed with the Office of the State Register is 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) 734-2145.

CERTIFICATE

Pursuant to Section 1-23-20, Code of Laws of South Carolina, 1976, this issue contains all previously unpublished documents required to be published and filed before the closing date of the issue.

Lynn P. Bartlett
Editor

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 renewable once.

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SUBSCRIPTIONS

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Name _____

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Telephone _____

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South Carolina General Assembly Home Page: www.lpitr.state.sc.us

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1981	SR25-1		Policy Development	1 12 01	Board of Education
1984	SR25-1		Principal Evaluation	1 12 01	Board of Education
2481			School Transportation	1 24 01	Board of Education
2504			Environmental Protection Fees	1 27 01	Health and Environmental Control
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2502			Public Pupil Transportation Services	2 04 01	Board of Education
2485			(Repeal) Credit and Discount Plans	2 20 01	Dept of Insurance
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2511			Hunt Units and WMA's	2 20 01	Dept Natural Resources
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2521			(Repeal) Loan Eligibility Requirements	3 24 01	Jobs-Economic Development Authority
2497			Quarantine of Garbage Fed Swine	4 22 01	Clemson University
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2530			Waste Disp Sites, Landfill Design, Const	5 09 01	Dept of Health and Envir Control
2532			SWM: Off Site Treatment Contam Soil	5 09 01	Dept of Health and Envir Control
2528			Adjustment of Dollar Amounts	5 09 01	Board of Financial Institutions
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2549			Registration of Licenses	5 09 01	LLR: Long Term Health Care Admin
2550			Physician Supervision of Nurses	5 09 01	LLR: Board of Medical Examiners
2526			Licensure Requirements	5 09 01	LLR: Board of Professional Counselors...
2538			X-Rays (Title B)	5 09 01	Dept of Health and Envir Control
2579			Practices of Real Estate Appraisers	5 09 01	LLR: Real Estate Appraisers Board
2575			Forms of Practice	5 09 01	LLR: Board of Accountancy
2518			Perinatal Care	5 09 01	Dept of Health and Envir Control
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2551			Valuation of Life Insurance Policies	5 09 01	Department of Insurance
2578			Official Identification	5 09 01	LLR: Board of Nursing
2553			Annuity Mortality Tables	5 09 01	Dept of Insurance
2525			Adjustment of Dollar Amounts	5 09 01	Dept of Consumer Affairs
2574			Practices of Auctioneers Comm	5 09 01	LLR: Auctioneers Commission
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2558			Principal Evaluation Program	5 09 01	Board of Education
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2572			Water Classifications and Standards	5 16 01	Dept of Health and Envir Control
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2563			Definition of Facility Chap 6, Title 12	5 23 01	Dept of Revenue
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2564			Accreditation Criteria	5 23 01	Board of Education

2 REGULATIONS SUBMITTED TO GENERAL ASSEMBLY

REQUEST FOR AN ASSESSMENT REPORT (120 DAY REVIEW PERIOD TOLLED)

DOC NO.	DATE	SUBJECT	AGENCY
2248	4 14 99	Primary and Substantial Portion (Video Game Machines)	Dept of Revenue

REQUEST TO WITHDRAW (120 DAY REVIEW PERIOD TOLLED)

DOC NO.	DATE	SUBJECT	AGENCY
2193	2 11 98	Video Poker; Def "Single Place" ...	Dept of Revenue
2433	2 23 00	Hearing Aids; Augmen Comm Devices	LLR: Speech-Language Path & Audio
2469	2 23 00	Volunteer Pharm Tech Free Med Clinics	LLR: Board of Pharmacy

RESOLUTION INTRODUCED TO DISAPPROVE (120 DAY REVIEW PERIOD TOLLED)

DOC NO.	DATE	SUBJECT	AGENCY
2360	1 17 01	LIFE Scholarship	Higher Education

No. 2000-32

WHEREAS, the uninterrupted supply of Liquefied Petroleum Gas (propane) as to residential and commercial establishments is an essential need of the public during the wintertime and any interruption threatens the public welfare; and

WHEREAS, the continued period of cold weather has increased the demand for Liquefied Petroleum Gas and threatened the uninterrupted delivery of Liquefied Petroleum Gas to residential and commercial customers; and

WHEREAS, the Federal Motor Carrier Safety regulations, 49 CFR 390 through 399, limit the hours operators of commercial vehicles may drive; and

WHEREAS, 49 CFR 390.23 allows the Governor to suspend these rules and regulations limiting the hours operators of commercial vehicles may drive for 30 days if the Governor determines that an emergency condition exists.

NOW, THEREFORE, pursuant to the powers conferred upon me by the Constitution and Laws of the State of South Carolina and of the United States of America, I hereby declare a State of Emergency due to the cold weather and the need to continue the uninterrupted supply of Liquefied Petroleum Gas. This emergency justifies an exemption from Parts 390 through 399 of Title 49 of the Code of Federal Regulations as authorized by federal law. This emergency shall remain in effect for 30 days or until the emergency condition ceases to exist, whichever is less.

Nothing herein shall be construed as an exemption from the Commercial Driver's License requirements in 49 CFR 383, the financial requirements in 49 CFR 387, or applicable federal size and weight limitations.

**GIVEN UNDER MY HAND AND THE
GREAT SEAL OF THE STATE OF
SOUTH CAROLINA, THIS 20th DAY
OF DECEMBER, 2000.**

**JIM HODGES
Governor**

No. 2000-33

WHEREAS, the election process in which we choose our leaders, amend our Constitution, and determine other important matters that greatly affect the quality of life in South Carolina is the foundation of our democratic form of government; and

WHEREAS, recent events in other states and public concern involving the election process generated by those events highlight the need to evaluate the election process in South Carolina to ensure fairness, accuracy, and public confidence in the voting system and election results; and

WHEREAS, elections must be conducted in a fair and efficient manner as provided by a clearly stated rule of law; and

4 EXECUTIVE ORDERS

WHEREAS, at this time, it is appropriate for the State of South Carolina to examine its entire voting system, including methods of voting, method of tabulating votes and ways to increase voter participation; and

WHEREAS, it is time for the State of South Carolina to consider adopting a uniform statewide election process at the state and local level to guarantee voters the opportunity to make clear, informed voting decisions; and

WHEREAS, it is paramount that a group of informed and concerned citizens from the public and private sectors be convened to conduct a comprehensive, objective, nonpartisan evaluation of the election process in South Carolina.

NOW, THEREFORE, I hereby establish the Election Process Task Force (hereinafter referred to as “the Task Force”) that shall have the following responsibilities:

- a. Review state and local government laws, ordinances, and procedures pertaining to voter registration, voting, and vote counting methods, utilizing as appropriate the South Carolina Election Summit State Report issued in 1999 pursuant to Executive Order 99-17.
- b. Present to the Governor, the General Assembly, and units of local government recommendations to improve citizen confidence in the election process by increasing voter participation, preventing undue difficulty in the actual voting process, and improving vote tabulation procedures if needed.

It is further ordered that the Task Force shall submit its recommendations to the Governor no later than March 2, 2001.

The membership of the Task Force will be designated by the Governor within 15 days from the date of this Executive Order.

**GIVEN UNDER MY HAND AND THE
GREAT SEAL OF THE STATE OF
SOUTH CAROLINA, THIS 20th DAY
OF DECEMBER, 2000.**

**JIM HODGES
Governor**

No. 2001-01

WHEREAS, on December 18, 2000, I received a letter from the State Election Commission (hereinafter referred to as “the Commission”) stating that the State Board of Canvassers has found systemic irregularities in the November 7, 2000, general election for a Jasper County Council at-large seat being sought by candidates Samuel Gregory and Gladys Jones; and

WHEREAS, the Commission has unanimously agreed to set aside the election for this seat and to request a new election be held; and

WHEREAS, Section 7-13-1170 of the South Carolina Code of Laws (1976), as amended, provides “when any election official of any political subdivision of this State charged with ordering, providing for, or

holding an election has neglected, failed, or refused to order, provide for, or hold the election at the time appointed, or if for any reason the election is declared void by competent authority, and these facts are made to appear to the satisfaction of the Governor, he shall, should the law not otherwise provide for this contingency, order an election or a new election to be held at the time and place, and upon the notice being given which to him appears adequate to insure the will of the electorate being fairly expressed. To that end, he may designate the existing election official or other person as he may appoint to perform the necessary official duties pertaining to the election and to declare the result.”

NOW THEREFORE, pursuant to the authority vested in me by the Constitution and Statutes of the State of South Carolina, I hereby:

- a. Order that an election be held in Jasper County for the County Council at-large seat referenced herein on Tuesday, March 20, 2001, or at the earliest possible date and time after Tuesday, March 20, 2001, as is permitted by the United States Justice Department; and
- b. Designate the Jasper County Election Commission to perform the necessary official duties pertaining to the election and to declare the result.

This Executive Order shall be effective immediately.

**GIVEN UNDER MY HAND AND THE
GREAT SEAL OF THE STATE OF
SOUTH CAROLINA, THIS 2nd DAY
OF JANUARY, 2001.**

**JIM HODGES
Governor**

No. 2001-02

WHEREAS, the uninterrupted supply of Fuel Oil, Kerosene and Liquefied Petroleum Gas (propane) as to residential and commercial establishments is an essential need of the public during the wintertime and any interruption threatens the public welfare; and

WHEREAS, the continued period of cold weather has increased the demand for Fuel Oil, Kerosene and Liquefied Petroleum Gas and threatened the uninterrupted delivery of Fuel Oil, Kerosene and Liquefied Petroleum Gas to residential and commercial customers; and

WHEREAS, Federal Motor Carrier Safety regulations, 49 CFR 395.3(b), limit the hours operators of commercial vehicles may drive; and

WHEREAS, 49 CFR 390.23 allows the Governor to suspend these rules and regulations limiting the hours operators of commercial vehicles may drive for 30 days if the Governor determines that an emergency condition exists.

NOW, THEREFORE, pursuant to the powers conferred upon me by the Constitution and Laws of the State of South Carolina and of the United States of America, I hereby declare a State of Emergency due to the cold weather and the need to continue the uninterrupted supply of Fuel Oil, Kerosene and Liquefied Petroleum Gas. This emergency justifies an exemption from Part 395.3(b) of Title 49 of the Code of Federal Regulations as

6 EXECUTIVE ORDERS

authorized by federal law. This emergency shall remain in effect for 30 days or until the emergency condition ceases to exist, whichever is less.

Nothing herein shall be construed as an exemption from the Controlled Substances and Alcohol Use and Testing in 49 CFR 382, the Commercial Driver's License requirements in 49 CFR 383, the Financial responsibility requirements in 49 CFR 387, or applicable federal size and weight limitations.

This Executive Order hereby supersedes and shall substitute for Executive Order 2000-32. Executive Order 2000-32 is hereby rescinded.

**GIVEN UNDER MY HAND AND THE
GREAT SEAL OF THE STATE OF
SOUTH CAROLINA, THIS 9TH DAY OF
JANUARY, 2001**

**JIM HODGES
Governor**

**DEPARTMENT OF EDUCATION
PUBLIC NOTICE**

Doc. No. 2587, Proposed Amendment to R.43-234, Defined Programs, Grades 9-12

The State Board of Education will reconsider its proposed regulation R.43-234, Defined Programs, Grades 9-12. A public hearing will be held on Tuesday, March 13, 2001, at 11:00 A.M., 1429 Senate St., Rutledge Building, Room 806. The proposed regulation was published in the *State Register* on November 24, 2000, in Volume 24, Issue 11.

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

In accordance with Section 44-7-200(C), Code of Laws of South Carolina, the public is hereby notified that a Certificate of Need application has been accepted for filing and publication, January 26, 2001, 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 Mr. Albert N. Whiteside, Director, Division of Planning and Certification of Need, 2600 Bull St., Columbia, SC 29201 at (803) 737-7200.

Affecting Darlington County

Construction for a fixed diagnostic cardiac catheterization laboratory to replace a mobile cardiac catheterization unit.

Carolina Pines Regional Medical Center
Hartsville, South Carolina
Project Cost: \$1,504,940

Affecting Greenwood County

Renovation and expansion of the existing surgery suite with no change in the number of operating rooms at the hospital.

Self Memorial Hospital
Greenwood, South Carolina
Project Cost: \$5,243,816

Expansion, renovation, and consolidation of the Optimum Life Center (OLC) for outpatient rehabilitation services.

Self Memorial Hospital
Greenwood, South Carolina
Project Cost: \$6,652,514

Affecting Richland County

Development of an ambulatory surgery center with two (2) operating rooms for the single specialty of cataract surgery and eye surgery cases. The Center will be located within the Palmetto Surgery Center, LLC located at 109 Blarney Drive, Columbia, South Carolina.

Huff and Milne Eye Surgery Center, LLC
Columbia, South Carolina
Project Cost: \$228,091

In accordance with S.C. DHEC Regulation 61-15, the public and affected persons are hereby notified that the review cycle has begun for the following project(s) and a proposed decision will be made within 60 days beginning January 26, 2001. "Affected persons" have 30 days from the above date to submit comments or

8 NOTICES

requests for a public hearing to Mr. Albert N. Whiteside, Director, Division of Planning and Certification of Need, 2600 Bull Street, Columbia, SC 29201. For further information call (803) 737-7200.

Affecting Charleston County

Purchase and installation of a fixed 1.5 Tesla Magnetic Resonance Imaging (MRI) unit to be located at a new physician office under construction at 2851 Tricom Street, North Charleston, South Carolina.

Tricom Office of Tricounty Radiology Associates, PA

North Charleston, South Carolina

Project Cost: \$1,800,611

Construction/renovation on the fifth floor of the Children's Hospital for the development of cardiac catheterization laboratory equipment and radiology angiography equipment to include two additional adult cardiac catheterization laboratories, for a total of five adult cardiac catheterization laboratories, and one pediatric cardiac catheterization laboratory and the addition of one Computed Tomographic (CT) Scanner for a total of five CT Scanners within the hospital.

MUSC Medical Center

Charleston, South Carolina

Project Cost: \$26,222,397

Affecting Greenwood County

Renovation and expansion of the existing surgery suite with no change in the number of operating rooms at the hospital.

Self Memorial Hospital

Greenwood, South Carolina

Project Cost: \$5,243,816

Expansion, renovation, and consolidation of the Optimum Life Center (OLC) for outpatient rehabilitation services.

Self Memorial Hospital

Greenwood, South Carolina

Project Cost: \$6,652,514

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

NOTICE OF CANCELLATION AND RESCHEDULING OF PUBLIC HEARING

Document No. 2593

R.61-62.96, Nitrogen Oxides (NO_x) Budget Trading Program, and R.61-62.99, Nitrogen Oxides (NO_x) Budget Program Requirements for Stationary Sources Not In the Trading Program and the South Carolina State Implementation Plan

The Department of Health and Environmental Control (Department) published a notice in the South Carolina State Register on December 22, 2000, of its intent to amend Regulation 61-62, *Air Pollution Control Regulations and Standards*, and the South Carolina State Implementation Plan (SIP) by adding Regulation 61-62.96, *Nitrogen Oxides (NO_x) Budget Trading Program*, and Regulation 61-62.99, *Nitrogen Oxides (NO_x) Budget Program Requirements for Stationary Sources Not In the Trading Program*. In that notice, the Department announced the date of February 8, 2001, for a public hearing before the Department of Health and Environmental Control Board concerning the proposed amendment. The purpose of this notice is to cancel that date and reschedule the public hearing to March 8, 2001.

The public hearing will be held at the regularly-scheduled Board meeting on March 8, 2001, in the Board Room of the Commissioner's Suite, Third Floor, Aycock Building of the Department of Health and Environmental Control, 2600 Bull St., Columbia, S.C. The Board meeting commences at 10:00 a.m. at which time the Board will consider items on its agenda in the order presented. The order of presentation for public hearing on March 8, 2001, will be noticed in the Board's agenda to be published by the Department 10 days in advance of the meeting. Interested persons are invited to make oral or written comments on the proposed regulation at the public hearing. Persons desiring to make oral comments at the hearing are asked to limit their statements to five minutes and, as a courtesy, are asked to provide written copies of their presentations for the record. Any comments made at the public hearing will be given consideration in formulating the final version of the regulations and the SIP revision. Questions concerning this notice should be addressed to Heather S. Preston, Bureau of Air Quality at (803) 898-4287.

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

PUBLIC NOTICE

Section IV of R.61-98, the State Underground Petroleum Environmental Response Bank (SUPERB) Site Rehabilitation and Fund Access Regulation, requires that the Department of Health and Environmental Control evaluate and certify site rehabilitation contractors to perform site rehabilitation of releases from underground storage tanks under the State Underground Petroleum Environmental Response Bank (SUPERB) Act. Pursuant to Section IV.B.1., the Department is required to place a list of those contractors requesting certification on public notice and accept comments from the public for a period of thirty (30) days. If you wish to provide comments regarding the companies and individuals listed below, please submit your comments in writing, no later than February 26, 2001 to:

Contractor Certification Program
South Carolina Department of Health and Environmental Control
Bureau of Underground Storage Tank Management
Attn: Barbara Boyd
2600 Bull Street
Columbia, SC 29201

The following companies and individuals have applied for certification as Underground Storage Tank Site Rehabilitation Contractors:

Class I
Chastain Skillman, Inc. – Lakeland
J. A. Jones Environmental Services

Class II
Chastain Skillman, Inc. – Atlanta

10 DRAFTING

BUDGET AND CONTROL BOARD

CHAPTER 19

Statutory Authority: 1976 Code Sections 8-11-41, 8-11-230, 8-11-240, 8-11-680

Notice of Drafting:

The Office of Human Resources, through the State Budget and Control Board, is considering drafting revisions to the State Human Resources Regulations. Interested persons should submit comments in writing to Ms. Donna G. Traywick, State Human Resources Director, Office of Human Resources, 1201 Main Street, Suite 1000, Columbia, South Carolina 29201. To be considered, all comments must be received no later than 5:00 p.m. on February 23, 2001, the close of the drafting comment period.

Synopsis:

The Office of Human Resources intends to revise the State Human Resources Regulations to improve the organization of the regulations, to ensure compliance with recent statutory changes, and to establish regulations for unclassified employees to reflect current practices for these types of positions.

STATE CROP PEST COMMISSION

CLEMSON UNIVERSITY

CHAPTER 27

Statutory Authority: 1976 Code Section 46-9-40

Notice of Drafting:

The State Crop Pest Commission is contemplating amending its Regulation 27-50. The amendments will alter the regulated areas by adding and deleting areas subject to the quarantine. Please address all comments to Dr. H. B. Jackson, Department of Plant Industry, 511 Westinghouse Road, Pendleton, SC, 29670. To be considered, comments must be received no later than 5:00 PM on February 26, 2001, the close of the drafting comment period.

Synopsis:

Witchweed is a parasite plant affecting primarily plant material in the grass family, which includes corn. Ongoing eradication efforts have reduced its range, and the Commission desires to adjust the quarantine area accordingly.

Legislative review of this proposal will be required.

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

CHAPTER 61

Statutory Authority: 1976 Code Section 44-55-2310 et seq.

Notice of Drafting:

The Department of Health and Environmental Control proposes to amend R.61-51, entitled Public Swimming Pool Regulations. Interested persons may submit their views in writing to Mr. Glenn E. Trofatter, Compliance Assurance Division, 2600 Bull Street, Columbia, S.C. 29201. To be considered, written comments must be received no later than 5:00 p.m. on February 26, 2001, the close of the drafting period.

Synopsis:

The proposed amendments to these regulations will clarify existing requirements for public swimming pools and outline technical elements in a clear concise manner. The proposed amendments will also better ensure the safe operation of all public swimming pools, spas and water parks. The proposed amendments also provide an avenue for applying for construction and operational variances which will in turn allow for more flexibility in the design, construction and operation of public swimming facilities. Proposed revisions will require legislative review.

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
CHAPTER 61

Statutory Authority: 1976 Code Section 44-55-10 et seq.

Notice of Drafting:

The Department of Health and Environmental Control proposes to amend R.61-58, State Primary Drinking Water Regulations. Interested persons may submit their views in writing to Ms. Valerie A. Betterton, Water Enforcement Division, Bureau of Water, S.C. Department of Health and Environmental Control, 2600 Bull Street, Columbia, S.C. 29201. To be considered, written comments must be received no later than 5:00 p.m. on February 26, 2001, the close of the drafting period.

Synopsis:

The Department proposes to revise the regulations to include requirements promulgated under the National Primary Drinking Water Regulations: Public Notification Rule, and the Radionuclide Rule. The Public Notification Rule revises current public notification procedures requiring public water systems to notify the public any time a water system violates a primary drinking water regulation or has other situations posing a risk to public health. This rule applies to all public water systems. The Radionuclide Rule revises the monitoring requirements for radionuclides. Monitoring and reporting of radionuclides applies to Community public water systems. This action is mandated by the 1996 amendments to the Federal Safe Drinking Water Act (SDWA). Proposed regulations will comply with 40 CFR Parts 141 and 142. The final Public Notification Rule was published in the May 4, 2000 Federal Register, with an effective date of June 5, 2000. Primacy States must adopt this rule by May 6, 2002. The Radionuclide Rule was published in the December 7, 2000 Federal Register, with an effective date of December 8, 2003. Other minor revisions will include, but not be limited to, deletion of the Maximum Contaminant Level (MCL) for Nickel and the aldicarb, deletion of the Phase I Volatile Organic Contaminant (VOC) monitoring for surface water systems and the review of the analytical methodology for coliform. These revisions are to align the State Primary Drinking Water Regulations with federal regulations.

The proposed regulations will comply with federal law and are exempt from legislative reviews; neither a preliminary assessment report nor a fiscal impact statement is required.

DEPARTMENT OF INSURANCE
CHAPTER 69

Statutory Authority: 1976 Code Sections 38-3-110; 38-73-70; 1-23-10, *et seq.*

Notice of Drafting:

The South Carolina Department of Insurance proposes to amend Regulation 69-56, Hurricane Deductible. Interested persons should submit their views in writing to: Melanie A. Joseph, Executive Assistant to the Director, Legislative Liaison, South Carolina Department of Insurance, Post Office Box 100105, Columbia, South Carolina 29202-3105. To be considered, all comments must be received no later than February 9, 2001.

12 DRAFTING

Synopsis:

The South Carolina Department of Insurance proposes to amend Regulation 69-56 regarding Hurricane Deductibles. The amendment will clarify the process for insurers to inform policyholders who purchase property policies insuring the peril of wind/hail that contains wind/hail deductibles and will require the signature of the policyholder prior to changing the amount of the wind/hail deductible. The regulation will not apply to commercial lines or surplus lines.

The proposed regulation will require legislative review.

DEPARTMENT OF INSURANCE CHAPTER 69

Statutory Authority: 1976 Code Sections 38-3-110; 38-9-180; 1-23-10; 38-71-2060 *et seq.*

Notice of Drafting:

The South Carolina Department of Insurance proposes to draft Regulation 69-59, Health Carrier External Review. Interested persons should submit their views in writing to: Melanie A. Joseph, Executive Assistant to the Director, Legislative Liaison, South Carolina Department of Insurance, Post Office Box 100105, Columbia, South Carolina 29202-3105. To be considered, all comments must be received no later than February 9, 2001, the close of the drafting comment period.

Synopsis:

The South Carolina Department of Insurance proposes to draft Regulation 69-59 regarding Health Carrier External Review. The purpose of this regulation is to provide additional detail to the requirements of 2000 S.C. Act 380. The purpose of the regulation will be to prescribe the procedures for a covered person to request an external review and the obligations of a health carrier when such an election has been made. The approval criteria for independent review organizations will be set forth in the regulation.

The proposed regulation will require legislative review.

DEPARTMENT OF LABOR, LICENSING AND REGULATION OFFICE OF ELEVATOR AND AMUSEMENT RIDE SAFETY CHAPTER 71

Statutory Authority: 1976 Code Section 41-16-40, as amended

Notice of Drafting:

The Department of Labor, Licensing and Regulation, Office of Elevator and Amusement Ride Safety, proposes to revise existing Regulation 71-5600 concerning fees for elevator inspections. Interested persons may submit comments to Mr. Jerry Butler, Administrator, Office of Elevator and Amusement Ride Safety, South Carolina Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, SC 29211.

Synopsis:

Fees will be increased to reflect the increased costs to the taxpayer of inspections. Legislative review of this proposal will be required.

**DEPARTMENT OF PUBLIC SAFETY
HIGHWAY PATROL DIVISION
CHAPTER 38
Statutory Authority: 1976 Code Section 56-5-2953**

Notice of Drafting:

The South Carolina Department of Public Safety is considering promulgating regulations regarding the installation of video cameras in all law enforcement vehicles used for traffic enforcement. Interested parties should submit their comments in writing to Ms. Rachel Erwin, Office of Executive Affairs, 5410 Broad River Road, Columbia, South Carolina 29212.

Synopsis

The new regulations will address the Department of Public Safety's responsibility for installing and maintaining video equipment in all law enforcement vehicles used for traffic enforcement.

**DEPARTMENT OF PUBLIC SAFETY
HIGHWAY PATROL DIVISION
CHAPTER 38
Statutory Authority: 1976 Code Section 56-5-2953**

Notice of Drafting:

The South Carolina Department of Public Safety is considering amending regulations relating to the Highway Patrol's Wrecker Rotation List. Interested parties should submit their comments in writing to Ms. Rachel Erwin, Office of Executive Affairs, 5410 Broad River Road, Columbia, South Carolina 29212.

Synopsis

The proposed amendments will delete a requirement that such wrecker services maintain "hook and cargo" insurance and will require such wrecker services to accept either checks or credit cards for work done under the wrecker rotation list.

**PUBLIC SERVICE COMMISSION
CHAPTER 103
Statutory Authority: S.C. Code Ann. Sections 58-3-140 (Supp. 2000) and 58-5-210 (1976)**

Notice of Drafting:

The Public Service Commission of South Carolina proposes to draft new regulations which address the definition and the accounting treatment of plant impact fees. Interested persons may submit written comments to Mr. Gary E. Walsh, Executive Director, Public Service Commission of South Carolina, P.O. Drawer 11649, Columbia, South Carolina 29211. To be considered, comments must be received no later than February 28, 2001, the close of the drafting comment period. Please refer to Docket No. 2001-22-W/S in written comments forwarded to the Commission.

14 DRAFTING

Synopsis:

On January 3, 2001, the Public Service Commission issued Order Number 2001-013 (Docket Number 2000-368-W/S). In Order Number 2001-013, the Commission dismissed its generic proceeding to investigate the proper accounting treatment of plant impact fees for water and wastewater facilities. The Commission found that because some of its current regulations could be modified, a rulemaking proceeding, instead of a generic proceeding, is a more appropriate method to address the accounting treatment of plant impact fees. Moreover, the Commission Staff was directed to commence the rulemaking process to address the accounting treatment of plant impact fees in Order Number 2001-013.

The proposed new regulations will create a definition and address the accounting treatment of plant impact fees by water and wastewater utilities.

Legislative review of the proposed regulations will be required.

Document No. 2603
DEPARTMENT OF EDUCATION
 CHAPTER 43

Statutory Authority: S.C. Code Ann. Sections 59-5-60 (1990), 59-18-310(B) (Supp. 1999), and 59-18-320(C) (Supp. 1999)

43-262.4. End-of-Course Tests

Preamble:

Regulation 43-262.4 is being resubmitted as a proposed regulation because of substantive changes made after first reading by the State Board of Education. The regulation defines gateway and benchmark courses for which end-of-course tests must be developed, to establish the purposes and uses of the tests, to provide for the establishment of standards for the tests, and to provide for notice to students.

The Notice of Drafting was published in the State Register on July 28, 2000.

Section-by-Section Discussion

- Section A. Addresses courses tested.
- Section B. Addresses purposes and uses of the end-of-course tests.
- Section C. Addresses content of the tests.
- Section D. Addresses student performance standards.
- Section E. Addresses review of curriculum standards and end-of-course tests.
- Section F. Addresses notice to students.

Notice of Public Hearing and Opportunity for Public Comment:

Interested members of the public and regulated community are invited to make oral or written comments on the proposed regulation at a public hearing to be conducted by the State Board of Education on March 13, 2001, at 10:30 A.M., in Room 806 of the Rutledge Building at the State Department of Education, 1429 Senate Street, Columbia, South Carolina. Persons desiring to make oral comments at the hearing may be asked to limit their statements to five minutes or less. If possible, persons are asked to provide written copies of their presentation for the records, depending upon the number of participants.

Interested persons are also provided an opportunity to submit written comments on the proposed regulation by writing to Dr. Teri Siskind at the South Carolina Department of Education, Office of Assessment, Room 607, Rutledge Building, 1429 Senate Street, Columbia, S. C. 29201. Written comments must be received no later than 5:00 P.M. on February 26, 2001

Preliminary Fiscal Impact Statement:

The Department of Education estimates the cost incurred by the State and its political subdivisions in complying with the proposed regulation will be approximately \$3,150,000 for FY 2001-FY2003 and \$2,350,000 plus inflation and any necessary adjustments if secondary school enrollment increases for FY-2004 and each year thereafter.

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Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION: 43-262.4, End-of-Course Tests

Purpose: Regulation 43-262.4, End-of-Course Tests, defines gateway and benchmark courses for which end-of-course tests must be developed, establishes the purposes and uses of the tests, provides for the establishment of standards for the tests, and provides for notice to students. These courses in the areas of English/language arts, mathematics, science, and social studies are required by the Education Accountability Act of 1998. Defining the terms and establishing the purposes of the tests must be accomplished before the test development or selection process can proceed.

Legal Authority: The legal authority for Regulation 43-262.4 is S.C. Code Ann. Sections 59-5-60 (1990), 59-18-300 (Supp. 1999), 59-18-310(B) (Supp 1999), and 59-18320(C) (Supp. 1999).

Plans for Implementation: The proposed regulation would take effect upon approval by the General Assembly and publication in the *State Register*. The proposed regulation will be implemented by providing school district personnel with copies.

DETERMINATION OF NEED AND REASONABLENESS OF THE PROPOSED REGULATION BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS: Regulation 43-262.4 will define gateway and benchmark courses for which end-of-courses tests must be developed, to establish the purposes and uses of the tests, to provide for the establishment of standards for the tests, and to provide for notice to students.

DETERMINATION OF COSTS AND BENEFITS:

The exact cost of development and implementation of the end-of-course tests can only be estimated at this time. The development, administration, scoring, and reporting will be done under a contract(s) resulting from a competitive bid process. The derivation of cost estimates are based on the following assumptions:

1. The development of the tests for Algebra I and United States Government and Constitution will begin in Fiscal Year 2001 with implementation in Fiscal Year 2002.
2. The development of the tests for English will begin in Fiscal Year 2002 with implementation in Fiscal Year 2003.
3. The development of the tests for Biology will begin in Fiscal Year 2003 with implementation in Fiscal Year 2004.
4. Development of all required tests will be a continuous process since multiple forms of each test will be required in order to maintain test security.
5. All tests will consist of selected-response items only in order to expedite scoring and reporting.
6. In districts that have the necessary technology, some, or all, tests will be administered via computer.
7. Three forms of each test will be required each year to accommodate administrations at the end of each block and summer school.
8. The number of students tested each year will be approximately as follows:
 - Algebra I, 50,000
 - English I, 50,000
 - Biology, 30,000
 - United States Government and Constitution, 45,000
9. The development of each test form will cost approximately \$50,000.
10. Test administration, scoring, and reporting will be approximately \$10 per examinee.

Estimated Costs:

FY 2001 \$100,000-development of two test forms.

FY 2002 \$1,250,000-development of nine test forms and administration of 95,000 tests.

FY 2003 \$1,800,000-development of twelve test forms and administration of 145,000 tests.

FY 2004 \$2,350,000-development of twelve test forms and administration of 175,000 tests.

FY 2004 cost, plus inflation, will be recurring. Adjustments in cost may be necessary if secondary school enrollment increases.

UNCERTAINTIES OF ESTIMATES

N/A

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

N/A

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 this regulation is not implemented.

TEXT:

The full text of this regulation is available on the South Carolina General Assembly Home Page: www.scstatehouse.net If you do not have access to the Internet, the text may be obtained from the promulgating agency.

Document No. 2604
DEPARTMENT OF EDUCATION
CHAPTER 43

Statutory Authority: S.C. Code Ann. § 59-5-60 (1990), S.C. Code Ann. § 59-18-320(B) (Supp. 2000), S.C. Code Ann. § 59-21-510 *et seq.* (1990 & Supp. 2000), S.C. Code Ann. § 59-30-15 (1990 & Supp. 2000), S.C. Code Ann. § 59-33-10 *et seq.* (1990 & Supp. 2000), S.C. Code Ann. § 59-36-10 *et. seq.* (Supp. 2000), S.C. Code Ann. § 59-40-140(C) (Supp. 2000), 20 U.S.C. Section 1232(g) *et seq.* (1996), 20 U.S.C. Section 1400 *et seq.* (1997)

43-243. Special Education, Education of All Handicapped Children (new title: Special Education, Education of Students with Disabilities)

Preamble:

The State Department of Education proposes to amend and replace in its entirety Regulation 43-243, Special Education of All Handicapped Children (new title: Special Education, Education of Students with Disabilities).

In 1997, the federal government reauthorized the Individuals with Disabilities Education Act (IDEA). In 1999, following the reauthorization of IDEA, the United States Department of Education, Office of Special Education Programs, substantially revised the federal regulations implementing the IDEA. As a result of the reauthorization of IDEA and the revised federal regulations, the State is required to substantially amend its existing regulations in order to meet federal requirements regarding the provision of a free and appropriate education to students with disabilities.

Notice of Public Hearing and Opportunity for Public Comment:

Interested members of the public and regulated community are invited to make oral or written comments on the proposed regulation at a public hearing to be conducted by the State Board of Education on March 13, 2001 at 10:30 A.M. to be held in Room 806 of the Rutledge Building at the State Department of Education, 1429 Senate Street, Columbia, South Carolina. The notice for public hearings will be noted in the Board's agenda to be

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published by the Department two days in advance of the meeting. Persons desiring to make oral comments at the hearing are asked to limit their statements to five minutes or less, and as a courtesy are asked to provide written copies of their presentation for the record.

Interested persons are also provided an opportunity to submit written comments on the proposed amendments by writing to Susan D. DuRant at the State Department of Education, Office of Exceptional Children, 808 Rutledge Building, 1429 Senate Street, Columbia, South Carolina 29201, or by calling (803) 734-8806. Comments must be received no later than 4:00 P.M. on February 26, 2001. Comments received shall be considered by the staff in formulating the final proposed regulation for public hearing on March 13, 2001, as noticed above. Comments received by the deadline shall be submitted to the Board in a summary of public comments and department responses for consideration at the public hearing.

Preliminary Fiscal Impact Statement:

It is estimated there will be increased costs of \$1,600.00 to the State or its political subdivisions.

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION: 43-243 Special Education, Education of Students with Disabilities

Purpose: Regulation 43-243, Special Education, Education of All Handicapped Children (new title: Special Education, Education of Students with Disabilities) is being amended as a result of the reauthorization of IDEA. The State is required to substantially amend its existing regulations in order to meet federal requirements regarding the provision of a free and appropriate education to students with disabilities.

Legal Authority: The legal authorities for Regulation 43-243 are S.C. Code Ann. § 59-5-60 (1990), S.C. Code Ann. § 59-18-320(B) (Supp. 2000), S.C. Code Ann. § 59-21-510 *et seq.* (1990 & Supp. 2000), S.C. Code Ann. § 59-30-15 (1990 & Supp. 2000), S.C. Code Ann. § 59-33-10 *et seq.* (1990 & Supp. 2000), S.C. Code Ann. § 59-36-10 *et seq.* (Supp. 2000), S.C. Code Ann. § 59-40-140(C) (Supp. 2000), 20 U.S.C. Section 1232(g) *et seq.* (1996), 20 U.S.C. Section 1400 *et seq.* (1997)

Plans for Implementation: The proposed amendments will take effect upon approval by the State Board of Education and publication in the *State Register*. The proposed amendment will be implemented by providing the regulated community with copies of the regulation.

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

This regulation is being amended to comply with the reauthorization of the IDEA and the revised federal regulations. The State is required to substantially amend its existing regulations in order to meet federal requirements regarding the provision of a free and appropriate education to students with disabilities.

DETERMINATION OF COSTS AND BENEFITS:

It is estimated there will be increased costs of \$1,600.00 to the State or its political subdivisions.

UNCERTAINTIES OF ESTIMATES:

This is an estimated increase in costs, because although the use of court reporters is a new requirement, most school districts report that they have been previously engaged in this practice. Therefore, resulting costs could be less than projected.

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

None

Text:

The full text of this regulation is available on the South Carolina General Assembly Home Page: www.scstatehouse.net If you do not have access to the Internet, the text may be obtained from the promulgating agency.

Document No. 2605
DEPARTMENT OF LABOR, LICENSING AND REGULATION
BOARD OF MEDICAL EXAMINERS
CHAPTER 81
Statutory Authority: 1976 Code Sections 40-47-20; 40-1-70

Preamble:

The Board of Medical Examiners is proposing to repeal Regulation 81-100 as it is no longer necessary due to the passage of the Physician Assistants Practice Act, effective June 6, 2000.

Section by Section Discussion:

Repealed Section 81-100. Physician Assistants.

Regulates Physician Assistants. No longer necessary due to the passage of the Physician Assistants Practice Act, effective June 6, 2000.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(b) of the 1976 Code, as amended, such hearing will be conducted at the Administrative Law Judge Division at 9:30 a.m. on Thursday, April 5, 2001. Written comments may be directed to Mr. John D. Volmer, Administrator, Board of Medical Examiners, Department of Labor, Licensing and Regulation, Post Office Box 11289, Columbia, South Carolina 29211-1289 no later than 5:00 p.m., on Monday, February 26, 2001.

Preliminary Fiscal Impact Statement: There will be no additional cost incurred by the State or any political subdivision.

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION:

Purpose: Regulation 81-100 is being repealed as it is no longer necessary due to the passage of the Physician Assistants Practice Act, effective June 6, 2000.

Legal Authority: Statutory Authority: 1976 Code Title 40, Chapter 47, Section 20; Title 40, Chapter 1, Section 70.

Plan for Implementation: Administratively, the Department will see that any changes in practice are implemented by informing the licensees through written communications and newsletters.

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DETERMINATION OF NEED AND REASONABLENESS BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS: Repealing this regulation is necessary as it is no longer necessary due to the passage of the Physician Assistants Practice Act, effective June 6, 2000.

DETERMINATION OF COSTS AND BENEFITS: There will be no additional cost incurred by the State or any political subdivision.

UNCERTAINTIES OF ESTIMATES: There are no uncertainties of estimates concerning the repeal of this regulation.

EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH: The repeal of this regulation will have no effect on the environment and public health of this State.

DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION IS NOT IMPLEMENTED: The repeal of this regulation will have no detrimental effect on the environment and public health of this State if the repeal of this regulation is not implemented in this State.

Text:

81-100. Repealed.

Document No. 2602
DEPARTMENT OF NATURAL RESOURCES
CHAPTER 123
Statutory Authority: 1976 Code Section 50-11-2200

Preamble:

The South Carolina Department of Natural Resources is proposing to amend the existing regulations which sets seasons, bag limits and methods of hunting and taking of wildlife on existing and additional Wildlife Management Areas. The following is a section by section summary of the proposed changes and additions.

1.2(G) Francis Marion National Forest

- clarifies daily bag limits for deer on Hellhole and Moultrie WMA's

1.2(H) Moultrie WMA

- increases season limit for deer to 8 total

1.2(I) Santee Cooper WMA

- allows flexibility to increase deer limits for archery and primitive weapon seasons

1.2(K) Tillman Sandridge WMA

- prohibits fox squirrel hunting

1.2(M) Victoria Bluff WMA

- prohibits fox squirrel hunting

1.2(O) Lewis Ocean Bay WMA

- prohibits fox squirrel hunting

1.2(JJ) Cartwheel Bay WMA

- prohibits fox squirrel hunting

1.2(LL) Longleaf Pine WMA

- prohibits fox squirrel hunting

1.2(QQ) Santee Dam WMA

- increases season limit for deer to 8 total

2.9 - clarifies feeding/baiting regulations to prohibit feeding on WMA land only.

3.2 - adds turkey to legal harvest by crossbow.

- 10.09 - deletes Enoree River WMA from access closure.
- 10.10 - adds Santee Coastal Reserve WMA
- 10.11 - deletes Santee Coastal Reserve which is added to Reg. 10.10.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(b) of the 1976 Code, as amended, such hearing will be conducted at 1000 Assembly Street on February 26, 2001, at 10:00 am in room 335, third floor, Rembert C. Dennis Building. Written comments may be directed to William S. McTeer, Deputy Director, Wildlife & Freshwater Fisheries Division, Department of Natural Resources, Post Office Box 167, Columbia, SC 29202.

Fiscal Impact Statement:

This amendment of Regulation 123.40 will result in increased public hunting opportunities which should generate additional State revenue through license sales. In addition, the local economy should benefit from sales of hunting supplies, food and overnight accommodations. Sales taxes on these items will also directly benefit government.

Statement of Need and Reasonableness:

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

1. DESCRIPTION OF THE REGULATION:

Purpose: The proposed regulation sets seasons, bag limits and methods of hunting and taking of wildlife on existing and additional Wildlife Management Areas.

Legal Authority: Under Section 50-11-2200 of the S.C. Code of Laws, the Department of Natural Resources has jurisdiction over all Wildlife Management Areas to establish open and closed seasons, bag limits and methods for taking game.

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

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

Periodically additional lands are made available to the public through the Wildlife Management Area Program. Since existing regulations only apply to specific wildlife management areas, new regulations must be filed to establish seasons, bag limits and methods of hunting and taking of wildlife on these new WMAs as well as expanding use opportunities on existing WMAs.

3. DETERMINATION OF COSTS AND BENEFITS:

Implementation of the proposed regulation will not require any additional costs to the state or to the sporting community. There are no significant new costs imposed by the addition of new WMAs since the funding of leasing WMAs is provided through the existing WMA permit program. Clarification of several existing regulations will improve enforcement ability and therefore reduce staff time in handling prosecution of offenses. This amendment of Regulation 123.40 will result in increased public hunting opportunities which should generate additional State revenue through license sales. In addition, the local economy should benefit from sales of

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hunting supplies, food and overnight accommodations. Sales taxes on these items will also directly benefit government.

9. UNCERTAINTIES OF ESTIMATES:

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

10. EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

The promulgation of this regulation will not have any impacts on public health. Environmental impacts will be positive since the proposed regulation will result in additional opportunity for outdoor recreation for South Carolina's sportsmen therefore and increased awareness and commitment for natural resources.

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

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

Summary of Preliminary Assessment Report:

The proposed regulation does not require an assessment report.

Text

The full text of this regulation is available on the South Carolina General Assembly Home Page: **www.scstatehouse.net** If you do not have access to the Internet, the text may be obtained from the promulgating agency.

Filed: December 19, 2000, 12:00 noon

Document No.2606
COMMISSION ON HIGHER EDUCATION
 CHAPTER 62
 STATUTORY AUTHORITY: Act 512, Part 2, Section 9,
 Division 2, Subdivision C, Subpart 1(6),
 Acts of Joint Resolutions of South Carolina, 1984
 Article II S.C. Student Loan Corporation

Emergency Situation:

The Commission on Higher Education has found that an emergency exists requiring promulgation of regulations in order to provide legislatively mandated benefits to individuals changing careers to enter the teaching profession and to recipients of the South Carolina Teacher Loan Program who are teaching in the South Carolina public schools.

Text:

62-120 Borrower Eligibility

B. To be eligible to receive a loan up to the amount designated for individuals changing careers a student shall:

- (1) Meet the eligibility requirements of 62-120(A). Students who have previously earned a baccalaureate degree will not be required to meet the academic standards specified in 62-120(A)(6), (7) and (9) during the initial year of teacher training. All applicable academic requirements must be met for all subsequent years; and
- (2) Possess a baccalaureate degree or at the time of initial application or be employed as an instructional assistant in the South Carolina public school system; and
- (3) Have completed a baccalaureate degree a minimum of three years prior to the beginning of the teacher training (instructional assistants are exempt from this requirement) ; and
- (4) Have been employed on a full time basis for minimum or three years, or the equivalent in part time employment, prior to the beginning of the teacher training: and
- (5) Not be receiving any other funds through this program for the same period of teacher training.

C. To be eligible to receive a loan up to the amount designated for individuals participating in the Critical Needs Certification Program a student must be enrolled in the Critical Needs Certification Program as certified by the Board.

62-130 Loan Maximums

B. The maximum amount a borrower meeting the eligibility criteria in 62-120(B) may borrow shall not be limited by any definition used by the institution in determining the eligibility for financial aid and receipt of these funds shall not affect any federal, state or private assistance which the student may be eligible to receive except where prohibited by state or federal regulation.

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63-131 Loan Maximums

(1) Borrowers participating in the Critical Needs Certification Program will receive a single disbursement annually. A check will be made payable to the borrower and forwarded directly to that borrower.

62-132 Repayment

A. A student who receives loans under this program shall be eligible to have the greater of 20% or three thousand dollars of the loan(s) cancelled for each full year, or the greater of 10% or one thousand five hundred dollars for each complete term of teaching experience as defined by the Board in the State in an area of critical need, up to a maximum of 100% of the amount of the loan(s) plus the interest thereon. There shall be no cancellation for partial terms.

- (1) Upon employment in an eligible subject area, as defined by the Board at the time of loan application or subsequently, the borrower will be entitled to cancellation of all loans received under this program that are outstanding at the time of employment.
- (2) Upon employment in a geographic area of critical need, the borrower will be entitled to cancellation of all loans received under this program even if such geographic area is subsequently no longer defined by the Board as one of critical need. If a borrower changes employment from one geographic area to another, cancellation of loans received under this program will be provided only if the geographic area to which the borrower is moving is defined as an area of critical need at that time. Defined Geographic areas of critical need will be provided to the borrower at the time that the borrower begins to seek employment.

B. Borrowers who simultaneously meet the requirements described in A (1) and A(2) above shall be eligible to have the greater of 33 1/3% or five thousand dollars of the loan(s) cancelled for each full year, or the greater of 16 2/3% or two thousand five hundred dollars for each complete term, of teaching experience as defined by the Board, up to the maximum of 100% of the amount of the loan(s) plus the interest thereon. There shall be no cancellation for partial terms.

Document No. 1981
BOARD OF EDUCATION
 CHAPTER 43
 Statutory Authority: 1976 Code Section 59-5-60

Regulation 43-150, Policy Development

Synopsis:

Currently the State outlines specifically what must be included in a local school board policy manual. This decision should be made by local school boards and superintendents. The proposed repeal of this regulation will allow local boards to prepare a policy manual with topics it deems appropriate.

Instructions: Repealed in its entirety

Text: R43-50, Policy Development, is hereby repealed.

Fiscal Impact Statement:

The South Carolina Department of Education estimates that there will be no additional costs incurred by the State and its political subdivisions in complying with the proposed repeal of Regulation 43-150.

Statement of Need and Reasonableness:

In order to give local school boards the flexibility to determine which topics to include in a local school board policy manual.

Document No. 1984
BOARD OF EDUCATION
 CHAPTER 43
 Statutory Authority: 1976 Code Sections 59-5-60, 59-24-40
 Article 13. General School Administration

43-165.1 Principal Evaluation Program

Synopsis:

The Principal Evaluation Program was designed to provide guidelines to school districts regarding the evaluation of principals. The repeal of this regulation will provide school districts the flexibility and responsibility to develop evaluation programs and policies consistent with school and district five-year plans for improvement.

Instructions: R43-165.1 is repealed in its entirety.

Text:

R43-165.1, Principal Evaluation Program, is hereby repealed.

Fiscal Impact Statement:

The South Carolina Department of Education estimates that there will be no additional costs incurred by the State and its political subdivisions in complying with the repeal of Regulation 43-165.1.

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Statement of Need and Reasonableness:

The repeal of this regulation will provide to school districts flexibility and responsibility in the evaluation of principals; it will allow evaluation procedures to be developed which are consistent with local improvement plans. The repeal will help create a learning environment consistent with the needs of district students.