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SOUTH CAROLINA STATE REGISTER

PUBLISHED BY THE LEGISLATIVE COUNCIL of the GENERAL ASSEMBLY

STEPHEN T. DRAFFIN, DIRECTOR LYNN P. BARTLETT, EDITOR

P.O. BOX 11489 COLUMBIA, SC 29211 TELEPHONE (803) 734-2145

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

SOUTH CAROLINA STATE REGISTER

An official state publication, the *South Carolina State Register* is a temporary update to South Carolina's official compilation of agency regulations—the *South Carolina Code of Regulations*. Changes in regulations, whether by adoption, amendment, repeal or emergency action must be published in the *State Register* pursuant to the provisions of the Administrative Procedures Act. The *State Register* also publishes the Governor's Executive Orders, notices or public hearings and meetings, and other documents issued by state agencies considered to be in the public interest. All documents published in the *State Register* are drafted by state agencies and are published as submitted. Publication of any material in the *State Register* is the official notice of such information.

STYLE AND FORMAT

Documents are arranged within each issue of the *State Register* according to the type of document filed:

Notices are documents considered by the agency to have general public interest.

Notices of Drafting Regulations give interested persons the opportunity to comment during the initial drafting period before regulations are submitted as proposed.

Proposed Regulations are those regulations pending permanent adoption by an agency.

Pending Regulations Submitted to the General Assembly are regulations adopted by the agency pending approval by the General Assembly.

Final Regulations have been permanently adopted by the agency and approved by the General Assembly.

Emergency Regulations have been adopted on an emergency basis by the agency.

Executive Orders are actions issued and taken by the Governor.

2004 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	1/9	2/13	3/12	4/9	5/14	6/11	7/9	8/13	9/10	10/8	11/12	12/10
Publishing Date	1/23	2/27	3/26	4/23	5/28	6/25	7/23	8/27	9/24	10/22	11/26	12/24

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) 734-2145.

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

Subscriptions to the *South Carolina State Register* are available electronically through the South Carolina Legislature Online website at www.scstatehouse.net via an access code, 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 **either** format is \$95.00. Payment must be made by check payable to the Legislative Council. To subscribe complete the form below and mail with payment. Access codes for electronic subscriptions will be e-mailed to the address submitted on this form.

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TABLE OF CONTENTS

REGULATIONS SUBMITTED TO GENERAL ASSEMBLY

Status and Legislative Review Expiration Dates	1
EXECUTIVE ORDERS	
2004-28 Ordering New Elections for Charleston County Council Dist. 4	3
NOTICES	
EDUCATION, DEPARTMENT OF 2005 South Carolina School Facilities Planning and Construction Guide	5
HEALTH AND ENVIRONMENTAL CONTROL, DEPARTMENT OF ERRATA: Document No. 2913 Air Pollution Control Regulations and Standards Certification of Need Notice of Proposed Revision to the State Implementation Plan Underground Storage Tanks	5
LABOR, LICENSE AND REGULATION, DEPARTMENT OF OFFICE OF STATE FIRE MARSHAL Adoption of the National Fire Protection Association Codes	
DRAFTING NOTICES	
LABOR, LICENSE AND REGULATION, DEPARTMENT OF LONG TERM HEALTH CARE ADMINISTRATORS Licenses on Inactive or Retired Status	12
REVENUE, DEPARTMENT OF Voluntary Check Off Funds	12

TABLE OF CONTENTS

PROPOSED REGULATIONS

NATURAL RESOURCES, DEPARTMENT OF	

Document No. 2933	Seasons, Limits, Methods of Take and Special Use Restrictions			
	on WMA's and Turkey Hunting Rules			
REVENUE, DEPARTMENT	OF			
Document No. 2935 Repeal Property Tax R. 117-8				
Document No. 2936 Sales and Use Tax Exemption for Machines				
SOCIAL SERVICES, DEPAI	RTMENT OF			
Document No. 2934	Complaints of Discrimination	19		
	FINAL REGULATIONS			
CLEMSON UNIVERSITY, S	TATE LIVESTOCK-POULTRY HEALTH COMMISSION			
Document No. 2916	State Meat Inspection Regulation	21		
Document No. 2919	State Poultry Regulations	22		

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: www.scstatehouse.net

Doc No.	RAT FINAL NO. ISSUE	SUBJECT	EXP. Date	AGENCY
NO.	NO. 155UE		DATE	
2886		Pilot and Apprentice Age Limitations and Pilot Registration	1/11/05	LLR: Commissioners of Pilotage
2887		Residential Builders Commission	1/11/05	LLR: Residential Builders Commission
* 2753		LIFE Scholarship Program	1/15/05	Commission on Higher Education
2889		Barrier Free Design, Building Codes Council	1/17/05	LLR: Building Codes Council
2890		Chapter Revisions	1/17/05	LLR: Manufactured Housing Board
2873		Air Pollution	1/30/05	Department of Health and Envir Control
* 2800		Environmental Protection Fees	2/27/05	Department of Health and Envir Control
2905		Credit for Reinsurance	3/14/05	Department of Insurance
2900		Student Attendance	3/22/05	Board of Education
2897		State Primary Drinking Water	3/28/05	Department of Health and Envir Control
2908		Continuing Insurance Education	4/03/05	Department of Insurance
2906		Repeal Video Poker Regulations	4/03/05	Department of Revenue
2907		ABL - Drive Thru Prohibited	4/03/05	Department of Revenue
2909		Adoption of National Explosives Standards	4/03/05	LLR: Office of State Fire Marshal
2899		Certification Program for Public Librarians	4/10/05	State Library
* 2801		Individual Sewage Treatment and Disposal Systems	4/19/05	Department of Health and Envir Control
2903		Total Maximum Daily Loads for Pollutants in Water	4/24/05	Department of Health and Envir Control
2901		Child Care Centers Licensing Regulations	5/08/05	Department of Social Services

^{*} Resolutions to disapprove not enacted during 2004 Session

2 EXECUTIVE ORDERS

2004-28

WHEREAS, the South Carolina Democratic Party Executive Committee ("Executive Committee") overturned the Charleston County Democratic Party's ("County Party") decision to void the Democratic Primary election held on June 8, 2004, for Charleston County Council District 4; and

WHEREAS, the decision of the Executive Committee was appealed to the South Carolina Supreme Court, which filed an opinion on August 25, 2004, reversing the decision of the Executive Committee and reinstating the County Party's decision to hold a new election; and

WHEREAS, on August 28, 2004, I received a request from the South Carolina Democratic Party to set a new primary election for District 4; and

WHEREAS, the Charleston County Board of Elections and Voter Registration has requested that the new election be held on November 30, 2004, in order to comply with the notice provisions in the South Carolina Code of Laws and the pre-clearance requirements of Section 5 of the Voting Rights Act of 1965; 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, with no actions pertaining to the request for a new election for Charleston County Council District 4 currently pending in the state and federal courts, and pursuant to the authority vested in me by the Constitution and Statutes of the State of South Carolina, I hereby (a) order that a new primary election be held for Charleston County Council District 4 on November 30, 2004, subject to pre-clearance approval prior to this date by the United States Department of Justice, or at the earliest possible date and time after November 30, 2004, as is permitted by the United States Department of Justice; (b) recognize that a run-off election may be needed and should be allowed following the new primary election date in accordance with Article 1, Chapter 13, Title 7 of the South Carolina Code of Laws; and (c) designate the Charleston County Board of Elections and Voter Registration to perform the necessary official duties pertaining to both elections and to declare the results.

GIVEN UNDER MY HAND AND THE GREAT SEAL OF THE STATE OF SOUTH CAROLINA, THIS 20th DAY OF SEPTEMBER, 2004.

MARK SANFORD Governor

2004-29

- WHEREAS, millions of public dollars have been appropriated to various state agencies, which, in turn, have passed them through to other entities or individuals at the direction of individual members of the General Assembly; and
- **WHEREAS**, Article X, Section 8 of the South Carolina Constitution provides that money shall be drawn from the treasury of the state "only in pursuance of appropriations made by law"; and
- WHEREAS, Article IV, Section 21 of the South Carolina Constitution requires that bills appropriating money out of the treasury "shall specify the objects and purposes for which the same are made, and appropriate to them respectively their several amounts in distinct items and sections"; and
- WHEREAS, Section 11-9-10 of the South Carolina Code of Laws provides that "[i]t shall be unlawful for any moneys to be expended for any purpose or activity except for which it is specifically appropriated...."; and
- **WHEREAS**, the General Assembly's budgeting process is program-based whereby they appropriate funds to state agencies in very broadly drafted appropriation line items without detailed descriptions; and
- WHEREAS, despite clear constitutional and statutory requirements, currently, South Carolina citizens cannot look at a copy of the Appropriations Act and determine where their money is being spent, and the public is often misled as to the true allocation of their money; and
- **WHEREAS**, it is imperative that the public fully understand what projects and activities are funded and are thereby able to hold the appropriate officials responsible for the expenditure of public funds.
- **NOW, THEREFORE,** pursuant to the authority vested in me by the Constitution and Statutes of this State, I hereby order that any funds appropriated to any agency in my cabinet must be expended in strict compliance with the Appropriations Act to further the functions and purposes of that agency, as determined by its director.
- **BE IT FURTHER ORDERED** that appropriated funds shall not be "passed through" by any agency in my cabinet to any entities or individuals at the direction of any member of the General Assembly unless such "pass through" is explicitly referenced in the Appropriations Act.
- **BE IT FURTHER ORDERED** that grant funds shall not be "passed through" by any agency in my cabinet to any entities or individuals at the direction of any member of the General Assembly unless such grant is authorized in the Appropriations Act or expressly allowed by the awarding agency's enabling legislation. Each director in my cabinet shall certify that all grants approved by the awarding agency further the goals and purposes of the agency and the appropriation.
- **BE IT FURTHER ORDERED**, that all state agencies in my cabinet shall prepare by November 1st of each year a report, which shall be made public, of all grants awarded in the previous fiscal year.

4 EXECUTIVE ORDERS

BE IT FURTHER ORDERED that nothing in this Executive Order shall be deemed to prohibit or discourage anyone working in a cabinet agency from performing his or her duties or fully and completely complying with any appropriation line or provision contained in the Appropriations Act.

This Executive Order is effective immediately.

GIVEN UNDER MY HAND AND THE GREAT SEAL OF THE STATE OF SOUTH CAROLINA, THIS 22nd DAY OF SEPTEMBER, 2004.

MARK SANFORD Governor

2004-30

WHEREAS, a vacancy exists in the office of Barnwell County Sheriff as a result of the death of Joseph Zorn, III; and

WHEREAS, the Governor of the State of South Carolina is authorized to appoint a Sheriff in the event of a vacancy pursuant to Section 23-11-40 of the South Carolina Code of Laws; and

WHEREAS, Thomas Wayne Gantt residing at 427 Dirt Road, Barnwell, South Carolina 29812, is a fit and proper person to serve as Barnwell County Sheriff.

NOW, THEREFORE, pursuant to the authority vested in me by the Constitution and Statutes of this State, I hereby appoint Thomas Wayne Gantt as Sheriff of Barnwell County until the next general election for this office and until his successor shall qualify. This appointment shall be effective immediately.

GIVEN UNDER MY HAND AND THE GREAT SEAL OF THE STATE OF SOUTH CAROLINA, THIS 4th DAY OF OCTOBER, 2004.

MARK SANFORD Governor

STATE DEPARTMENT OF EDUCATION

NOTICE OF GENERAL PUBLIC INTEREST

The South Carolina Public School Facilities Committee, authorized by S.C. Code Ann. § 59-23-210 (Supp. 2003), will make the 2005 South Carolina School Facilities Planning and Construction Guide available for public comment. The document can be found on the website of the Office of School Facilities, State Department of Education, at the following address www.myscschools.com/offices/sf/2005Guidebook ver3.doc

Interested persons are invited to submit written comments by writing to Ms. Nikki Amaker, Office of School Facilities, Suite 205, 3710 Landmark Drive, Columbia, South Carolina 29204 or e-mail Ms. Amaker at namaker@sde.state.sc.us. Comments must be received no later than November 30, 2004. The Committee will meet early in December 2004, for consideration of these comments.

Effective March 1, 2005, all school projects submitted for their initial plan review will be subject to the 2005 Guide.

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 October 22, 2004, 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) 545-4200.

Affecting Charleston County

Replacement of existing single slice Computerized Tomography (CT) Scanner with a multi slice CT Scanner. Bon Secours St. Francis Xavier Hospital, Inc.

Charleston, South Carolina Project Cost: \$911,381

Replacement of existing single slice Computerized Tomography (CT) Scanner with a multi slice CT Scanner.

Roper Hospital, Inc.

Charleston, South Carolina Project Cost: \$911,381

Affecting Georgetown County

Construction for the establishment of a twelve (12)-bed inpatient hospice facility.

Tidelands Community Hospice House Georgetown, South Carolina

Project Cost: \$4,805,578

Affecting Greenville County

Construction for the establishment of a 30 bed inpatient hospice facility.

Hospice House of Greenville Greenville, South Carolina

Project Cost: \$7,956,643

6 NOTICES

Affecting Greenville County

Purchase of a CyberKnife Sterotactic Radiosurgery System and construction of a building to house the system.

St. Francis Hospital

Greenville, South Carolina Project Cost: \$5,143.278

Affecting Lexington County

Construction to replace the existing 0.32T Magnetic Resonance Imaging (MRI) unit with a new 1.5T MRI, and discontinue the mobile MRI service.

Lexington Open MRI, Inc. West Columbia, South Carolina Project Cost: \$2,182,500

Affecting Orangeburg County

Construction and development of a hospital based ambulatory surgery center located on the Campus of the Regional Medical Center of Orangeburg and Calhoun Counties to include four (4) operating rooms (ORs) and two (2) endoscopy procedure rooms (ORs).

The Regional Medical Center of Orangeburg and Calhoun Counties dba Edisto Surgery Center

Orangeburg, South Carolina Project Cost: \$5,330,610

Affecting Pickens County

Construction of a freestanding ambulatory surgery center with two (2) operating rooms.

Surgery Center of Clemson. Clemson, South Carolina Project Cost: \$4,344,877

Affecting Richland County

Construction to establish an ambulatory surgery center with three (3) operating rooms (ORs).

Midlands Orthopaedics Surgery Center, LLC

Columbia, South Carolina Project Cost: \$6,978,000

Construction for the establishment of a twelve (12) bed inpatient hospice facility.

Portsbridge Inpatient Hospice Columbia, South Carolina Project Cost: \$1,711,597

Affecting Richland County

Construction of a new 84 acute care bed hospital with 12 Level II Neonatal beds by transferring 84 acute care beds from Palmetto Health Baptist, resulting in a total licensed capacity of 279 acute care beds and 104 psychiatric beds at Palmetto Health Baptist (downtown campus) and 84 acute care beds at Palmetto Health Baptist Parkridge.

Palmetto Health Baptist Parkridge

Columbia, South Carolina Project Cost: \$140,393,928 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 October 22, 2004. "Affected persons" have 30 days from the above date to submit comments or requests for a public hearing to Mr. Albert N. Whiteside, Director, Division of Planning and Certification of Need, 2600 Bull Street, Columbia, S.C. 29201. For further information call (803) 545-4200.

Affecting Charleston County

Lease of a 1.5T Magnetic Resonance Imaging (MRI) unit. Neurosciences Magnetic Resonance Imaging Center, LLC Charleston, South Carolina Project Cost: \$1,810,650

Affecting Greenville County

Establish an ambulatory surgery center with four (4) Operating Rooms (ORs), by leasing space from St. Francis Ambulatory Care Center at St. Francis Hospital, Inc.

The Physicians Surgery Center at St. Francis Greenville, South Carolina

Project Cost: \$5,008,763

Affecting Orangeburg County

Upfit of shelled space in the Annex Building for the creation of the Breast Center.

The Regional Medial Center of Orangeburg and Calhoun Counties

Orangeburg, South Carolina Project Cost: \$2, 881,548

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

ERRATA

Corrects *State Register* Document No. 2913 Published September 24, 2004

On September 9, 2004, the Board of Health and Environmental Control approved final amendments to Regulation 61-62, *Air Pollution Control Regulations and Standards*. These amendments were published as final on September 24, 2004, in Vol. 28, Issue 9 of the *State Register* as Document No. 2913. This errata is to correct typographical errors regarding the title of Regulation 61-62.61 which, in two instances, on page 81 and page 82 of the *State Register*, was incorrectly titled: "South Carolina Designated Facility Plan and New Source Performance Standards." Text of Document No. 2913, in the "Synopsis" (page 77 of the *State Register*) and the "Statement of Need and Reasonableness" (page 133 of the *State Register*), correctly identified the title of the new regulation that is to be added. The purpose of this errata is to correct the errors noted so that the title of the new regulation to be added reads as follows:

"Regulation 61-62.61 - National Emission Standards for Hazardous Air Pollutants (NESHAP)."

DEPARTMENT OF HEALTH AND ENVIRONMENAL CONTROL

NOTICE OF PROPOSED REVISION TO THE SOUTH CAROLINA STATE IMPLEMENTATION PLAN AND NOTICE OF PUBLIC HEARING

Synopsis:

The South Carolina Department of Health and Environmental Control (Department) is proposing to revise the South Carolina State Implementation Plan also referred to as the SIP. The proposed revision is being conducted in accordance with our commitments under the Early Action Compact (EAC) process. The EAC process is an alternative to traditional nonattainment planning that allows local areas flexibility to control air emissions from their sources and offers a means to achieve cleaner air sooner than the Clean Air Act requires. In December 2002, the Department entered in compacts with the Environmental Protection Agency (EPA) and local governments for the purpose of developing ozone reduction strategies as part of the EAC process. The compacts require EAC areas to attain the 8-hour ozone standard by December 31, 2007, a date that is sooner than would otherwise be required through the traditional nonattainment designation process. The compacts include all necessary elements of a comprehensive air quality plan, but are tailored to local needs. As a result of an area's participation, the EAC process calls for EPA to recognize the area's commitment to early action by provisionally deferring the effective date of the nonattainment designation.

The EAC process sets forth a series of rolling deferrals that are contingent upon the participating area's meeting all terms and milestones of the compact. On April 30, 2004 (69 FR 23857), following the completion of the first set of milestones, EPA promulgated the first deferrals of the effective date of the nonattainment designations for eligible EAC areas. In accordance with the EAC process, participating EAC areas must submit a final EAC SIP by December 31, 2004, consisting of local plans, including all adopted control measures, and a demonstration that the areas will attain the 8-hour ozone standard by December 31, 2007. The Department is proposing to amend the SIP in accordance with this requirement.

Public Hearing:

Staff of the Department will conduct a public hearing to receive public comments on the proposed revision of the SIP on November 22, 2004, at 10:00 a.m. in Room 2280 of the Aycock Building, South Carolina Department of Health and Environmental Control, 2600 Bull Street, Columbia, SC. Interested members of the public are invited to attend and comment on the proposed revisions. Interested persons may also submit comments in writing to Heather Preston at the South Carolina Department of Health and Environmental Control, Bureau of Air Quality, 2600 Bull Street, Columbia, SC 29201. To be considered, comments must be received by November 22, 2004, the close of the comment period.

Copies of the proposed SIP revision for public notice and comment will be available at the public hearing. Copies may also be obtained by contacting Heather Preston at the South Carolina Department of Health and Environmental Control, Bureau of Air Quality, 2600 Bull Street, Columbia, SC 29201, or by calling (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 November 22, 2004 to:

Contractor Certification Program
South Carolina Department of Health and Environmental Control
Underground Storage Tank Program
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:

<u>Class II</u>

Cobb Environmental & Technical Services, Inc.

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

NOTICE OF GENERAL PUBLIC INTEREST

Notice is hereby given that, in accordance with Section 1-34-30 of the 1976 Code of Laws of South Carolina, as amended, the Department of Labor, Licensing and Regulation, Office of State Fire Marshal intends to adopt the latest edition of the following nationally recognized code.

- 1. National Fire Protection Association 59, Utility LP-Gas Plant Code, 2004 Edition
- The original promulgating authority for this code is: National Fire Protection Association
 Batterymarch Park Quincy, Massachusetts 02269
- 3. This code is referenced by: South Carolina Code of Laws Section 40-82-70

The Office of State Fire Marshal specifically requests comments concerning sections of these editions which may be unsuitable for enforcement in South Carolina. Written comments may be submitted to Michael Platt at 141 Monticello Trail, Columbia, SC 29203, by fax at 803-896-9806, or by e-mail to plattm@llr.sc.gov.

If no comments are received within sixty (60) days of publication of this notice, the Office of State Fire Marshal will promulgate this latest edition without amendment.

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

NOTICE OF GENERAL PUBLIC INTEREST

Notice is hereby given that, in accordance with Section 1-34-30 of the 1976 Code of Laws of South Carolina, as amended, the Department of Labor, Licensing and Regulation, Office of State Fire Marshal intends to adopt the latest edition of the following nationally recognized code.

- 1. National Fire Protection Association 96, Standard for Ventilation Control and Fire Protection of Commercial Cooking Operations, 2004 Edition
- The original promulgating authority for this code is: National Fire Protection Association
 1 Batterymarch Park
 Quincy, Massachusetts 02269
- 3. This code is referenced by: South Carolina Rules and Regulations 71-8307.3 (A)(9)

The Office of State Fire Marshal specifically requests comments concerning sections of these editions which may be unsuitable for enforcement in South Carolina. Written comments may be submitted to Michael Platt at 141 Monticello Trail, Columbia, SC 29203, by fax at 803-896-9806, or by e-mail to plattm@llr.sc.gov.

If no comments are received within sixty (60) days of publication of this notice, the Office of State Fire Marshal will promulgate this latest edition without amendment.

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

NOTICE OF GENERAL PUBLIC INTEREST

Notice is hereby given that, in accordance with Section 1-34-30 of the 1976 Code of Laws of South Carolina, as amended, the Department of Labor, Licensing and Regulation, Office of State Fire Marshal intends to adopt the latest edition of the following nationally recognized code.

- 1. National Fire Protection Association 70, National Electrical Code, 2005 Edition
- The original promulgating authority for this code is: National Fire Protection Association
 Batterymarch Park
 Quincy, Massachusetts 02269
- 3. This code is referenced by:
 South Carolina Rules and Regulations 71-8300.10

The Office of State Fire Marshal specifically requests comments concerning sections of these editions which may be unsuitable for enforcement in South Carolina. Written comments may be submitted to Michael Platt at 141 Monticello Trail, Columbia, SC 29203, by fax at 803-896-9806, or by e-mail to plattm@llr.sc.gov.

If no comments are received within sixty (60) days of publication of this notice, the Office of State Fire Marshal will promulgate this latest edition without amendment.

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

NOTICE OF GENERAL PUBLIC INTEREST

Notice is hereby given that, in accordance with Section 1-34-30 of the 1976 Code of Laws of South Carolina, as amended, the Department of Labor, Licensing and Regulation, Office of State Fire Marshal intends to adopt the latest edition of the following nationally recognized code.

- 1. National Fire Protection Association 2001, Standard on Clean Agent Fire Extinguishing Systems, 2004 Edition
- The original promulgating authority for this code is: National Fire Protection Association
 Batterymarch Park Quincy, Massachusetts 02269
- 3. This code is referenced by: South Carolina Rules and Regulations 71-8307.3(A)(9)

The Office of State Fire Marshal specifically requests comments concerning sections of these editions which may be unsuitable for enforcement in South Carolina. Written comments may be submitted to Michael Platt at 141 Monticello Trail, Columbia, SC 29203, by fax at 803-896-9806, or by e-mail to plattm@llr.sc.gov.

If no comments are received within sixty (60) days of publication of this notice, the Office of State Fire Marshal will promulgate this latest edition without amendment.

12 DRAFTING

DEPARTMENT OF LABOR, LICENSING AND REGULATION BOARD OF LONG TERM HEALTH CARE ADMINISTRATORS

CHAPTER 35

Statutory Authority: 1976 Code Sections 40-35-10 through 40-35-136, 40-35-230, 40-1-70.

Notice of Drafting:

The Board of Long Term Health Care Administrators proposes to amend Regulation 93-150 to update guidelines for long term health care administrators in this state to place their licenses on inactive or retired status. Written comments can be submitted to Dana Blanton, Board Administrator, at Post Office Box 11329, Columbia, South Carolina, 29211-1329.

Synopsis:

The purpose of the amendment is to update guidelines for long term health care administrators to place their licenses on inactive or retired status.

DEPARTMENT OF REVENUE

Chapter 117 Statutory Authority: 1976 Code Section 12-4-320

Notice of Drafting:

The South Carolina Department of Revenue is considering adding SC Regulation 117-875 concerning the voluntary income tax check off funds. Act No. 248, Part IB, Section 64, Proviso 64.16, "Voluntary Tax Contribution K-12," and Proviso 64.17, "Voluntary Tax Contribution for PRT," stated that these check off provisos would be implemented by DOR by regulation. This regulation, if approved, would also be used for other check offs currently provided in Chapter 6 of Title 12 and any future check offs.

Interested persons may submit written comments to Meredith F. Cleland, South Carolina Department of Revenue, Legislative Services, P.O. Box 125, Columbia, SC 29214. To be considered, comments must be received no later than 5:00 p.m. on November 23, 2004.

Synopsis:

The South Carolina Department of Revenue is considering adding SC Regulation 117-875 concerning voluntary income tax check off funds. Act No. 248, Part IB, Section 64, Proviso 64.16, "Voluntary Tax Contribution K-12," and Proviso 64.17, "Voluntary Tax Contribution for PRT," stated that these check off provisos would be implemented by DOR by regulation. This regulation, if approved, would also be used for other check offs currently provided in Chapter 6 of Title 12 and any future check offs.

Document No. 2933 **DEPARTMENT OF NATURAL RESOURCES**CHAPTER 123

Statutory Authority: 1976 Code Sections 50-1-200, 50-1-210, 50-3-100, 50-11-10, 50-11-65, 50-11-105, 50-11-310, 50-11-335, 50-11-350, 50-11-390, 50-11-430, 50-11-500, 50-11-520, 50-11-530, 50-11-854 and 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. The following is a section by section summary of the proposed changes and additions:

- (A) Game Zone 1 changes opening day of archery hunts from Dec. 24 to Dec. 23 adding an additional day. Adds Glassy Mountain Archery Only Area in Chestnut Ridge Heritage Preserve.
- (D) Game Zone 4 Draper WMA adds an additional rabbit hunting day.
- (G) Francis Marion National Forest reduces 1 either-sex dog hunt day on Wambaw, Northampton and Santee WMAs.

Added "during deer hunts when dogs are used buckshot only is permitted".

- (N) Bear Island WMA re-worded archery and still gun hunt dates to ensure 2 Saturday hunts regardless of calendar date changes.
- (S) Other small WMAs (Chesterfield, Kershaw & Marlboro Counties) opens archery season 2 weeks earlier and adds either-sex
- Sept. 15 30 on WMAs consistent with private lands. Added "archers allowed to take either-sex during entire period" for Still Gun Hunts.
- (W) Marsh Furniture WMA changes hog hunt ending date to eliminate conflict with youth turkey hunting day and specifies Federal Season for woodcock.
- (AA) Little Pee Dee River Complex WMA changes hog hunt ending date to eliminate conflict with youth turkey hunting day.
- (BB) Great Pee Dee River WMA adds 3 weeks hog hunting.
- (CC) Hickory Top WMA adds 5 weeks muzzleloader season for deer and added "no open season for fox squirrels".
- (GG)McBee WMA sets either-sex deer hunt days consistent with private land seasons.
- (JJ) Longleaf Pine WMA re-word still gun hunt season to eliminate calendar conflicts with muzzleloader season.
- (KK) Bucksport WMA delete WMA. Will be managed by US Fish & Wildlife Service Refuge Program.
- (VV) Bonneau Ferry WMA add new WMA.
- 2.12 Clarifies statewide youth deer hunt day methods and limits.
- 3.1 changes the term "long bow" to "bow and arrow" and adds handguns under .22 rimfire restrictions for small game.
- 3.3 adds "or smaller" to the rimfire definition to include a new rimfire caliber other than .22.
- 7.1 adds bear to the hunter international orange requirement on WMA land.
- 10.8 Changed closure date to accommodate later waterfowl seasons.

Same as 10.8 to accommodate later waterfowl seasons.

- 10.15 adds Bonneau Ferry to Category I waterfowl areas.
- 10.16 adds Wee Tee to Category II waterfowl areas.
- 123-51 establishes a turkey season on the new Bonneau Ferry, Worth Mountain and Draper WMAs
- 123-52 makes changes to firearm definitions and caliber restrictions for private land in Game Zones 1, 2 and 4 (Same as stated for WMA in Regulations 3.1 and 3.3 above.)

14 PROPOSED REGULATIONS

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 December 17, 2004, at 10:00 am in room 335, third floor, Rembert C. Dennis Building. Written comments may be directed to Breck Carmichael, 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 Rational:

Rationale for the formulation of these regulations is based on over 60 years of experience by SCDNR in establishing public hunting areas. New areas are evaluated on location, size, current wildlife presence, access and recreation use potential. Contractual agreements with the landowners provides guidelines for the use and management of the property. Wildlife Management Area agreements are on file with the Wildlife Management Section of the Department of Natural Resources, Room 267, Dennis Building, 1000 Assembly Street, Columbia.

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: These regulations amend Chapter 123-40 and 123-53 in order to set seasons, bag limits and methods of hunting and taking of wildlife on existing and additional Wildlife Management Areas.

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

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

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 existing regulations under appropriate authority 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 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: http://www.scstatehouse.net/regnsrch.htm. Full text may also be obtained from the promulgating agency.

Document No. 2935

DEPARTMENT OF REVENUE

CHAPTER 117

Statutory Authority: 1976 Code Section 12-4-320 Regulation 117-8

Preamble:

The South Carolina Department of Revenue is considering repealing SC Regulation 117-8 concerning responsibilities of the Department of Revenue with respect to property taxation and fees in lieu of property taxes. Since this same regulation was codified on June 25, 2004 as SC Regulation 117-1720.1, SC Regulation 117-8 is no longer needed.

Discussion

The South Carolina Department of Revenue is considering repealing SC Regulation 117-8 concerning responsibilities of the Department of Revenue with respect to property taxation and fees in lieu of property taxes. Since this same regulation was codified on June 25, 2004 as SC Regulation 117-1720.1, SC Regulation 117-8 is no longer needed.

16 PROPOSED REGULATIONS

Text:

No text is necessary since the proposal is only repealing a regulation that is no longer needed since the same regulation was codified on June 25, 2004 as SC Regulation 117-1720.1

Notice of Public Hearing:

The S.C. Department of Revenue has scheduled a public hearing before the Administrative Law Court in the Edgar Brown Building on the Capitol Complex (1205 Pendleton Street – Suite 224) in Columbia, South Carolina for January 11, 2005 at 2:00 pm if the requests for a hearing meet the requirements of Code Section 1-23-110(A)(3). The public hearing, if held, will address a proposal by the department to repeal SC Regulation 117-8 concerning responsibilities of the Department of Revenue with respect to property taxation and fees in lieu of property taxes. Since this same regulation was codified on June 25, 2004 as SC Regulation 117-1720.1, SC Regulation 117-8 is no longer needed.

The department will be asking the Administrative Law Court, in accordance with S.C. Code Ann. '1-23-111 (2000), to issue a report that the proposal to repeal the regulation is needed and reasonable.

Comments:

All comments concerning this proposal should be mailed to the following address by November 23, 2004:

S.C. Department of Revenue Legislative Services - Mr. Meredith Cleland P.O. Box 125 Columbia, South Carolina 29214

Preliminary Fiscal Impact Statement:

There will be no impact on state or local political subdivisions expenditures in complying with this proposed legislation.

Summary of the Preliminary Assessment Report:

A preliminary assessment report is not required for this proposal.

Preliminary Assessment Report:

A preliminary assessment report is not required for this proposal.

Statement of Rationale:

The purpose of this proposal is to repeal SC Regulation 117-8 concerning responsibilities of the Department of Revenue with respect to property taxation and fees in lieu of property taxes. Since this same regulation was codified on June 25, 2004 as SC Regulation 117-1720.1, SC Regulation 117-8 is no longer needed. The proposal to repeal this regulation is needed to reduce any taxpayer confusion that may result from having two identical published regulations on the same subject. The proposal to repeal this regulation is also reasonable in that it is the department's responsibility to maintain regulations that are up-to date.

Document No. 2936 DEPARTMENT OF REVENUE CHAPTER 117

Statutory Authority: 1976 Code Section 12-4-320

Regulation 117-302.5

Preamble:

The South Carolina Department of Revenue is considering amending SC Regulation 117-302.5 which concerns the sales and use tax exemption for machines used in manufacturing, processing, compounding, mining, or quarrying tangible personal property for sale. As a result of two recent court decisions, the Department issued an advisory opinion, SC Revenue Ruling #04-7. This proposal to amend SC Regulation 117-302.5 will combine the guidance provided in the advisory opinion, which is based on the two court cases, with provisions of the present regulation that are still applicable under these two court decisions.

Discussion

The South Carolina Department of Revenue is considering amending SC Regulation 117-302.5 which concerns the sales and use tax exemption for machines used in manufacturing, processing, compounding, mining, or quarrying tangible personal property for sale.

During 2003, South Carolina courts decided two cases which clarify what qualifies as "machines used in manufacturing" for purposes of the South Carolina sales and use tax machine exemption. These cases are Springs Industries, Inc. v. SCDOR (99-ALJ-17-0153-CC) and Anonymous Taxpayer v. SCDOR (02-ALJ-17-0350-CC). Previously, the Department adhered to the "Production Line Theory" in determining what machinery was used in manufacturing. Under this theory, items were found to be exempt only if "used directly" in the manufacturing process. Based upon the recent court decisions, the "Production Line Theory" will no longer be used. Instead, the court mandated machinery is exempt if such machinery is "integral and necessary" to the manufacturing process. This change is generally less restrictive than the Department's prior interpretation. As such, machines that the Department would previously have held subject to the tax are exempt. However, it is important to note that the determination hinges on whether a machine is "integral and necessary" to the manufacturing process, not whether it is "integral and necessary" to the manufacturer. As such, machines used solely for warehouse, distribution, or administrative purposes do not come within the machine exemption. The case of Anonymous Taxpayer v. SCDOR (02-ALJ-17-0350-CC) dealt with the issue of whether buildings or parts of buildings could be exempt under the machine exemption. Considering the principles previously held in Hercules Contractors and Engineers Inc. v. S.C. Tax Comm'n, 280 S.C. 426, 313 S.E.2d 300 (Ct. App. 1984). the court held that the buildings in question did not function as machines and were not exempt under the machine exemption. Although the decision in this case is consistent with how the Department has historically viewed the exemption of buildings, it is significant in that it utilizes the "necessary and integral" methodology to show that the exemption after Springs is limited to "machines" which are integral and necessary to the manufacturing process and does not encompass all items useful to a manufacturer.

As a result of these two court decisions, the Department issued an advisory opinion, SC Revenue Ruling #04-7. This proposal to amend SC Regulation 117-302.5 will combine the guidance provided in the advisory opinion, which is based on the two court cases, with provisions of the present regulation that are still applicable under these two court decisions.

Notice of Public Hearing:

The S.C. Department of Revenue has scheduled a public hearing before the Administrative Law Court in the Edgar Brown Building on the Capitol Complex (1205 Pendleton Street – Suite 224) in Columbia, South

18 PROPOSED REGULATIONS

Carolina for January 11, 2005 at 10:00 am if the requests for a hearing meet the requirements of Code Section 1-23-110(A)(3). The public hearing, if held, will address a proposal by the department to amend SC Regulation 117-302.5 concerning the sales and use tax machine exemption. As a result of two recent court decisions, the Department issued an advisory opinion, SC Revenue Ruling #04-7. This proposal to amend SC Regulation 117-302.5 will combine the guidance provided in the advisory opinion, which is based on the two court cases, with provisions of the present regulation that are still applicable under these two court decisions. The department will be asking the Administrative Law Court, in accordance with S.C. Code Ann. ' 1-23-111 (2000), to issue a report that the proposal to amend the regulation is needed and reasonable.

Comments:

All comments concerning this proposal should be mailed to the following address by November 23, 2004:

S.C. Department of Revenue Legislative Services - Mr. Meredith Cleland P.O. Box 125 Columbia, South Carolina 29214

Preliminary Fiscal Impact Statement:

There will be no impact on state or local political subdivisions expenditures in complying with this proposed legislation.

Summary of the Preliminary Assessment Report:

A preliminary assessment report is not required for this proposal.

Preliminary Assessment Report:

A preliminary assessment report is not required for this proposal.

Statement of Rationale:

The purpose of this proposal is to repeal SC Regulation 117-302.5 concerning the sales and use tax machine exemption. The proposed regulation is needed to ensure that taxpayers understand the application of the sales tax machine exemption statute as a result of <u>Springs Industries</u>, <u>Inc. v. SCDOR</u> (99-ALJ-17-0153-CC) and <u>Anonymous Taxpayer v. SCDOR</u> (02-ALJ-17-0350-CC). The proposal is reasonable since it is consistent with the decisions in these two court cases.

Text:

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

Document No. 2934

DEPARTMENT OF SOCIAL SERVICES

CHAPTER 114 ARTICLE II Statutory Authority: 1976 Code Section 43-1-80

114- Article II Complaints of Discrimination

Preamble:

The Department proposes to amend and replace in its entirety Article II of Chapter 114, Department of Social Services Complaints of Discrimination to comply with Federal law. The proposed amendment will clarify general procedures in the Office of Civil Rights and Individual & Provider Rights, and also concentrate in one Chapter the various rights and procedures under specific Federal and State programs administered by the Department.

Section-by-Section Discussion Article II Civil Rights (new title)

Section Citation	Explanation of change
114-200	Defines terms used in the Regulation relating to civil rights processes
114-210	Sets forth the Department's intention not to discriminate and adds references to recently passed Federal civil rights laws
114-220	Formerly 114-230(D); sets forth the frequency of routine compliance reviews and sets forth the conditions required for OCR to initiate non-routine reviews
114-230(A)	Formerly 114-220(A); lists the Agencies to which a complaint of discrimination may be sent
114-230(B)	Clarifies the criteria used to judge the timeliness, adequacy and jurisdiction of a complaint of discrimination
114-240(A)	Sets forth specific procedures for processing a discrimination complaint.
114-240(B)	Formerly 114-230(A)(3); sets forth the right of complainants to appeal the OCR's determination
114-250(A)	Lists the Agencies to which a complaint against a Department provider may be sent
114-250(B)	Formerly 114-230(B) and 114-240(A) and 114-240(B); describes the procedures to be taken by OCR and the Department when a complaint against a Department provider is received

Notice of Public Hearing and Opportunity for Public Comment:

There will be an opportunity for public comment and hearing. Written comments should be addressed to:

Ms. Lynn McLendon, Director Individual & Provider Rights Department of Social Services P. O. Box 1520 Columbia, South Carolina 29202-1520

and sent within thirty (30) days from the date of publication. A public hearing, if necessary, will be scheduled for 10:00 AM on Tuesday, November 23, 2004, at The Administrative Law Court, Edgar A. Brown Building, 2nd Floor hearing room, 1205 Pendleton Street, Columbia, South Carolina.

20 PROPOSED REGULATIONS

Preliminary Fiscal Impact Statement:

There will be no increased cost to the State or its political subdivisions.

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION: 114-Article II Civil Rights

Purpose: The regulation describes the general procedures to be used in initiating and carrying out compliance reviews, and in processing discrimination complaints made by clients against the Department, delineating time frames and describing the authority of the Office of Civil Rights.

Legal Authority: Legal authority for the Regulation is found in Section 43-1-80 of the South Carolina Code Annotated (1976).

Plan for Implementation: As soon as the Regulation is final, it will be disseminated throughout the Department.

DETERMINATION OF NEED AND REASONABLENESS OF THE PROPOSED REGULATION BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS: The proposed Regulation is needed to clarify and to bring into compliance with Federal laws the Department's procedures for reviewing, processing, and taking action on complaints of discrimination. It also defines the procedures for performing compliance reviews.

DETERMINATION OF COSTS AND BENEFITS: No cost is anticipated as the Regulation clarifies and consolidates civil rights procedures currently carried out by the Department.

UNCERTAINTIES OF ESTIMATES: None.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH: None.

DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION IS NOT IMPLEMENTED: None

Text:

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

Document No. 2916

CLEMSON UNIVERSITY STATE LIVESTOCK-POULTRY HEALTH COMMISSION

CHAPTER 27

Statutory authority: 1976 Code Section 47-4-30 and 47-17-130

R.27-1023 State Meat Inspection Regulation

Synopsis:

These regulations are being promulgated to modernize, clarify and update existing regulations which govern, to the extent authorized by S. C. Code, Title 47, Chapter 4, the inspection of meat and meat food products produced for intrastate commerce. These updated regulations are necessary to comply with the Federal Meat Inspection Act (21USCA 661, Section 301) which established Federal-State Cooperative Meat Inspection Programs. This is a grant program with equal federal-state funding. A cooperating state is required to adopt regulations "at least equal to" those adopted by the federal government. This regulation will, in effect, adopt the current Federal Meat Inspection Regulations with some minor exceptions for some state specific requirements. The Notice of Drafting was published in the State Register on May 28, 2004.

Instructions:

Replace R27-1023 with the following amendment.

Text:

R.27-1023 State Meat Inspection Regulation

A. Definitions.

- 1. *Commission* means the State Livestock-Poultry Health Commission, Clemson University.
- 2. *Director* means the Director, Livestock-Poultry Health Programs, Clemson University.
- 3. *Custom Processor* means the custom preparation by any person of carcasses, parts thereof, meat or meat food products derived from the slaughter by any individual of cattle, sheep, swine or goats of his own raising or from game animals, delivered by the owner thereof for such custom preparation and transportation in commerce of such custom prepared article, exclusively for the use in the household by the owner and members of the owners household and the owners non-paying guests and employees in an establishment permitted by the State Meat Inspection Department for that purpose.
- B. Permit required; fee; application; refusal, revocation or suspension.
 - 1. Custom processors shall secure a permit from the Commission.
 - 2. The permit fee is twenty-five dollars (\$25.00) annually or for part of a year. The permit year is July 1 to June 30. The fee must be retained by the Commission. The Commission by regulation may increase the fee to not more than fifty dollars (\$50.00).
 - 3. The Commission, for cause, may refuse to grant a permit, may revoke or modify a permit, or assess a civil penalty in accordance with Section 47-4-130, South Carolina Code of Laws (1976) as amended.
- C. Adoption of Federal Meat Inspection Regulations.

The United States Department of Agriculture, Food Safety and Inspection Service, Meat Inspection Regulations, 9 CFR, Chapter III, Subchapter A, Parts 300-320, 325, 329, 335,352 and 354, and Subchapter E, Parts 416-417, 424, 430, 441 and 500 and all changes thereto in effect as of July 1, 2004 are hereby adopted as the State Meat Inspection Regulations, with exceptions as noted below.

22 FINAL REGULATIONS

- D. Exceptions to the Federal Meat Inspection Regulations.
 - 1. Subchapter A, Part 303 Exemptions, Section 303.1(a)(2). The provisions of this section related to custom slaughter of livestock do not apply. Custom slaughtering is not a specified exemption in the State Meat and Meat Foods Regulations and Inspection Law of 1967.
 - 2. Subchapter A, Part 307, Section 307.5(a) Overtime Inspection Service. Fees and charges for overtime inspection service will be established, as required, by the Commission.
 - 3. Subchapter A, Part 307, Section 307.5(b) Holiday Inspection Service. State holidays as designated by the State Budget and Control Board will be utilized by the state inspection program.
 - 4. Subchapter A, Part 312 Official Marks, Devices and Certificates. Official state marks, devices and certificates of inspection will be utilized by the state inspection program.
 - 5. Subchapter A, Part 352, Section 352.5 Holiday and Overtime Inspection Services. Fees and charges for overtime and state holiday inspection services will be established, as required by the Commission.
 - 6. Subchapter A, Part 352, Section 352.7 Marking Inspected Products. Official state marks, devices and certificates of inspection will be utilized by the state inspection program.
- E. In addition to temporary suspension in whole or in part of inspection services, as provided for in this regulation, the Director may, when he determines that the operator of any official establishment or any subsidiary therein, acting within the scope of his office, employment or agency, has threatened to forcible assault or has forcibly assaulted, intimidated, harassed or interfered with any program employees in or on account of his official duties under the law, assess a civil penalty in accordance with Section 47-4-130(b), S.C. Code of Laws, (1976) as amended.
- F. The complete text of these regulations is available for review at the Meat-Poultry Inspection Department, Livestock-Poultry Health Programs, Clemson University.

Document No. 2919 CLEMSON UNIVERSITY STATE LIVESTOCK-POULTRY HEALTH COMMISSION CHAPTER 27

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

R 27-1022 State Poultry Regulations

Synopsis:

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

current Federal Poultry Products Inspection Regulations with some minor exceptions for some state specific requirements. The Notice of Drafting was published in the State Register on May 28, 2004.

Instructions:

Replace R27-1022 to the regulations

Text:

R.27-1022 – State Poultry Inspection Regulation

- A. Definitions.
 - 1. Commission means the State Livestock-Poultry Health Commission, Clemson University.
 - 2. *Director* means the Director, Livestock-Poultry Health Programs, Clemson University.
- B. Adoption of Federal Poultry Products Regulations.

The United States Department of Agriculture, Food Safety and Inspection Service, Poultry Products Inspection Regulations, 9 CFR, Chapter III, Subchapter A, Parts 362 and 381 and Subchapter E. Parts 416-417, 424, 430, 441 and 500 and all changes thereto in effect as of July 1, 2004 are hereby adopted as the State Poultry Inspection Regulations, with exception as noted below.

- C. Exceptions to the Federal Poultry Products Inspection Regulations.
 - (1) Subchapter A, Part 362, Voluntary Poultry Inspection Regulations, Section 362.5. Fees and charges for voluntary inspection services will be established, as required, by the Commission.
 - (2) Subchapter A, Part 381, Subpart G, Facilities for Inspection, Section 381.38. State holidays as designated by the State Budget and Control Board will be utilized by the state inspection program.
 - (3) Subchapter A, Part 381, Subpart G, Facilities for Inspection, Section 381.39. Fees and charges for overtime and holiday inspection services will be established, as required, by the Commission.
 - (4) Subchapter A, Part 381, Subpart M, Official Marks, Devices and Certificates. Official state marks, devices and certificates of inspection will be utilized by the state inspection program.
- D. The complete text of these regulations is available for review at the Meat-Poultry Inspection Department, Livestock-Poultry Health Programs, Clemson University.