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# SOUTH CAROLINA STATE REGISTER

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

# ***SOUTH CAROLINA STATE REGISTER***

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

## **STYLE AND FORMAT**

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

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

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

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

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

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

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

**Executive Orders** are actions issued and taken by the Governor.

## **2013 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	1/11	2/8	3/8	4/12	5/10	6/14	7/12	8/9	9/13	10/11	11/8	12/13
Publishing Date	1/25	2/22	3/22	4/26	5/24	6/28	7/26	8/23	9/27	10/25	11/22	12/27

## **REPRODUCING OFFICIAL DOCUMENTS**

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## **PUBLIC INSPECTION OF DOCUMENTS**

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## **ADOPTION, AMENDMENT AND REPEAL OF REGULATIONS**

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

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

## **EMERGENCY REGULATIONS**

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

## **REGULATIONS PROMULGATED TO COMPLY WITH FEDERAL LAW**

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

## **EFFECTIVE DATE OF REGULATIONS**

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

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

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 The history, status, and full text of these regulations are available on the  
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DOC. NO.	RAT. NO.	FINAL ISSUE	SUBJECT	EXP. DATE	AGENCY
4317			Unemployment Insurance	1/16/14	Department of Employment and Workforce
4334			Officers, Meetings, Applications and Fees, Renewals, and Continuing Education	2/03/14	Board of Architectural Examiners
4335			Administrative Citations and Penalties	2/03/14	Board of Cosmetology
4337			Requirements of Licensure in the Field of Cosmetology (Sanitation and Salons)	2/04/14	Board of Cosmetology
4313			Child Support Guidelines	2/15/14	Department of Social Services
4329			Cheese & Butter	2/18/14	Department of Agriculture
4342			Nurse Licensure Compact	3/04/14	Board of Nursing
4378			Office of State Fire Marshal	4/05/14	LLR-Office of State Fire Marshal
4379			Requirements of Licensure in Real Estate Appraisal	4/05/14	Real Estate Appraisers Board
4345			Adjudication of Misconduct Allegations (Reporting of Misconduct by Law Enforcement Officers)	4/07/14	South Carolina Criminal Justice Academy
4372			Certification	4/07/14	South Carolina Criminal Justice Academy
4374			Application for Issuance or Re-issuance of Certification	4/07/14	South Carolina Criminal Justice Academy
4368			Authority of Director	4/07/14	South Carolina Criminal Justice Academy
4370			Requirement of Good Character (E-911 Operators)	4/07/14	South Carolina Criminal Justice Academy
4376			Assignment of Costs for Agency Level Contested Case Hearings	4/07/14	South Carolina Criminal Justice Academy
4369			Allow E-911 Operators One Year to Attend Training at the Academy	4/07/14	South Carolina Criminal Justice Academy
4344			Adjudication of Misconduct Allegations (Contested Case Hearing Process)	4/07/14	South Carolina Criminal Justice Academy
4347			Law Enforcement Officer and E-911 Officer Training & Certification	4/07/14	South Carolina Criminal Justice Academy
4284			Limited Herbicide Applicators License	4/08/14	Clemson University-State Crop Pest Comm.
4316			Employer-Employee Relationship	5/14/14	Department of Employment and Workforce



## 2 COMMITTEE LIST OF REGULATIONS SUBMITTED TO GENERAL ASSEMBLY

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

DOC. No.	SUBJECT	HOUSE COMMITTEE	SENATE COMMITTEE
4317	Unemployment Insurance	Labor, Commerce and Industry	Labor, Commerce and Industry
4334	Officers, Meetings, Applications and Fees, Renewals, and Continuing Education	Labor Commerce and Industry	Labor, Commerce and Industry
4335	Administrative Citations and Penalties	Medical, Military, Pub & Mun Affairs	Labor, Commerce and Industry
4337	Requirements of Licensure in the Field of Cosmetology (Sanitation and Salons)	Medical, Military, Pub & Mun Affairs	Labor, Commerce and Industry
4313	Child Support Guidelines	Judiciary	Judiciary
4329	Cheese & Butter	Agriculture and Natural Resources	Agriculture and Natural Resources
4342	Nurse Licensure Compact	Medical, Military, Pub & Mun Affairs	Medical Affairs
4378	Office of State Fire Marshal	Labor, Commerce and Industry	Labor, Commerce and Industry
4379	Requirements of Licensure in Real Estate Appraisal	Labor, Commerce and Industry	Labor, Commerce and Industry
4345	Adjudication of Misconduct Allegations (Reporting of Misconduct by Law Enforcement Officers)	Judiciary	Judiciary
4372	Certification	Judiciary	Judiciary
4374	Application for Issuance or Re-issuance of Certification	Judiciary	Judiciary
4368	Authority of Director	Judiciary	Judiciary
4370	Requirement of Good Character (E-911 Operators)	Judiciary	Judiciary
4376	Assignment of Costs for Agency Level Contested Case Hearings	Judiciary	Judiciary
4369	Allow E-911 Operators One Year to Attend Training at the Academy	Judiciary	Judiciary
4344	Adjudication of Misconduct Allegations (Contested Case Hearing Process)	Judiciary	Judiciary
4347	Law Enforcement Officer and E-911 Officer Training & Certification	Judiciary	Judiciary
4284	Limited Herbicide Applicators License	Agriculture and Natural Resources	Agriculture and Natural Resources
4316	Employer-Employee Relationship		

## DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

## NOTICE OF GENERAL PUBLIC INTEREST

(Bureau of Air Quality Notice #13-077-GCM-N)

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

The South Carolina Department of Health and Environmental Control (DHEC) is proposing to issue general air pollution operating permits for Textile Operations. Interested persons may review the materials drafted and maintained by DHEC for this permit and submit written comments by 5:00 p.m. on October 28, 2013, to Karen Lee at SC DHEC, Engineering Services Division, Bureau of Air Quality, 2600 Bull Street, Columbia, SC 29201 or by e-mail at: [leeka@dhec.sc.gov](mailto:leeka@dhec.sc.gov). This public notice is being published in the *State Register* on September 27, 2013, and may also be viewed, along with the draft permit and Statement of Basis, through October 28, 2013, on DHEC's website: <http://www.scdhec.gov/environment/baq/publicnotice.asp>.

Where there is a significant amount of public interest, DHEC may hold a public hearing to receive additional comments. If a public hearing is scheduled, notice will be given in the *State Register* and local newspapers thirty (30) days in advance. Public hearing requests can be made in writing or by e-mail to Karen Lee at the address or e-mail above. All comments received by October 28, 2013, will be considered when making a decision to approve, disapprove, or modify the draft permits.

If you have questions concerning the draft permits, please contact Maresa Singleton at (803) 898-4123. A final review request may be filed after the permit decision has been made. Information regarding final review procedures is available from DHEC's legal office by calling (803) 898-3350.

**Synopsis:**

The purpose of a general permit is to cover a large number of facilities that have similar operations. Such permits limit a facility's potential to emit below major source thresholds for the Title V permit program and contain conditions to assure that these facilities are operated as non-major sources.

DHEC has examined Textile Operations and has concluded that the general permit, as proposed, is consistent with state and federal air pollution regulations.

Once a general permit is issued, any eligible facility may request coverage under that permit. DHEC will maintain a list of those facilities that receive authorization to operate under a general permit.

All facilities requesting coverage under a General Conditional Major Operating Permit – Textile Operations must meet the following criteria:

1. This Textile Operations General Conditional Major Operating Permit is applicable to facilities conducting textile operations only. For the purpose of this operating permit, textile operations means any one of the following:

a. Staple fibers and filaments suitable for conversion to or use as yarns, or for the preparation of woven, knit, or nonwoven fabrics;

b. Yarns made from natural or manufactured fiber;

c. Fabrics and other manufactured products made from staple fibers and filaments and from yarn;  
and

## 4 NOTICES

- d. Garments and other articles fabricated from fibers, yarns, or fabrics.
2. Fuel combustion sources at the facility must be fired on natural gas, propane, virgin fuel oil (sulfur content equal to or less than 2.1 percent by weight), biodiesel that meets ASTM D-6751 or used specification oil as defined in SC Regulation 61-62.1, Definitions and General Requirements, Section I. The use of any non-specification oil, hazardous waste, or any other waste chemical as a fuel or any addition of these items to the fuel shall not be allowed.
3. The maximum capacity of any individual boiler on-site is limited to 100 million Btu/hr heat input capacity.
4. Facilities subject to 40 CFR 60 Subpart VVV (coating operation or coating mix equipment used to prepare coatings for the polymeric coating of supporting substrates not for shipment to another plant or for sale to another company constructed, reconstructed, or modified after April 30, 1987) shall use less than 90 Mg(megagrams)/year of Volatile Organic Compound (VOC).
5. SC Regulation 61-62.5, Standard No. 2, Ambient Air Quality Standards and No. 7, Prevention of Significant Deterioration (PSD)
  - a. Existing sources must have completed demonstration showing compliance with Standard No. 2 and No. 7 through exemption and/or air dispersion modeling.
  - b. New sources must complete demonstration showing compliance with Standard No. 2 and No. 7 through exemption and/or air dispersion modeling.
6. SC Regulation 61-62.5, Standard No. 8, Toxic Air Pollutants
  - a. Existing sources must have completed demonstration showing compliance with Standard No. 8 through de minimis analysis and/or air dispersion modeling.
  - b. New sources must complete demonstration showing compliance with Standard No. 8 through de minimis analysis and/or air dispersion modeling, prior to startup of operation of the new source.
7. Federally enforceable facility-wide limits for avoidance of major source thresholds in accordance with SC Regulation 61-62.70, Title V Operating Permit Program (Title V); SC Regulation 61-62.5, Standard No. 7, PSD; SC Regulation 61-62.5, Standard No. 7.1, Nonattainment New Source Review (NSR); and National Emission Standards for Criteria Pollutants and Hazardous Air Pollutants (HAPs) (Section 112) (less than 250 tons per year of Particulate Matter (PM), less than 100 tons per year each of PM<sub>10</sub>, PM<sub>2.5</sub>, VOC, Nitrogen Oxides (NO<sub>x</sub>), Carbon Monoxide (CO), and Sulfur Dioxide (SO<sub>2</sub>), less than 100,000 tons per year of greenhouse gases (GHG – mass basis and CO<sub>2</sub>e), less than 10 tons per year of any single HAP, and less than 25 tons per year of total HAPs).

The following criteria from the general conditional major operating permit for textile greige facilities are not criteria for the general conditional major textile operations permit:

1. The facility is limited to textile greige operations only; specifically no finishing of greige fabric takes place.
2. Total input production to the facility is less than 182,000,000 pounds per year (91,000 tons per year) of fiber.

3. The facility uses only starch, acrylics, Polyvinyl Alcohol, sizing auxiliaries, or combinations thereof which contain methanol and no other air toxic at a regulated level, as the coating material in slashing operations.

## DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

### NOTICE OF GENERAL PUBLIC INTEREST

DHEC-Bureau of Land and Waste Management, File #57708  
745 Saluda Street/Edison Mall Site

### NOTICE OF ADMINISTRATIVE SETTLEMENT, CONTRIBUTION PROTECTION, AND COMMENT PERIOD

PLEASE TAKE NOTICE that the South Carolina Department of Health and Environmental Control (the Department) intends to enter into an Administrative Settlement Agreement (ASA) with the South Atlantic Episcopal District of the African Methodist Episcopal Zion Church (Responsible Party). The ASA provides that the Responsible Party, with DHEC's oversight, will fund and perform future response actions at the 745 Saluda Street/Edison Mall facility located in York County, South Carolina, and any surrounding area impacted by the migration of hazardous substances, pollutants, or contaminants (Site).

Future response actions addressed in the ASA include, but may not be limited to, the Responsible Party funding and conducting a limited groundwater assessment, constructing a sub-slab depressurization system, and entering into a restrictive covenant that defines land use restrictions to limit exposure.

The ASA is subject to a thirty-day public comment period consistent with the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. Section 9613 and 9622, and the South Carolina Hazardous Waste Management Act (HWMA), S.C. Code Ann. Section 44-56-200 (as amended). Notice of Contribution Protection and Comment Period will be provided to known potentially responsible parties via US mail. The ASA is available:

- (1) On-line at [www.scdhec.gov/environment/lwm/publicnotice.htm](http://www.scdhec.gov/environment/lwm/publicnotice.htm); or
- (2) By contacting Pat Vincent at 803-898-0840 or [vincenpl@dhec.sc.gov](mailto:vincenpl@dhec.sc.gov).

Any comments to the proposed ASA must be submitted in writing, postmarked no later than October 27, 2013, and addressed to: Pat Vincent, DHEC-BLWM-SARR, 2600 Bull Street, Columbia, SC 29201.

Upon the successful completion of the ASA, the Responsible Party will receive a covenant not to sue for the work done in completing the response actions specifically covered in the ASA and completed in accordance with the approved work plans and reports. Upon execution of the ASA, the Responsible Party shall be deemed to have resolved its liability to the State in an administrative settlement for purposes of, and to the extent authorized under CERCLA, 42 U.S.C. Sections 9613(f)(2), 9613(f)(3)(B), and 9622(g)(5) and under S.C. Code Ann. Section 44-56-200, for the response actions specifically covered in the ASA including the approved work plans and reports. Contribution protection is contingent upon the Department's determination that the Responsible Party has successfully and completely complied with the ASA.

## 6 NOTICES

### DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

#### NOTICE OF GENERAL PUBLIC INTEREST

Section IV of R.61-98, the State Underground Petroleum Environmental Response Bank (SUPERB) Site Rehabilitation and Fund Access Regulation, requires that the Department of Health and Environmental Control evaluate and certify site rehabilitation contractors to perform site rehabilitation of releases from underground storage tanks under the State Underground Petroleum Environmental Response Bank (SUPERB) Act.

Class I Contractors perform work involving the collection and interpretation of investigative data; the evaluation of risk; and/or the design and implementation of corrective action plans. Class I applicants must satisfy registration requirements for a Professional Engineer or Geologist in South Carolina. Class II Contractors perform work involving routine investigative activities (e.g., soil or ground water sampling, well installation, aquifer testing) where said activities do not require interpretation of the data and are performed in accordance with established regulatory or industry standards.

Pursuant to Section IV.B.1., the Department is required to place a list of those contractors requesting certification on public notice and accept comments from the public for a period of thirty (30) days. If you wish to provide comments regarding the companies and/or individuals listed below, please submit your comments in writing, no later than October 28, 2013 to:

Contractor Certification Program  
South Carolina Department of Health and Environmental Control  
Bureau of Land and Waste Management - Underground Storage Tank Program  
Attn: Michelle Dennison  
2600 Bull Street  
Columbia, SC 29201

The following company has applied for certification as Underground Storage Tank Site Rehabilitation Contractors:

#### Class I

##### **Red Oak Environmental Solutions, LLC.**

Attn: Harry (Dee) O'Brien  
208 Royal Lythan Circle  
Lexington, SC 29072

##### **Blue Ridge Geological Services, Inc.**

Attn: Jeffrey Gerlock  
306 Eden Terrace, Ste C  
Archdale, NC 27263

**ATTORNEY GENERAL**

**CHAPTER 13**

Statutory Authority: 1976 Code Sections 11-48-10 et seq. (Supp. 2005)

**Notice of Drafting:**

The South Carolina Office of the Attorney General proposes to add Article 3 to its Regulations, establishing a requirement of quarterly escrow deposits for certain tobacco product manufacturers as well as requirements related to the tobacco product manufacturer's annual Certificate of Compliance. Interested persons may submit comments to Jonathan Williams, Assistant Attorney General, Office of the Attorney General, PO Box 11549, Columbia, SC 29211, or by email to [jwilliams@scag.gov](mailto:jwilliams@scag.gov). To be considered, comments must be received no later than 5:00 P.M., November 1, 2013, the close of the drafting period.

**Synopsis:**

The South Carolina Office of the Attorney General proposes to add Article 3 to its Regulations, establishing a requirement of quarterly escrow deposits for certain tobacco product manufacturers as well as requirements related to the tobacco product manufacturer's annual Certificate of Compliance.

Legislative review is required.

**DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL**

**CHAPTER 61**

Statutory Authority: 1976 Code Section 44-37-70

**Notice of Drafting:**

The Department of Health and Environmental Control proposes to draft a new regulation to implement the Emerson Rose Act. Interested persons may submit written comments to Ms. Gwen C. Thompson, Bureau Chief, Bureau of Health Facilities Licensing, South Carolina Department of Health and Environmental Control, 2600 Bull Street, Columbia, South Carolina 29201. To be considered, the Department must receive all comments no later than 5:00 p.m., October 28, 2013, close of the drafting comment period.

**Synopsis:**

The General Assembly passed the "Emerson Rose Act" (Section 44-37-70, [2013 Act 64, effective September 11, 2013]), which requires each birthing facility licensed by the Department of Health and Environmental Control to perform on every newborn in its care a pulse oximetry or other department approved screening to detect critical congenital heart defects. The Act requires the Department, with advisement from the South Carolina Birth Outcomes Initiative Leadership Team, to promulgate regulations necessary to implement the best practices in screening, current scientific guidelines and recommendations, and advances in medical technology.

The proposed regulation will address Purpose and Scope, Definitions, Screening Criteria, Technology, Religious Objection, and a general section.

Legislative review of this amendment is required.

## 8 DRAFTING NOTICES

### DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL CHAPTER 61

Statutory Authority: 1976 Code Sections 44-7-110 through 44-7-394 and 44-41-10(d)

#### Notice of Drafting:

The Department of Health and Environmental Control proposes to substantially amend Regulation 61-16, Minimum Standards for Licensing Hospitals and Institutional General Infirmaries. Interested persons may submit written comments to Gwen C. Thompson, Bureau Chief, Bureau of Health Facilities Licensing, South Carolina Department of Health and Environmental Control, 2600 Bull Street, Columbia, South Carolina 29201. To be considered, all comments must be received no later than 5:00pm, October 28, 2013, the close of the drafting comment period.

#### Synopsis:

The Department of Health and Environmental Control proposes to amend Regulation 61-16. This amendment may include, but will not be limited to, definitions, interpretations, licensure, classification of violations, management, medical staff, nursing service, accommodations for patients, standards for specialized departments or services, vital statistics, food service, maintenance, laundry, linen, housekeeping, refuse disposal, infection control, physical plant, design requirements, construction requirements, hazardous elements of construction, fire protection, fire prevention, engineering and exits. The Department intends to add language to incorporate current provider wide exceptions and memoranda that are applicable to Hospitals and Institutional General Infirmaries.

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

Legislative review of this amendment is required.

### DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL CHAPTER 61

Statutory Authority: 1976 Code Sections 44-1-60 (2006 Act 367), 44-1-140(7), and 44-55-2310 et seq.

#### Notice of Drafting:

The South Carolina Department of Health and Environmental Control (Department) proposes to amend S.C. Regulation 61-51, Public Swimming Pools. Interested persons are invited to submit their views and recommendations in writing to Richard Welch, P.E., Division of Drinking Water Protection, Bureau of Water, 2600 Bull Street, Columbia, South Carolina 29201, or by email at [welchra@dhec.sc.gov](mailto:welchra@dhec.sc.gov). To be considered, written comments must be received no later than 5:00 p.m. on October 31, 2013, the close of the drafting comment period.

#### Synopsis:

The Department proposes to amend R.61-51 to incorporate changes in the state Recreational Waters Act, SC Code 44-55-2310 et seq. Specifically, Section 44-55-2390 "Lifeguard Coverage for Swimming Pools; Procedures for a Variance," needs to be added to the Public Swimming Pool Regulation. In addition, the Department proposes to amend R.61-51 to address issues regarding public swimming pool operation, maintenance, and to update design and construction standards to meet current industry practices. The amendments are needed to provide greater flexibility for public swimming pool owners and operators when

making pool management and operations decisions, while providing safe and healthy recreation for swimmers. There may also be changes and revisions to correct grammar, punctuation or citations.

Legislative review is required.

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

Statutory Authority: 1976 Code Sections 44-1-140 (2002) and  
44-70-10 et seq. (2011 Act 18, effective May 11, 2011)

**Notice of Drafting:**

The Department of Health and Environmental Control proposes to draft a new regulation for licensure of in-home care providers. Interested persons may submit written comments to Gwen C. Thompson, Chief, Bureau of Health Facilities Licensing, South Carolina Department of Health and Environmental Control, 2600 Bull Street, Columbia, South Carolina 29201. To be considered, all comments must be received no later than 5:00 p.m., October 28, 2013, the close of the drafting comment period.

**Synopsis:**

The General Assembly passed the “In-Home Care Providers Act” (44-70-10 et seq. [2011 Act 18, effective May 11, 2011]), which requires businesses providing, or making provisions for, in-home care services through its employees or agents or through contractual arrangements to be licensed through the Department of Health and Environmental Control. The act directs the Department of Health and Environmental Control to promulgate regulations for licensure requirements.

The Department had previously proposed a new regulation identified as State Register Document 4288, which was submitted to the General Assembly for review in 2013 and was permanently withdrawn by DHEC on January 13, 2013. Pursuant to public comments received on the previous proposed regulation, the Department is proposing to reformulate the proposed regulation and reinstate the statutory promulgation process by publication of this Notice of Drafting.

The proposed regulation will address the purpose and scope, definitions and requirements for licensure, enforcement, training requirements, health status, reporting, severability and a general section.

Legislative review of this amendment is required.

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

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

**Notice of Drafting:**

The South Carolina Department of Health and Environmental Control (Department) proposes to amend South Carolina Regulation 61-58, State Primary Drinking Water Regulations. Interested persons may submit their views in writing to Mr. Douglas B. Kinard, Drinking Water Protection Division, Bureau of Water, S.C. Department of Health and Environmental Control, 2600 Bull Street, Columbia, S.C. 29201 or by email at [doug.kinard@dhec.sc.gov](mailto:doug.kinard@dhec.sc.gov). To be considered, written comments must be received no later than 5:00 p.m. on October 31, 2013, the close of the drafting period.



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### Synopsis:

The Department proposes to revise R.61-58 to include federal requirements promulgated as National Primary Drinking Water Regulations: Revisions to the Total Coliform Rule, which were published as final rules in the Federal Register on February 13, 2013, at 78 FR 10269. The proposed revisions include provisions to eliminate the maximum contaminant level for total coliform and establish requirements for public water systems with indications of coliform contamination in their distribution system to assess the problem and take corrective action.

The proposed amendments to the regulations are necessary for compliance with federal statute and are exempt from legislative review pursuant to S.C. Code Ann. 1-23-120(H). As such, neither a preliminary assessment report nor a fiscal impact statement is required. The Department is considering an earlier implementation date than that specified in the Federal Register due to the positive impacts of this rule.

### DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

#### CHAPTER 61

Statutory Authority: 1976 Code Sections 44-29-150 through 44-29-170

### Notice of Drafting:

The Department of Health and Environmental Control proposes to amend R.61-22, The Evaluation of School Employees for Tuberculosis. Interested persons may submit their views by writing to Dr. Thomas Moore, Tuberculosis Control Division, S.C. Department of Health and Environmental Control, 2600 Bull Street, Columbia, South Carolina 29201. To be considered, written comments must be received no later than 5:00 p.m. on October 28, 2013, the close of the drafting comment period.

### Synopsis:

Regulation 61-22 was last amended in 1986. The Department is considering several revisions to this regulation that will address, but are not limited to, incorporating current tuberculosis evaluation and preventive treatment guidelines, updating the screening/evaluation requirements for school employees, clarifying language relating to issuing of certificates, and providing for consistency with applicable state and federal laws. The purpose of these amendments is to update and clarify the guidelines for tuberculosis screening of employees in school and day care settings.

Legislative review of this amendment will be required.

### DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

#### CHAPTER 61

Statutory Authority: 1976 Code Sections 44-29-40 and 44-29-180

### Notice of Drafting:

The Department of Health and Environmental Control proposes to amend R.61-8, Vaccination, Screening and Immunization Regarding Contagious Diseases, to implement S.C. Code Ann. Sections 44-29-40(A) and 44-29-180. Interested persons are invited to present their views in writing to Leanne Bailey, SC DHEC, Immunization Division, Box 101106, Columbia SC 29201. To be considered, comments must be received by 5:00 p.m. on October 28, 2013, the close of the drafting comment period.

**Synopsis:**

Regulation 61-8 was last amended in 1992. The Department is considering amendments to the regulation to update language regarding religious exemption criteria; clarify compliance of the reporting requirements with the federal Family Educational Rights and Privacy Act (FERPA); ensure state school immunization requirements conform to federal law addressing school admissions, including the McKinney-Vento Homeless Assistance Act; reflect the use of electronic forms in addition to paper copies provided by DHEC; make general editorial revisions to clarify and improve the language; and amend the title of the regulation to more accurately reflect the subject matter.

Legislative review will be required.

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

Statutory Authority: 1976 Code Section 40-1-50

**Notice of Drafting:**

The South Carolina Department of Labor, Licensing and Regulation, in conformance with South Carolina Code Ann. §40-1-50 and with authority delegated by the boards and commissions stated herein below, proposes to add Chapter 10 to the South Carolina Code of Regulations so as to establish within this chapter and to amend the schedules of fees for certain professional and occupational licensing boards and commissions appearing in Title 40 of the South Carolina Code of Laws, specifically: Board of Architectural Examiners (Regulation 11-5); State Athletic Commission (Regulation 20-4.10); Board of Dentistry (Regulations 39-1, 39-2, and 39-3); Board of Registration for Professional Engineers and Surveyors (Regulation 49-103); Board of Funeral Service (Regulation 57-12); Board of Medical Examiners (Regulation 81-300); Board of Nursing (Regulation 91-31); Board of Examiners in Opticianry (Regulation 96-109); Board of Physical Therapy Examiners (Regulation 101-8); Real Estate Commission (Regulation 105-13); Board of Veterinary Medical Examiners (Regulation 120-14); Board of Registration for Geologists (Regulation 131-13); and Real Estate Appraisers Board (Regulation 137-800.03).

The South Carolina Department of Labor, Licensing and Regulation further proposes to add to Chapter 10 the fee schedule for the State Board of Barber Examiners to Chapter 10 in accordance with S.C. Code Ann. §40-7-50(B).

Interested persons may submit comments to Holly G. Pisarik, Director, Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, S.C. 29211-1329.

**Synopsis:**

South Carolina Code §40-1-50(D) establishes that fees for professional and occupational licensing boards administered by the South Carolina Department of Labor, Licensing and Regulation may be adjusted biennially to ensure that they are sufficient but not excessive to cover expenses including the total of the direct and indirect costs to the State for the operations of each respective board. The Department has determined that the following boards and commissions should adjust their fees to comport with §40-1-50: Board of Architectural Examiners; State Athletic Commission; Board of Dentistry; Board of Registration for Professional Engineers and Surveyors; Board of Funeral Service; Board of Medical Examiners; Board of Nursing; Board of Examiners in Opticianry; Board of Physical Therapy Examiners; Real Estate Commission; Board of Veterinary Medical Examiners; Board of Registration for Geologists; and Real Estate Appraisers Board. The Department, with authority delegated by the boards and commissions referenced herein above,

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proposes adding each of these fee schedules into Chapter 10 and amending them to cover the expenses currently incurred by the respective boards and commissions.

The Department further proposes adding the fee schedule for the Board of Barber Examiners to Chapter 10.

Legislative review of these amendments is required.

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

### **Notice of Drafting:**

The Department of Natural Resources proposes to amend Regulation 123-204, Additional Regulations Applicable to Specific Properties. The subject of the proposed action is to amend the regulations to modify existing use restrictions to add additional roads open to year round traffic and implement a self service daily use card requirement to begin monitoring public use of remote properties.

### **Synopsis:**

These amended regulations will increase use of an existing DNR property and allow the Department to determine use of remote properties. These regulations set general and specific uses allowed on DNR-owned lands and Wildlife Management Areas. Since 50-11-2200 prohibits many uses of DNR lands, regulations are required to allow use and set restrictions and conditions.

Document No. 4400  
**STATE BOARD OF EDUCATION**  
 CHAPTER 43

Statutory Authority: 1976 Code Sections 59-5-60(1) (2004), 59-25-110 (2004), 59-26-10 et seq. (2004 and Supp. 2012), and 20 U.S.C. 6301 et seq. (2002)

43-300. Accreditation Criteria

**Preamble:**

Regulation 43-300 governs the accreditation process for schools and districts in South Carolina. Currently, schools and districts are accredited through the South Carolina Department of Education (SCDE). The proposed amendment would provide a second accreditation option by allowing districts and schools to gain accreditation through an accrediting entity accepted by higher education in lieu of accreditation through the SCDE.

Notice of Drafting for the proposed amended regulation was published in the *State Register* on July 26, 2013.

Section-by-Section Discussion

- New I. Changes area vocational centers to Career and Technical Educational Centers and does so throughout the document.
- New II. Changes the wording to make the structure flow for the following procedures.
- New II.A. Adds Option 1 wording and provided an explanation for the option. Adds the accreditation standards from Regulation 43-130 to Option 1.
- New II.B. Adds Option 2, which is an accreditation through an entity accepted by higher education. Also a list of schools that meet accreditation through this option will be included in the SCDE’s Annual Report of the Accreditation of School Districts in South Carolina to the State Board of Education. Deletes the contracting process for districts.
- New III. Option 1 accreditation procedures for district or schools not submitting documentation for the Option 2 process.
- New III.A. Due dates are added to the process already in place. Updating of the current procedures and name of the standards has been put into the document.
- New III.B. Continues to update the SCDE accreditation process. Adds that accreditation data will be collected annually through desk and on-site monitoring.
- New III.C. Date for preliminary analysis information to districts is added. The word accredited is added to all classifications except for Dropped. The words for a defined program and with all current statutes and regulation as prescribed by the State Board of Education (SBE) and General Assembly were added to all accreditation classifications. Removes statement about SBE dropping districts not making substantial progress. Dropped classification has been renamed Accreditation Denied.
- New III.D. A new due date for districts to respond to the SCDE with written documentation has been provided. The numerical classifications have been deleted.
- New III.E. Adds that the SBE will receive the SCDE’s Annual Report of the Accreditation of School Districts in South Carolina.
- New IV. Vocational Education is changed to Career and Technical Education.

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New V. Adds On-Site Verification Visits by State Accountability Team. Adds that the state accountability will conduct on-site and desk audits to all districts and schools following a five-year cycle and yearly on those schools that have an accreditation status of accredited/warned, accredited/probation, or those districts and schools whose previous visit violations are still unresolved for the current year.

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

A public hearing will be held on November 13, 2013, at 1:00 p.m. in the Rutledge Conference Center, 1429 Senate Street, Columbia, SC 29201. The proposed repeal will be posted on the State Board of Education Web site for review and comment. To review the regulation click on the following link: <http://www.ed.sc.gov/agency/stateboard/documents/RegReviewedbySBE13-14.pdf>.

Written comments should be submitted to Darlene Prevatt, Team Leader, Office of Federal and State Accountability, Division of Accountability, 1429 Senate Street, Room 501-A, Columbia, South Carolina 29201 or by e-mail to [dprevatt@ed.sc.gov](mailto:dprevatt@ed.sc.gov) on or before 5:00 p.m. on October 28, 2013.

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

No additional state funding is requested. The SCDE estimates that no additional costs will be incurred by the state and its political subdivisions in complying with the proposed revisions to Regulation 43-330.

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

DESCRIPTION OF REGULATION: Accreditation Criteria.

Purpose: The regulation is to clarify for districts and schools in the state the criteria for accreditation.

Legal Authority: 1976 Code Sections 59-5-60(1) (2004), 59-25-110 (2004), 59-26-10 et seq. (2004 and Supp. 2012), and 20 U.S.C. 6301 et seq. (2002)

Plan for Implementation: The proposed amendments will be incorporated within Regulation 43-300 upon publication in the *State Register* as a final regulation. The proposed amendments will be implemented in the same manner in which the existing regulation is implemented. School and district personnel will be informed of the new procedures through electronic correspondence.

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

As reflected in 1976 Code Sections 59-5-60(1) (2004), 59-25-110 (2004), 59-26-10 et seq. (2004 and Supp. 2012), and 20 U.S.C. 6301 et seq. (2002), each school district shall provide the defined program approved by the State Department of Education that complies with standards prescribed for the board of trustees; district operations; elementary grades; middle grades; secondary grades; career and technology education; summer school programs; and adult education. The proposed amendment will allow districts and schools to use an additional accrediting entity accepted by higher education.

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

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

UNCERTAINTIES OF ESTIMATES:

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

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

The proposed regulations have no effect on the environment or on public health.

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

There will be no detrimental effect on the environment or public health if the regulations are not implemented.

**Statement of Rationale:**

Regulation 43-300 governs the accreditation process for schools and districts in South Carolina. Currently, schools and districts are accredited through the SCDE. The proposed amendment would provide a second accreditation option by allowing districts and schools to gain accreditation through an accrediting entity accepted by higher education in lieu of accreditation through the SCDE.

**Text:**

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

Document No. 4401  
**STATE BOARD OF EDUCATION**  
CHAPTER 43  
Statutory Authority: 1976 Code Section 59-5-60 (2004)

43-130. Accreditation Standards Filed

**Preamble**

The State Board of Education proposes to repeal this regulation. The regulation will be combined with R.43-300, Accreditation. References to Palmetto Unified will be removed because a regulation is being promulgated for the institution.

Notice of Drafting for the proposed repeal was published in the *State Register* on June 28, 2013.

Section-by-Section Discussion

43-130. Repeal in its entirety.

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

A public hearing will be held on November 13, 2013, at 1:00 p.m. in the Rutledge Conference Center, 1429 Senate Street, Columbia, SC 29201. The proposed repeal will be posted on the State Board of Education Web site for review and comment. To review the regulation, click on the attached link: <http://www.ed.sc.gov/agency/stateboard/documents/RegReviewedbySBE13-14.pdf>.

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Written comments should be submitted to Darlene Prevatt, Team Leader, Office of Federal and State Accountability, Division of Accountability, 1429 Senate Street, Room 501-A, Columbia, South Carolina 29201 or by e-mail to [Dprevatt@ed.sc.gov](mailto:Dprevatt@ed.sc.gov) on or before 5:00 p.m. October 28, 2013.

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

None.

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

DESCRIPTION OF REGULATION: Accreditation Standards Filed.

Purpose: This regulation provides a list of standards that are on file in the offices of the S.C. Department of Education and the Legislative Council.

Legal Authority: 1976 Code Section 59-5-60 (2004).

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

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

The regulation will be combined with R.43-300, Accreditation. References to Palmetto Unified will be removed because a regulation is being promulgated for the institution.

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

None.

### **UNCERTAINTIES OF ESTIMATES:**

None.

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

None.

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

None.

### **Statement of Rationale:**

The regulation will be combined with R.43-300, Accreditation. References to Palmetto Unified will be removed because a regulation is being promulgated for the institution.

### **Text:**

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

Document No. 4402  
**STATE BOARD OF EDUCATION**  
 CHAPTER 43

Statutory Authority: 1976 Code Sections 59-5-60 (2004), 59-50-10 (Supp. 2012), and  
 20 U.S.C. 6301 et seq. (2002)

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

**Preamble:**

Regulation 43-205 defines the qualifications of administrative and professional personnel for the district and school level. The regulation also describes the duties, as well as the workloads of the personnel of the school level personnel.

Notice of Drafting for the proposed amended regulation was published in the *State Register* on July 26, 2013.

Section-by-Section Discussion

- I. Renames the Office of Educator Certification to Educator Services.
- II.A.1. Deletes principal ratio language. Renames the Office of Educator Certification to Educator Services.
- II.A.2. Deletes assistant principal or curriculum coordinator ratio language and adds that each must be properly certified.
- II.A.3. Deletes outdated language referring to No Child Left Behind and renames the Office of Educator Certification to Educator Services.
- II.B.1. Deletes Regular Education Teachers.
- II.B.1.(a) Deletes language referring to regular education teacher average student teacher ratio.
- II.B.1.(b) Deletes language referring to regular education teacher average student teacher ratio based on average daily attendance.
- II.B.1.(c) Deletes language referring to regular education teacher maximum student teacher ratios.
- II.B.1.(d) Deletes language referring to paraprofessional in computing student teacher ratios.
- II.B.1.(d)(1) Deletes language referring to paraprofessional in computing student teacher ratios of teacher in self-contained classes.
- II.B.1.(d)(2) Deletes language referring to paraprofessional in computing student teacher ratios of teachers in self-contained special education classes.
- II.B.2. Deletes heading of Guidance Counselors and Specialists.
- II.B.2.(a) Deletes ratio of Guidance Counselors and Specialists in schools.
- II.B.2.(b) Deletes language referring to music teacher student teacher ratios and maximum student load.
- II.B.2.(c) Deletes language referring to PE teacher student teacher ratios and maximum student load.
- II.B.3. Deletes heading of Library Media Specialists and language referring to ratio of schools with 375 students providing services of a half time media specialist.
- II.B.4. Deletes as 4. Heading is Special Education Teachers.
- II.B.4.(a) Deletes (a). Now 1.
- II.B.4.(b) Deletes (b). Now 2.
- II.B.4.(c) Deletes (c). Now 3.
- II.B.4.(d) Deletes (d). Now 4.
- II.B.4.(e) Deletes (e). Now 5.
- III.A.1.(a) Deletes principal ratio language. Renames the Office of Educator Certification to Educator Services.



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- III.A.1.(b) Deletes language referring to a principal of a multicampus school complying with certification regulations.
- III.A.2. Deletes Assistant Directors in Heading and ratio language for assistant principal and curriculum coordinator. Adds that each must be properly certified.
- III.A.3. Deletes outdated language referring to No Child Left Behind and renames the Office of Educator Certification to Educator Services.
- III.B.1. Deletes Guidance Counselors.
- III.B.1.(a) Deletes language referring to the student guidance ratio in middle and high school and minimum time allotment.
- III.B.1.(b) Deletes language referring to ratio of certified counselors per students.
- III.B.1.(c) Deletes language referring to employment of career specialist.
- III.B.1.(d) Deletes language referring reduction of student to guidance personnel ratio.
- III.B.2. Deletes Library Media Specialists.
- III.B.2.(a) Deletes language referring to schools with fewer than 400 students providing services of a media specialist.
- III.B.2.(b) Deletes language referring to enrollment of 440 students employing full time media specialist.
- III.B.2.(c) Deletes language referring to enrollment of 750 students employing an additional full time paraprofessional or media specialist.
- III.B.3. Deletes Classroom Teachers.
- III.B.3.(a) Deletes language referring to teaching load not exceeding 150 students daily and student teacher ratio in grade 6 through 8 in subject areas.
- III.B.3.(b) Deletes language referring to the teaching load not exceeding 240 students per day or the maximum of 40 students per class for music and PE teachers.
- III.B.3.(c) Deletes language referring to the combination of academic and nonacademic subjects to determine a teacher's maximum student load.
- III.B.3.(d) Deletes language referring to maximum teacher load requirements for minicourses.
- III.B.4. Deleted as 4. Heading is Special Education Teachers.
- III.B.4.(a) Deletes (a). Now 1.
- III.B.4.(b) Deletes (b). Now 2.
- III.B.4.(c) Deletes (c). Now 3.
- III.B.4.(d) Deletes (d). Now 4.
- III.B.4.(e) Deletes (e). Now 5.
- IV.A.1.(a) Renames the Office of Educator Certification to Educator Services.
- IV.A.1.(b) Deletes language referring to a principal of a multicampus school complying with certification regulations.
- IV.A.2.(a) Deletes assistant principal or equivalent ratio language and adds that each must be properly certified.
- IV.A.2.(b) Deletes language referring to enrollment of 500 or more students requires a full time assistant principal and each additional enrollment of 500 requires another full time assistant principal/equivalent.
- IV.A.3. Deletes outdated language referring to No Child Left Behind and renames the Office of Educator Certification to Educator Services.
- IV.A.5. Deletes language referring to "occupational" to career and technology education.
- IV.A.6. Adds language that each career specialist must be a properly certified classroom teacher.
- IV.B.1. Deleted Guidance Counselors.
- IV.B.1.(a) Deletes language referring to ratio of students to guidance counselor and daily minimum time allocation.
- IV.B.1.(b) Deletes language referring to schools with enrollments of 501 must employ full time certified counselor and the ration of minutes per students.
- IV.B.1.(c) Deletes language referring to employment of career specialist.
- IV.B.1.(d) Deletes language referring reduction of student to guidance personnel ratio.
- IV.B.2. Deletes Library Media Specialists.

- IV.B.2.(a) Deletes language referring to schools with fewer than 400 students providing services of a media specialist.
- IV.B.2.(b) Deletes language referring to enrollment of 440 students employing full time media specialist.
- IV.B.2.(c) Deletes language referring to enrollment of 750 students employing an additional full time paraprofessional or media specialist.
- IV.B.3. Deletes Classroom Teachers.
- IV.B.3.(a) Deletes language referring to teaching load not exceeding 150 students daily and no class exceeding 35 students.
- IV.B.3.(b) Deletes language referring to teachers teaching more than 1500 minutes per week.
- IV.B.3.(c) Deletes language referring teachers having no more than four preparations per day.
- IV.B.3.(d) Deletes language referring to the teaching load not exceeding 240 students per day or the maximum of 40 students per class for music and PE teachers.
- IV.B.3.(e) Deletes language referring to the combination of academic and nonacademic subjects to determine a teacher's maximum student load.
- IV.B.3.(f) Deletes language referring to calculating the teaching load for study hall.
- IV.B.4. Deleted as 4. Heading is Special Education Teachers.
- IV.B.4.(a) Deletes (a). Now 1.
- IV.B.4.(b) Deletes (b). Now 2.
- IV.B.4.(c) Deletes (c). Now 3.
- IV.B.4.(d) Deletes (d). Now 4.
- IV.B.4.(e) Deletes (e). Now 5.

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

A public hearing will be held on November 13, 2013, at 1:00 pm in the Rutledge Conference Center, 1429 Senate Street, Columbia, SC 29201. The proposed repeal will be posted on the State Board of Education Web site for review and comment. To review the regulation click on the attached link <http://www.ed.sc.gov/agency/stateboard/documents/RegReviewedbySBE13-14.pdf>.

Written comments should be submitted to Darlene Prevatt, Team Leader, Office of Federal and State Accountability, 1429 Senate Street, Room 501-A, Columbia, South Carolina 29201 or by e-mail to [dprevatt@ed.sc.gov](mailto:dprevatt@ed.sc.gov) on or before 5:00 pm on October 28, 2013.

**Preliminary Fiscal Impact Statement:**

No additional state funding is requested. The SCDE estimates that no additional costs will be incurred by the State and its political subdivisions in complying with the proposed revisions to Regulation 43-205.

**Statement of Need and Reasonableness:**

DESCRIPTION OF REGULATION: 43-205, Administrative and Professional Personnel Qualifications, Duties, and Workloads.

Purpose: The regulation is to clarify for public schools in the state the requirements for administrative and professional personnel qualification, duties, and workloads and to eliminate that which is already defined in federal and state statutes.

Legal Authority: 1976 Code Sections 59-5-60 (2004), 59-50-10 (Supp. 2012), and 20 U.S.C. 6301 et seq. (2002).

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Plan for Implementation: The proposed amendments will be incorporated within Regulation 43-205 upon publication in the *State Register* as a final regulation. The proposed amendments will be implemented in the same manner in which the existing regulation is implemented. School and district personnel will be informed of the new procedures through electronic correspondence.

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

As reflected in 1976 Code Sections 59-5-60 (2004), 59-50-10 (Supp. 2012), and 20 U.S.C. 6301 et seq. (2002), each school district board of trustees must ensure that personnel is hired properly. The purpose of the proposed change is to delete language that is already in state and federal statutes, while maintaining language to ensure the appropriate personnel is hired.

### DETERMINATION OF COSTS AND BENEFITS:

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

### UNCERTAINTIES OF ESTIMATES:

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

### EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

The proposed regulations have no effect on the environment or on public health.

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

There will be no detrimental effect on the environment or public health if the regulations are not implemented.

### Statement of Rationale:

Regulation 43-205, Administrative and Professional Personnel Qualifications, Duties, and Workloads, defines the qualifications of administrative and professional personnel for the district and school level personnel. The regulation also describes the duties, as well as the workloads of the personnel. The amendment will eliminate the language which is already in federal or state statute.

### Text:

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

Document No. 4403  
**STATE BOARD OF EDUCATION**  
 CHAPTER 43

Statutory Authority: 1976 Code Sections 59-1-320 (2004), 59-5-60 (2004), and 4 U.S.C. 1 et seq.

43-188. Displaying the Flag

**Preamble:**

Regulation 43-188 identifies when a school displays the United States and South Carolina flag. The amendment will clarify the State Board of Education’s other rules for displaying the flag.

Notice of Drafting for the proposed amended regulation was published in the *State Register* on July 26, 2013.

Section-by-Section Discussion

The amendment is to add the citation 1976 Code Section 10-1-161 (State Capitol Building flags flown at half-staff) to the regulation that assures the State Board of Education has the authority to have the national flag flown at half-staff when the State Capitol Building is flying the national flag at half-staff in accordance with recognized customs or practices.

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

A public hearing will be held on November 13, 2013, at 1:00 p.m. in the Rutledge Conference Center, 1429 Senate Street, Columbia, SC 29201. The proposed amendment will be posted on the State Board of Education Web site for review and comment. To review the regulation, click on the attached link <http://www.ed.sc.gov/agency/stateboard/documents/RegReviewedbySBE13-14.pdf>.

Written comments should be submitted to Darlene Prevatt, Team Leader, Office of Federal and State Accountability, 1429 Senate Street, Room 501-A, Columbia, South Carolina 29201 or by e-mail to [dprevatt@ed.sc.gov](mailto:dprevatt@ed.sc.gov) on or before 5:00 p.m. on October 28, 2013.

**Preliminary Fiscal Impact Statement:**

No additional state funding is requested. The SCDE estimates that no additional costs will be incurred by the state and its political subdivisions in complying with the proposed revisions to Regulation 43-188.

**Statement of Need and Reasonableness:**

DESCRIPTION OF REGULATION: State Board of Education Regulation 43-188, Displaying the Flag.

Purpose: The regulation is to clarify the State Board of Education’s other rules for displaying the flag.

Legal Authority: 1976 Code Sections 59-1-320 (2004), 59-5-60 (2004), and 4 U.S.C. 1 et seq.

Plan for Implementation: The proposed amendments will be incorporated within Regulation 43-188 upon publication in the *State Register* as a final regulation. The proposed amendments will be implemented in the same manner in which the existing regulation is implemented. School and district personnel will be informed of the new procedures through electronic correspondence.

## **22 PROPOSED REGULATIONS**

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

As reflected in 1976 Code Sections 59-1-320 (2004), 59-5-60 (2004), and 4 U.S.C. 1 et seq., each school shall display the United States flag each school day and shall fly the flag in accordance with the laws regulating the display of the United States flag as set forth in 4 U.S.C. Section 6–10. The purpose of the proposed amendment is to establish further guidance by the State Board of Education for displaying the flag that is not inconsistent with the law.

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

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

### **UNCERTAINTIES OF ESTIMATES:**

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

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

The proposed regulations have no effect on the environment or on public health.

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

There will be no detrimental effect on the environment or public health if the regulations are not implemented.

### **Statement of Rationale:**

Regulation 43-188, Displaying the Flag, has been in effect since 2006. The purpose of the amendment is to include language to establish further guidance for displaying the flag, which may be adopted by the State Board of Education, that is not inconsistent with the law.

### **Text:**

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

Document No. 4392

**STATE BOARD OF EDUCATION**

CHAPTER 43

Statutory Authority: 1976 Code Sections 59-5-60 (2004), 59-39-160 (2004), 59-63-55 (2004), and 59-67-510 (2004)

43-244. Interscholastic Activities

**Preamble:**

The South Carolina Board of Education proposes to repeal this Regulation 43-244, Interscholastic Activities. There is no specific state statute that authorizes this regulation.

Notice of Drafting for the proposed repeal was published in the *State Register* on June 28, 2013.

Section-by-Section Discussion

43-244. Repeal in its entirety.

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

A public hearing will be held on November 13, 2013 at 1:00 PM in the Rutledge Conference Center, 1429 Senate Street, Columbia, SC 29201. The proposed repeal will be posted on the State Board of Education Web site for review and comment. To review the regulation click on the attached link <http://www.ed.sc.gov/agency/stateboard/documents/RegReviewedbySBE13-14.pdf>.

Written comments should be submitted to Maria Boggs, Education Associate, Office of Federal and State Accountability, Division of Accountability, 1429 Senate Street, Room 505-A, Columbia, South Carolina 29201 or by e-mail to [MEboggs@ed.sc.gov](mailto:MEboggs@ed.sc.gov) on or before 5:00 pm on October 28, 2013.

**Preliminary Fiscal Impact Statement:**

None.

**Statement of Need and Reasonableness:**

DESCRIPTION OF REGULATION: Interscholastic Activities.

Purpose: To regulate competitive sports in the state for Grades 1–6.

Legal Authority: 1976 Code Sections 59-5-60 (2004), 59-39-160 (2004), 59-63-55 (2004), and 59-67-510 (2004).

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

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

There is no specific state statute that authorizes this regulation for Grades 1–6.

## 24 PROPOSED REGULATIONS

### DETERMINATION OF COSTS AND BENEFITS:

None.

### UNCERTAINTIES OF ESTIMATES:

None.

### EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

None.

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

None.

### Statement of Rationale:

There is no specific state statute that authorizes this regulation.

### Text:

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

Document No. 4404  
**STATE BOARD OF EDUCATION**  
CHAPTER 43

Statutory Authority: 1976 Code Sections 59-5-60 (2004), 59-5-65 (2004 & Supp. 2012), and 59-59-10 et seq. (Supp. 2012)

43-279. Minimum Standards of Student Conduct and Disciplinary Enforcement Procedures to be Implemented by Local School Districts

### Preamble:

The State Board of Education (SBE) proposes to amend R.43-279, Minimum Standards of Student Conduct and Disciplinary Enforcement Procedures to be Implemented by Local School Districts to change the title of Section V., add a reference to Regulation 43-243, and delete subsections A-E. This proposal is being made because disciplinary procedures for students with disabilities are addressed in Regulation 43-243(v)(B). The SBE also proposes to remove Appendix A as it merely summarizes the regulation and to remove Appendix B as it is simply a listing of state laws.

Notice of Drafting for the proposed amendments to the regulation was published in the *State Register* on July 26, 2013.

### Section-by-Section Discussion

Section V.	Change the title, add reference to Regulation 43-243 and delete subsections A-E.
Appendix A	Delete entire section and chart.

Appendix B Delete entire section.

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

A public hearing will be held on November 11, 2013, at 1:00 p.m. in the Rutledge Conference Center, 1429 Senate Street, Columbia, SC 29201. The proposed amendment will be posted on the State Board of Education Web site for review and comment. To review the regulation click on the attached link <http://www.ed.sc.gov/agency/stateboard/documents/RegReviewedbySBE13-14.pdf>.

Written comments should be submitted to Sabrina Moore, Director, Office of Student Intervention Services, 1429 Senate Street, Ste. 805, Columbia, SC 29201, or by e-mail to [smoore@ed.sc.gov](mailto:smoore@ed.sc.gov) on or before 5:00 p.m. on October 28, 2013.

**Preliminary Fiscal Impact Statement:**

No additional state funding is requested. The South Carolina Department of Education estimates that no additional costs will be incurred in complying with the proposed revisions to R.43-279.

**Statement of Need and Reasonableness:**

DESCRIPTION OF REGULATION: State Board of Education Regulation 43-279, Minimum Standards of Student Conduct and Disciplinary Enforcement Procedures to be Implemented by Local School Districts.

Purpose: Changes to R.43-279 are proposed to rename Section V., add a reference to R.43-243 and remove subsections A-E from Section V. Changes to R.43-279 are also proposed to delete Appendix A and Appendix B.

Legal Authority: 1976 Code Sections 59-5-60 (2004), 59-5-65 (2004 & Supp. 2012), and 59-59-10 et seq. (Supp. 2012).

Plan for Implementation: The proposed amendments would be incorporated within R.43-279 upon publication in the *State Register* as a final regulation.

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

The changes reflect the reference to the disciplining of students with disabilities in Regulation 43-243(v)(B). The changes also reflect the removal of duplicate information.

**DETERMINATION OF COSTS AND BENEFITS:**

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

**UNCERTAINTIES OF ESTIMATES:**

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

**EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:**

The proposed regulation has no effect on the environment or on public health.



## 26 PROPOSED REGULATIONS

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

There will be no detrimental effect on the environment or public health if the regulation is not implemented.

### Statement of Rationale:

Because the disciplining of students with disabilities is addressed in Regulation 43-243(v)(B), an additional regulation is not needed. Additionally, because Appendix A merely summarizes the regulation, its inclusion is duplicative. Appendix B is a duplication of statute.

### Text:

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

Document No. 4405

### STATE BOARD OF EDUCATION

#### CHAPTER 43

Statutory Authority: 1976 Code Section 59-5-60 (2004)

43-500. Operation and Funding of Teacher Training Courses in Mathematics, Science, Reading and Computer Education

### Preamble:

The State Board of Education proposes to repeal Regulation 43-500, Operation and Funding of Teacher Training Courses in Mathematics, Science, Reading and Computer Education. Regulation 43-500 is being repealed to comport with current practice. The regulation is no longer part of agency practice.

Notice of Drafting for the proposed repeal of this regulation was published in the *State Register* on July 26, 2013.

### Section-by-Section Discussion

43-500. Repeal in its entirety

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

A public hearing will be held on November 13, 2013, at 1:00 p.m. in the Rutledge Conference Center, 1429 Senate Street, Columbia, SC 29201. The proposed repeal will be posted on the State Board of Education Web site for review and comment. To review the regulation click on the following link: <http://www.ed.sc.gov/agency/stateboard/documents/RegReviewedbySBE13-14.pdf>.

Written comments should be submitted to Cathy Jones-Stork, Team Leader, Division of School Effectiveness, Office of Instructional Practices and Evaluations, 1429 Senate Street, Columbia, SC 29201, or by e-mail to [cjones@ed.sc.gov](mailto:cjones@ed.sc.gov) on or before 5:00 p.m. on October 28, 2013.

### Preliminary Fiscal Impact Statement:

None.

**Statement of Need and Reasonableness:**

DESCRIPTION OF REGULATION: Operation and Funding of Teacher Training Courses in Mathematics, Science, Reading and Computer Education.

Purpose: To regulate the program offering specially designed courses to teachers in grades 1–12 in the areas of mathematics, science, reading, and computer education.

Legal Authority: 1976 Code Section 59-5-60 (2004).

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

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

The regulation is no longer part of agency practice.

DETERMINATION OF COSTS AND BENEFITS:

None.

UNCERTAINTIES OF ESTIMATES:

None.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

None.

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

None.

**Statement of Rationale:**

This regulation is no longer part of agency practice so it is no longer needed. Repealing this regulation will comport with current practice.

**Text:**

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

## 28 PROPOSED REGULATIONS

Document No. 4406

### STATE BOARD OF EDUCATION

#### CHAPTER 43

Statutory Authority: 1976 Code Sections 59-5-60 (2004) and 59-25-110 (2004)

43-64. Requirements for Certification at the Advanced Level

#### **Preamble:**

The Office of School Leadership strives to stay abreast of current and future opportunities in preparing educators with principal certification in "turnaround" and transformational strategies in order to address schools' low-academic performance. These schools have been designated by the federal government as Priority Schools. The proposed amendments to Regulation 43-64 reflects our desire to provide an endorsement to those educators with principal certification who complete specialized training in the Palmetto Educational Leaders Academy (PELA).

The amendments to Regulation 43-64 outline the processes used for preparing those with principal certification to lead persistently low-achieving schools.

The Notice of Drafting was published in the *State Register* on June 28, 2013.

#### Section-by-Section Discussion

Title	Changed to replace the term "Certification" with "Licensure."
Section I.A.–II.D.3.	Replace the term certification to licensure.
New Section I.D.	Create Specialized Endorsement for School Transformational Leader's Academy.
Section I.E.–F.	With the addition of the new Section D, the old Sections D.–F. will be renumbered E.–G.
Entire Document	Corrected typos, punctuation, and inconsistency issues.

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

A public hearing will be held on November 13, 2013, at 1:00 p.m. in the Rutledge Conference Center, 1429 Senate Street, Columbia, SC 29201. The proposed repeal will be posted on the State Board of Education Web site for review and comment. To review the regulation click on the attached link: <http://www.ed.sc.gov/agency/stateboard/documents/RegReviewedbySBE13-14.pdf>.

Written comments should be submitted to Charmeka Childs, Deputy Superintendent, Division of School Effectiveness, 1429 Senate Street, Suite 606-A, Columbia, SC 29201 or e-mail [cchilds@ed.sc.gov](mailto:cchilds@ed.sc.gov). Comments submitted by October 28, 2013, at 5:00 p.m.

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

Additional costs will be incurred to provide the training for the PELA.

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

DESCRIPTION OF REGULATION: R.43-64, Requirements for Certification at the Advanced Level.

Purpose: Regulation 43-64, Requirements for Certification at the Advanced Level, is being amended.

Legal Authority: S.C. Code Ann. § 59-5-60 (2004) and § 59-25-110 (2004).

Plan for Implementation: The proposed amendments will be posted on the South Carolina Department of Education's Web site for review and comment. The amendments will take effect upon approval by the General Assembly and publication in the State Register.

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

The Office of School Leadership, the Office of School Transformation, and the Office of Instructional Practices and Evaluations have identified South Carolina schools that have been designated as priority schools by the federal government. This identification is based upon an ongoing, persistent failure to meet student achievement goals over a three- to five-year period. Over the course of a calendar year, the proposed PELA will prepare educators with principals' licensure, nominated by superintendents and selected through a rigorous screening process, to turnaround schools through specialized transformational strategies. The amendments to this regulation are needed to provide a licensure endorsement for successful completion of this specialized leadership training program. This licensure endorsement will serve as a certificate of achievement to those completing the yearlong training, as well as a method for superintendents to select principals who have the skills to turnaround low-achieving schools.

**DETERMINATION OF COSTS AND BENEFITS:**

None.

**UNCERTAINTIES OF ESTIMATES:**

None.

**EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:**

This regulation does not have any effect on the environment or public health.

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

There will be no detrimental effect on the environment or public health if this regulation is not implemented.

**Statement of Rationale:**

The proposed amendment to Regulation 43-64 reflects our desire to provide an endorsement to those educators with principal licensure who complete specialized training in the PELA.

The amendments to Regulation 43-64 outline the processes used for preparing those with principal certification to lead and turnaround persistently low-achieving schools.

**Text:**

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

## 30 PROPOSED REGULATIONS

Document No. 4397  
**STATE BOARD OF EDUCATION**  
CHAPTER 43

Statutory Authority: 1976 Code Sections 44-29-180 (2002 and Supp. 2012) and 59-5-60 (2004)

43-272. School Admission

### **Preamble:**

Regulation 43-272 identifies the immunization and other records needed for students to enter school and to enroll in the different grade levels to be in compliance with the Department of Health and Environmental Control. A revision in the grade-level enrollment documents and references to career and technical education will be updated.

Notice of Drafting for the proposed repeal was published in the *State Register* on June 28, 2013.

### Section-by-Section Discussion

- A. Deletes the punctuation and reference to certain pupils and adds grade level for grades 7 through 12.
- C. Clarifies language referring to occupational.

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

A public hearing will be held on November 13, 2013, at 1:00 p.m. in the Rutledge Conference Center, 1429 Senate Street, Columbia, SC 29201. The proposed repeal will be posted on the State Board of Education Web site for review and comment. To review the regulation click on the attached link: <http://www.ed.sc.gov/agency/stateboard/documents/RegReviewedbySBE13-14.pdf>.

Written comments should be submitted to Darlene Prevatt, Team Leader, Office of Federal and State Accountability, 1429 Senate Street, Room 501-A, Columbia, South Carolina 29201 or by e-mail to [dprevatt@ed.sc.gov](mailto:dprevatt@ed.sc.gov) on or before 5:00 p.m. on October 28, 2013.

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

No additional state funding is requested. The SCDE estimates that no additional costs will be incurred by the State and its political subdivisions in complying with the proposed revisions to Regulation 43-272.

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

DESCRIPTION OF REGULATION: School Admission.

Purpose: The regulation is to clarify required documents needed from students for school admission for public schools in the state.

Legal Authority: 1976 Code Sections 44-29-180 (2002 and Supp. 2012) and 59-5-60 (2004).

Plan for Implementation: The proposed amendments will be incorporated within Regulation 43-272 upon publication in the *State Register* as a final regulation. The proposed amendments will be implemented in the same manner in which the existing regulation is implemented. School and district personnel will be informed of the new procedures through electronic correspondence.

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

As reflected in 1976 Code Sections 44-29-180 (2012) and 59-5-60 (2004), each school must ensure that no child shall be admitted in grades kindergarten through twelve (K–12) or any child development program under the control of the South Carolina Department of Education without first presenting a valid South Carolina Certificate of Immunization. The purpose of the proposed change is to make Regulation 43-272 consistent with Section 44-29-180 to include all grade levels and to clarify the use of the word occupational.

DETERMINATION OF COSTS AND BENEFITS:

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

UNCERTAINTIES OF ESTIMATES:

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

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

The proposed regulations have no effect on the environment or on public health.

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

There will be no detrimental effect on the environment or public health if the regulations are not implemented.

**Statement of Rationale:**

Regulation 43-272 identifies the immunization and other records needed for students to enter school and to enroll in the different grade levels to be in compliance with the Department of Health and Environmental Control. The amendments make Regulation 43-272 consistent with Section 44-29-180 by including grades 7–12. This is already a statutory requirement. Each school must ensure that no child shall be admitted in grades kindergarten through twelve (K–12) or any child development program under the control of the South Carolina Department of Education without first presenting a valid South Carolina Certificate of Immunization. A revision in the grade-level enrollment documents and references to career and technical education will be updated.

**Text:**

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

## 32 PROPOSED REGULATIONS

Document No. 4391

### STATE BOARD OF EDUCATION

#### CHAPTER 43

Statutory Authority: 1976 Code Section 59-13-100 (2004)

43-162. School Superintendent Compensation and Benefits/Expenses

#### **Preamble:**

The State Board of Education proposes to repeal Regulation 43-162, School Superintendent Compensation and Benefits/Expenses. There is no statutory authority for this regulation, and this should be a matter of local control.

Notice of Drafting for the proposed repeal was published in the *State Register* on June 28, 2013.

#### Section-by-Section Discussion

43-162. Repeal in its entirety.

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

A public hearing will be held on November 13, 2013, at 1:00 p.m. in the Rutledge Conference Center, 1429 Senate Street, Columbia, SC 29201. The proposed repeal will be posted on the State Board of Education Web site for review and comment. To review the regulation click on the attached link: <http://www.ed.sc.gov/agency/stateboard/documents/RegReviewedbySBE13-14.pdf>.

Written comments should be submitted to Charmeka Childs, Deputy Superintendent, Division of School Effectiveness, 1429 Senate Street, Room 606, Columbia, South Carolina 29201 or by e-mail to [cchilds@ed.sc.gov](mailto:cchilds@ed.sc.gov) on or before 5:00 p.m. on October 28, 2013.

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

None.

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

DESCRIPTION OF REGULATION: School Superintendent Compensation and Benefits/Expenses.

Purpose: This regulation requires the superintendent to be the highest paid staff member of the school district.

Legal Authority: 1976 Code Section 59-13-100 (2004).

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

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

This regulation exceeds the authority of statute, and it is a matter of local control.

DETERMINATION OF COSTS AND BENEFITS:

None.

UNCERTAINTIES OF ESTIMATES:

None.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

None.

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

None.

**Statement of Rationale:**

There is no legislative authority for this regulation. Superintendent compensation is a matter of local school district control.

**Text:**

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

Document No. 4407

**STATE BOARD OF EDUCATION**

CHAPTER 43

Statutory Authority: 1976 Code Sections 59-5-60 (2004) and 59-16-10 et seq. (Supp. 2012)

43-248. South Carolina Virtual School Program

**Preamble:**

Section 59-5-60 of the Code of Laws of South Carolina delineates the general powers of the State Board of Education, which includes the ability to promulgate regulations governing the South Carolina Virtual School Program. The amendments in the regulation will address the changes implemented by the General Assembly in terms of enrollment and credit limitations in the current regulations. Additionally, some additional minor changes are being recommended to make the program more easily accessible for all students across the state by better streamlining the registration and enrollment processes.

Notice of Drafting for the proposed amendments regulation was published in the *State Register* on July 26, 2013.

Section-by-Section Discussion

Section I.–IX. Throughout the regulation the name of the program has been changed from “South Carolina Virtual School Program (SCVSP)” to virtual education program to be in conformity with the new approved legislation.



## 34 PROPOSED REGULATIONS

- Section II.A.2.e. Reference to the technology proficiency assessment has been removed as it is an added step that students must take to register for courses with the virtual school program causing lowered participation from some students.
- Section III.A.1.b. Removes language granting sponsors the ability to enroll a student in a class that is already recorded on his/her transcript so as to allow students that have failed a class to enroll in a Credit Recovery course.
- Section III.A.2.a. Reference to the technology proficiency assessment has been removed to better streamline the registration process for students.
- Section III.A.4.b. Language has been removed that references contacting the instructor after three days of application so that the student contacts the teacher within three days of the class starting, as per virtual education program policies and procedures.
- Section IV.A.5–6. Removes reference to the credit limits placed on students to conform with the new legislation.
- Section IV.B.5. Removes this requirement from schools since all students are served regardless of their involvement with various programs at their local school.
- Section IV.B.6. Removes residency record requirements to keep consistent with other regulations and record-keeping requirements at the school district.
- Section VII.A. Removes costs of courses based on student enrollment since course enrollment is not consistent across all courses; so this allows for consistent pricing for all courses in the event that the virtual education program must charge fees for enrollment.
- Section VIII.D.1. Clarified that adjunct instructors are temporary employees.
- Section VIII.E.2. Removes language referring to twenty-five successful completers per teacher as this statement was intended for adjunct instructors and did not take into account a full class of students for a full-time instructor.

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

A public hearing will be held on November 13, 2013, at 1:00 p.m. in the Rutledge Conference Center, 1429 Senate Street, Columbia, SC 29201. The proposed repeal will be posted on the State Board of Education Web site for review and comment. To review the regulation, click on the attached link <http://www.ed.sc.gov/agency/stateboard/documents/RegReviewedbySBE13-14.pdf>.

Written comments should be submitted to Bradley Mitchell, Director, Office of Virtual Education, Division of School Effectiveness, 1401 Senate Street, Columbia, SC 29201 or by e-mail to [bmitchell@ed.sc.gov](mailto:bmitchell@ed.sc.gov) on or before 5:00 p.m. on October 28, 2013.

### Preliminary Fiscal Impact Statement:

No additional state funding is requested at this time.

### Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION: South Carolina Virtual School Program.

Purpose: The regulation is to clarify the roles and responsibilities of the South Carolina Virtual School Program.

Legal Authority: 1976 Code Sections 59-5-60 (2004) and 59-16-10 et seq. (Supp. 2012 and to be Codified Supp. 2013)

Plan for Implementation: The proposed amendments will be incorporated within R.43-248 upon publication in the *State Register* as a final regulation. The proposed amendments will be implemented in the same manner

in which the existing regulation is implemented. School and district personnel will be informed of the new procedures through electronic correspondence and memo to school superintendents.

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

The purpose of the proposed change is to remove the credit limitations placed on students who enroll into the program based on the amendments made in the “Expanded Virtual Learning Act” signed by the Governor on June 13, 2013. The proposed changes also streamline the registration process to ensure that all students in South Carolina have equal access to the program and that student participation in the program is not hindered by difficult registration policies, policies that do not give the schools flexibility to manage the process for their individual district needs, and a technology assessment required prior to registration that will stop some students from enrolling because of minor technical issues.

**DETERMINATION OF COSTS AND BENEFITS:**

The only costs associated with these changes in regulation will be the need for additional teaching staff to assist with the volume of students taking online courses with the program. There will be no additional costs beyond staffing needs. The benefit of this amendment is that students across South Carolina will have a high quality choice option to assist with improving the state’s graduation rate with no limitations placed on students, so that they can use the program to keep on track of their individual graduation requirements.

**UNCERTAINTIES OF ESTIMATES:**

The uncertainties that exist for cost estimates are the number of students that enroll into the program. At this point, it is unknown how many students will enroll into the program each semester. This is always an unknown; however, there has been exponential growth each year since inception. So, lifting the limits placed on students will cause the program numbers to grow; however, the exact amount of growth is unpredictable.

**EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:**

The proposed regulations have no effect on the environment or on public health.

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

There will be no detrimental effect on the environment or public health if the regulations are not implemented.

**Statement of Rationale:**

Regulation 43-248, South Carolina Virtual School, has been in effect since 2007. The South Carolina Board of Education is amending the regulation to remove the credit limits placed on students within the program per the “Expanded Virtual Learning Act” signed on June 13, 2013. Throughout the regulation, the name of the program, South Carolina Virtual School Program or SCVSP, has been amended to read virtual education program to allow for a program name change to reduce confusion with other virtual charter schools that already exist within the state.

**Text:**

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

## 36 PROPOSED REGULATIONS

Document No. 4408

### STATE BOARD OF EDUCATION

#### CHAPTER 43

Statutory Authority: 1976 Code Sections 59-5-65 (2004 and Supp. 2012), 59-65-90 (2004),  
20 U.S.C. 7112 (2002) and 42 U.S.C. 5601 et seq. (2002)

43-274. Student Attendance

#### **Preamble:**

Regulation 43-274 establishes lawful and unlawful absences, defines truancy and reporting requirements, establishes intervention plans, and outlines referrals with judicial intervention and the South Carolina Department of Juvenile Justice. This regulation also discusses the time frame allowed for students to complete make-up work from their absences. The amendment includes guidelines for extenuating circumstances for make-up work from student absences.

Notice of Drafting for the proposed amended regulation was published in the *State Register* on July 26, 2013.

#### Section-by-Section Discussion

- VII (B)(2) Explains that the amendment will incorporate language about guidelines that the SCDE will review and update as needed.
- VIII and IX Replace State Department of Education with South Carolina Department of Education

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

A public hearing will be held on November 13, 2013, at 1:00 p.m. in the Rutledge Conference Center, 1429 Senate Street, Columbia, SC 29201. The proposed repeal will be posted on the State Board of Education Web site for review and comment. To review the regulation, click on the following link: <http://www.ed.sc.gov/agency/stateboard/documents/RegReviewedbySBE13-14.pdf>.

Written comments should be submitted to Darlene Prevatt, Team Leader, Office of Federal and State Accountability, 1429 Senate Street, Room 501-A, Columbia, South Carolina 29201 or by e-mail to [dprevatt@ed.sc.gov](mailto:dprevatt@ed.sc.gov) on or before 5:00 p.m. on October 28, 2013

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

No additional state funding is requested. The South Carolina Department of Education (SCDE) estimates that no additional costs will be incurred by the state and its political subdivisions in complying with the proposed revisions to Regulation 43-274.

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

DESCRIPTION OF REGULATION: 43-274, Student Attendance.

Purpose: Regulation 43-274 establishes lawful and unlawful absences, defines truancy and reporting requirements, establishes intervention plans, and outlines referrals with judicial intervention and the South Carolina Department of Juvenile Justice. This regulation also discusses the time frame allowed for students to complete make-up work from their absences. The amendment includes guidelines for extenuating circumstances for make-up work from student absences.

Legal Authority: 1976 Code Sections 59-5-65 (2004 and Supp. 2012), 59-65-90 (2004), 20 U.S.C. 7112 (2002) and 42 U.S.C. 5601 et seq. (2002)

Plan for Implementation: The proposed amendments will be incorporated within Regulation 43-274 upon publication in the *State Register* as a final regulation. The proposed amendments will be implemented in the same manner in which the existing regulation is implemented. School and district personnel will be informed of the new procedures through electronic correspondence.

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

As reflected in 1976 Code Sections 59-5-65 (Supp. 2012), 59-65-90 (2004), 20 U.S.C. 7112 (2002) and 42 U.S.C. 5601 et seq. (2002), each school district board of trustees must ensure student attendance is properly taken and the time frame allowed for students to complete make-up work from their absences is adhered to. The purpose of the proposed amendment is to incorporate language about guidelines that the SCDE will review and update as needed.

**DETERMINATION OF COSTS AND BENEFITS:**

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

**UNCERTAINTIES OF ESTIMATES:**

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

**EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:**

The proposed regulations have no effect on the environment or on public health.

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

There will be no detrimental effect on the environment or public health if the regulations are not implemented.

**Statement of Rationale:**

Regulation 43-274, Students Attendance, establishes lawful and unlawful absences, defines truancy and reporting requirements, establishes intervention plans, and outlines referrals with judicial intervention and the South Carolina Department of Juvenile Justice. This regulation also discusses the time frame allowed for students to complete make-up work from their absences. The amendment includes guidelines for extenuating circumstances for make-up work from student absences.

**Text:**

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

## 38 PROPOSED REGULATIONS

Document No. 4398

### STATE BOARD OF EDUCATION

#### CHAPTER 43

Statutory Authority: 1976 Code Sections 59-5-60 (2004), 59-19-270 (2004), and  
20 U.S.C. 6301 et seq. (2002)

#### 43-209. Support Personnel/Paraprofessional Personnel Positions, Qualifications and Duties

##### **Preamble:**

Section 59-5-60 of the Code of Laws of South Carolina delineates the general powers of the State Board of Education which includes the ability to promulgate regulations governing the operation of the public school system in the state. Clarification of language regarding special education paraprofessionals will be added. The title of the regulation will be amended to reflect the most current contents of the regulation. Regulations pertaining to Title I paraprofessionals will be removed from the regulation as the federal guidelines outline paraprofessional requirements. References to an electronic registry will be removed from the regulation in that a statewide system is no longer a necessity.

Notice of Drafting for the proposed amendments to the regulation was published in the *State Register* on June 28, 2013.

##### Section-by-Section Discussion

Title	Deletes language referring to Support Personnel.
A.	Deletes language referring to support personnel for superintendents and principals that is in state statute.
A.1.	Deletes language referring to support personnel that is in state statute.
A.2.	Deletes language referring to support personnel that is in state statute.
B.1.	Deletes outdated language and insert appropriate language for a free appropriate education.
B.2.	Deletes language where there is no specific state statute that authorizes the regulation.
C.1.c.	Deletes language where there is federal statute.
C.1.d.	Deletes language where there is federal statute.
C.1.e.	Deletes language where there is federal statute.
C.1.f.	Deletes language where there is federal statute.
C.2.	Deletes language where there is no specific state statute that authorizes the regulation.

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

A public hearing will be held on November 13, 2013, at 1:00 p.m. in the Rutledge Conference Center, 1429 Senate Street, Columbia, SC 29201. The proposed repeal will be posted on the State Board of Education Web site for review and comment. To review the regulation click on the attached link: <http://www.ed.sc.gov/agency/stateboard/documents/RegReviewedbySBE13-14.pdf>.

Written comments should be submitted to Darlene Prevatt, Team Leader, Office of Federal and State Accountability, Division of Accountability, 1429 Senate Street, Room 501-A, Columbia, South Carolina 29201 or by e-mail to [dprevatt@ed.sc.gov](mailto:dprevatt@ed.sc.gov) on or before 5:00 p.m. on October 28, 2013.

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

No additional state funding is requested. The SCDE estimates that no additional costs will be incurred by the State and its political subdivisions in complying with the proposed revisions to Regulation 43-209.

**Statement of Need and Reasonableness:**

DESCRIPTION OF REGULATION: Support Personnel/Paraprofessional Personnel Positions, Qualifications and Duties.

Purpose: The regulation is to clarify for public schools in the state the requirements for support personnel and paraprofessionals and to eliminate that which is already defined in federal and state statute.

Legal Authority: 1976 Code Sections 59-5-60 (2004), 59-19-270 (2004), and 20 U.S.C. 6301 et seq. (2002).

Plan for Implementation: The proposed amendments will be incorporated within Regulation 43-209 upon publication in the *State Register* as a final regulation. The proposed amendments will be implemented in the same manner in which the existing regulation is implemented. School and district personnel will be informed of the new procedures through electronic correspondence.

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

As reflected in 1976 Code Sections 59-5-60 (2004), 59-19-270 (2004), and 20 U.S.C. 6301 et seq. (2002), each school district board of trustees must ensure that paraprofessionals are hired properly. The purpose of the proposed change is to delete language that is already in state and federal statutes, while maintaining language to ensure the appropriate personnel is hired.

**DETERMINATION OF COSTS AND BENEFITS:**

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

**UNCERTAINTIES OF ESTIMATES:**

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

**EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:**

The proposed regulations have no effect on the environment or on public health.

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

There will be no detrimental effect on the environment or public health if the regulations are not implemented.

**Statement of Rationale:**

Regulation 43-209, NonProfessional/Paraprofessional Personnel Positions, Qualifications and Duties has been effective since 2003. The South Carolina Board of Education is updating the regulation to remove language which is already in state statute or in federal guidelines districts are required to use. Support personnel positions for superintendents and principals will be removed from the regulation as the language is in state statute. Language regarding special education staffing will be clarified. All regulations pertaining to Title I paraprofessionals herein will be removed from the regulation as the federal guidelines specify requirements of paraprofessionals. References to an electronic registry will be removed as a statewide system is no longer needed due to local control.

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### Text:

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

Document No. 4409  
**STATE BOARD OF EDUCATION**  
CHAPTER 43  
Statutory Authority: 1976 Code Section 59-5-67 (2004)

#### 43-201.1. Teacher Grants

The South Carolina Board of Education proposes to repeal Regulation 43-201.1, Teacher Grants. This program is no longer funded and therefore this regulation is no longer necessary.

Notice of Drafting for the proposed repeal of Regulation 43-201.1 was published in the *State Register* on July 26, 2013.

#### Section-by-Section Discussion

43-201.1. Repeal in its entirety.

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

A public hearing will be held on November 13, 2013, at 1:00 p.m. in the Rutledge Conference Center, 1429 Senate Street, Columbia, SC 29201. The proposed repeal will be posted on the State Board of Education Web site for review and comment. To review the regulation, click on the following link: <http://www.ed.sc.gov/agency/stateboard/documents/RegReviewedbySBE13-14.pdf>.

Written comments should be submitted to Darlene Prevatt, South Carolina Department of Education Rutledge Building, Room 501-A, 1429 Senate Street, Columbia, South Carolina 29201, or [dprevatt@ed.sc.gov](mailto:dprevatt@ed.sc.gov) on or before 5:00 p.m. on October 28, 2013.

#### Preliminary Fiscal Impact Statement:

None.

#### Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION: School Teacher Grants.

Purpose: To set forth the requirement for implementing the teacher grant program.

Legal Authority: 1976 Code Section 59-5-67 (2004).

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

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

This regulation requires repeal because there is no need for this regulation since funding has been discontinued.

**DETERMINATION OF COSTS AND BENEFITS:**

None.

**UNCERTAINTIES OF ESTIMATES:**

None.

**EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:**

None.

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

None.

**Statement of Rationale:**

There is no longer funding for this program and therefore the regulation is no longer needed.

**Text:**

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

Document No. 4396  
**STATE BOARD OF EDUCATION**  
CHAPTER 43

Statutory Authority: 1976 Code Sections 59-5-60 (2004), 59-21-510 et seq. (2004 and Supp. 2012), and 59-33-10 et seq. (2004)

43-243.4. Utilization of General Teacher Certification

**Preamble:**

The State Board of Education proposes to repeal Regulation 43-243.4, Utilization of General Teacher Certification. This certificate is no longer issued. Repealing the regulation would allow expanding the type courses that teachers with a generic teaching credential can instruct, which would now include students with emotional disabilities receiving special education and related services for the majority of the school day. This will allow schools and districts greater flexibility in the provision of services to their students.

Notice of Drafting for the proposed repeal of the regulation was published in the *State Register* on June 28, 2013.



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### Section-by-Section Discussion

43-243.4. Repeal in its entirety.

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

A public hearing will be held on November 13, 2013, at 1:00 p.m. in the Rutledge Conference Center, 1429 Senate Street, Columbia, SC 29201. The proposed repeal will be posted on the State Board of Education Web site for review and comment. To review the regulation click on the attached link: <http://www.ed.sc.gov/agency/stateboard/documents/RegReviewedbySBE13-14.pdf>.

Written comments should be submitted to Cathy Boshamer, Director, Office of Exceptional Children, 1429 Senate Street, Suite 808, Columbia, SC 29201 or by e-mail to [cboshamer@ed.sc.gov](mailto:cboshamer@ed.sc.gov) on or before 5:00 p.m. on October 28, 2013.

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

None.

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

DESCRIPTION OF REGULATION: Utilization of General Teacher Certification.

Purpose: This type of certificate is no longer issued.

Legal Authority: 1976 Code Sections 59-5-60 (2004), 59-21-510 et seq. (2004 and Supp. 2012), and 59-33-10 et seq. (2004).

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

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

This certificate is no longer issued, and this regulation is no longer needed.

DETERMINATION OF COSTS AND BENEFITS:

None.

UNCERTAINTIES OF ESTIMATES:

None.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

None.

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

None.

**Statement of Rationale:**

This type of certificate is no longer issued by the State Board of Education; therefore, the regulation is no longer needed.

**Text:**

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

Document No. 4410  
**ENVIRONMENTAL CERTIFICATION BOARD**  
CHAPTER 51  
Statutory Authority: 1976 Code Sections 40-1-70 and 40-23-60

- 51-1. Applications for Certification.
- 51-2. Examinations.
- 51-3. Levels of Licensure, Requirements for Each Level, Operator-in-Charge Requirements for Facilities.
- 51-4. Renewal of License and Permit, Continuing Education.
- 51-5. Operator-in-Training Licenses.
- 51-6. Fees.
- 51-7. Definitions.

**Preamble:**

The South Carolina Environmental Certification Board proposes to amend its regulations in conformance with its practice act.

Section-by-Section Discussion:

- 51-1. Applications for Certification.

Lowercases board for consistency with statute.

- 51-2. Examinations.

Lowercases board for consistency; adds numerals and rewords for clarity; states that examinations are administered through a board approved provider.

- 51-3. Levels of Licensure, Requirements for Each Level, Operator-in-Charge Requirements for Facilities.

Lowercases board for consistency throughout.

A. Corrects regulation reference.

B. No substantive changes.

C.-E. No changes.

F. 1. Deletes a.-b. and renumbers c. as a.

2. a. No changes.

b. Adds that "D" physical/chemical wastewater treatment operator licensees have a high school diploma or the equivalent.

c.-e. Renumbers b.-d. for clarity.

3.-5. No substantive changes.

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G. 1. Deletes a.-b. and renumbers c. as a.

2. a. No changes.

b. Adds that "D" biological wastewater treatment plant operator licensees have a high school diploma or the equivalent.

c.-e. Renumbers b.-d. for clarity.

3.-5. No substantive changes.

H.-J. No changes.

### 51-4. Renewal of License and Permit, Continuing Education.

Lowercases board for consistency throughout.

A. No substantive changes.

B. Deletes the charging a renewal fee "at a meeting prior to July of each year."

C. No changes.

D. Deletes "[Reserved]"; moves up text from E.

E.-F. No substantive changes; renumbers for clarity.

### 51-5. Operator-in-Training Licenses.

Lowercases board for consistency; adds numerals for clarity; deletes last clause of sentence in B.1. regarding extenuating circumstances.

### 51-6. Fees.

Lists fees in compliance with S.C. Code Section 40-1-50; numbers for clarity.

### 51-7. Definitions.

Deletes in its entirety since definitions are in S.C. Code Section 40-23-20.

The Notice of Drafting was published in the *State Register* on July 26, 2013.

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

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such a hearing will be conducted at the Administrative Law Court at November 4, 2013 at 10:00 a.m. Written comments may be directed to Theresa Garner, Interim Administrator, South Carolina Environmental Certification Board, Department of Labor, Licensing, and Regulation, Post Office Box 11409, Columbia, South Carolina 29211-1409, no later than 5:00 p.m., October 28, 2013. If a qualifying request pursuant to Section 1-23-110(A)(3) is not timely received, the hearing will be canceled.

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

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

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

These regulations are amended in accordance with S.C. Code Ann. §§40-1-70 and 40-23-60 regarding the promulgation of regulations. Reg. 51-2 provides for examinations in accordance with S.C. Code Ann. §§40-23-300, 40-23-310, and 40-23-320, which requires that licensees in all license categories pass an examination approved by the board. Reg. 51-3 adds that both biological and physical/chemical wastewater treatment operator licensees have a high school diploma or the equivalent in compliance with S.C. Code Ann.

§40-23-300(B). Reg. 51-4 amends continuing education requirements in accordance with S.C. Code Ann. §§40-23-230(B)(3) and 40-23-260. Reg. 51-6 establishes fees in regulation in compliance with S.C. Code Ann. §40-1-50. Reg. 51-7 deletes definitions, consisting of only one definition, in order to move the single definition to S.C. Code Ann. §40-23-20.

**DESCRIPTION OF REGULATION:**

**Purpose:** The Board is updating the regulations to conform to its practice act.

**Legal Authority:** 1976 Code Sections 40-1-70 and 40-23-60.

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

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

The Board is updating the regulations to conform to its practice act.

**DETERMINATION OF COSTS AND BENEFITS:**

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

**UNCERTAINTIES OF ESTIMATES:**

There are no uncertainties of estimates concerning the regulations.

**EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:**

These regulations will have no detrimental effect on the environment. These regulations contribute to the Board's function of protecting public welfare in the state of South Carolina.

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

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

**Statement of Rationale:**

These regulations are updated to conform to the Board's practice act.

**Text:**

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

## 46 PROPOSED REGULATIONS

Document No. 4411

### DEPARTMENT OF NATURAL RESOURCES

#### CHAPTER 123

Statutory Authority: 1976 Code Sections 50-1-200, 50-1-220, 50-3-100, 50-9-740, 50-11-10, 50-11-65, 50-11-120, 50-11-310, 50-11-335, 50-11-350, 50-11-390, 50-11-430, 50-11-500, 50-11-510, 50-11-520, 50-11-530, 50-11-854, 50-11-2200 and 50-11-2210

#### Preamble:

The South Carolina Department of Natural Resources is proposing to amend the existing regulations that set 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:

123-40

#### A. Game Zone 1

1. Other WMAs (d)(ii) – clarifies the combined deer limit.
2. Glassy Mountain (a)(i) – extends the gun hunt period to correspond with Statute change.

#### B. Game Zone 2

1. Other WMAs (c)(ii) – clarifies daily bag limit for deer; (d)(ii) – clarifies the combined deer limit.
2. Keowee WMA (e)(ii) – clarifies hog hunting statement.
3. Draper WMA – (a)-(c) - new; current (a)-(c) changed to (d)-(f); (g) – adds data card requirement for hunter access.
4. Fants Grove WMA – (f)(ii) - clarifies hog hunting statement.

#### E. Game Zone 5

3. Longleaf Pine HP WMA – (a) – removes the deer limit.
4. Manchester SF WMA – (k) – adds Still Hog Hunts; (l) – adds Hog Hunts with Dogs.
12. Cartwheel Bay HP WMA – (b)(i) and (ii) – changes archery deer hunts to allow extended bear season; (c)(i) closes small game hunting during bear hunts.
13. Lewis Ocean Bay HP WMA – (b)(i)(ii); (iii)(iv) - new; and (c)(i) – changes deer season to allow extended bear season.
14. Little Pee Dee Complex WMA – (c)(i)(ii) and (d)(i)(ii) – changes deer season to allow extended bear season.
15. Waccamaw River HP WMA - (b)(i)(ii)(iii)(iv) and (c)(i) – changes deer season to allow extended bear season.

#### F. Game Zone 6

1. Francis Marion National Forest – (a) - removes individual antlerless tag allowance.
4. Webb WMA – (b)(iv) – deletes antlerless only restriction; (c) – deletes still hog hunts, (d)(i)(ii)(v)(vi) – moves the timing of hog hunts with dogs and removes restrictions.
13. Palachucola WMA – (e) deletes still hog hunts; new (e)(i)(ii)(v)(vi) – moves the timing of hog hunts with dogs and removes the restriction on number of catch dogs allowed.
15. Waccamaw River HP WMA – removes Waccamaw River WMA from Game Zone 6. It was moved to Game Zone 5 by statute.
18. Hamilton Ridge WMA - (d) deletes still hog hunts; new (d)(i)(ii) – moves the timing of hog hunts with dogs and removes the restriction on number of catch dogs allowed; adds new (f)(iv).
- 2.15 – new regulation related to WMA violations during lottery hunts.
- 3.1 – clarifies legal archery arrowheads
- 3.3 – clarifies shotgun ammo allowances.
- 4.2 – reduces either-sex days in Game Zones 2 – 6.
- 10.11 – removes hunter entry time restriction for Potato Creek Hatchery Waterfowl Area.
- 10.12 - removes hunter entry time restriction for Hatchery Waterfowl Area.

10.20 – establishes a 5:00 am entry restriction on four US Forest Service and one US CORP category 2 waterfowl areas.

123-42.1 – deletes entire section. This regulation was only applicable to Game Zone 9 which no longer exists.

123-47 – deletes entire section. This regulation was only applicable to the 1980 turkey season.

123-51 - F. Game Zone 6, 10. Waccamaw River HP WMA – removes this WMA from Game Zone 6. Statute moved this property to Game Zone 5; G. Statewide Youth Hunting Day, 2.(e)–new description of tagging procedure.

123-52 – clarifies the antlerless deer limits for all Game Zones and reduces either-sex days in Game Zones 2 – 6.

123-53 – establishes the Coastal black bear hunting season.

A Notice of Drafting was published in the *State Register* on July 26, 2013, Volume 37, Issue No. 7.

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

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such hearing will be conducted at 1000 Assembly Street on Thursday, November 14, 2013 at 10:00 a.m. in Room 335, Third Floor, Rembert C. Dennis Building. Written comments may be directed to Emily Cope, Wildlife & Freshwater Fisheries Division, Department of Natural Resources, Post Office Box 167, Columbia, SC 29202 no later than 5:00 p.m., October 28, 2013.

**Preliminary Fiscal Impact Statement:**

The amendment of Regulations 123-40, 123-51, 123-52 and 123-53 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).

**DESCRIPTION OF THE REGULATION:**

**Purpose:** These regulations amend Chapter 123-40, 123-51, 123-52, 123-53 in order to set seasons, bag limits and methods of hunting and taking of wildlife on existing and additional Wildlife Management Areas and to clarify the use of Individual Antlerless Deer Tags in all Game Zones and delete regulations 123-42.1 and 123-47 that are obsolete.

**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. Under Section 50-11-96 of the S.C. Code of Laws, the Department of Natural Resources is authorized to promulgate regulations to implement and regulate the provisions of this section.

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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.

### 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.

### 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 these regulations will result in increased public hunting opportunities that 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.

### 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.

### EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

The promulgation of this regulation will not have any impacts on public health.

### 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.

### Statement of Rationale:

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 provide 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.

### Text:

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

Document No. 4399

**WORKERS' COMPENSATION COMMISSION**

CHAPTER 67

Statutory Authority: 1976 Code Sections 42-3-30 and 42-9-301

67-1605. Lump Sum Payment.

**Preamble:**

The South Carolina Workers' Compensation Commission proposes to amend Regulation, R.67-1605, Lump Sum Payment. The Notice of Drafting regarding this regulation was published on June 28, 2013 in the State Register.

Section-by-Section Discussion

The Commission is proposing to amend Regulation 67-1605 to include the following provisions:

Installments yet to accrue of one- hundred one through five- hundred weeks shall be discounted at the yield-to-maturity rate of the Five Year U.S. Treasury Note as published by the United States Treasury Department on the first business day after January 1<sup>st</sup> each year, but in no case shall the discount rate exceed six percent or be less than two percent;

The Commission shall publish a present value table showing the conversion factors for weeks one-hundred and one through five-hundred on the first business day following January 1<sup>st</sup> of each year;

The present value table for weeks one-hundred and one through five-hundred published on the first business day following January 1<sup>st</sup> shall apply to all awards made during the year until a new present value table is published the following year;

The present value of the commutable weeks shall be determined based on the present value tables in effect on the date of the award or settlement.

In the event the Commission makes an award of a partial lump sum in excess of five-hundred weeks in accordance with § 42-9-10(C) and § 42-9-10(D), the discount rate shall be determined on a case by case basis.

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

Interested persons may submit written comments to the South Carolina Workers' Compensation Commission, attention Gary M. Cannon, Executive Director, Post Office Box 1715, Columbia, South Carolina 29202-1715. To be considered, comments must be received no later than 5:00 p.m. on Monday, October 28, 2013.

The South Carolina Workers' Compensation Commission has scheduled a public hearing for October 29, 2013 at 10:30 a.m. in Hearing Room A at the SC Workers' Compensation Commission, 1333 Main Street, Columbia, SC 29202.

**Preliminary Fiscal Impact Statement:**

The fiscal impact of the proposed changes to this regulation is \$0.

**Statement of Need and Reasonableness:**

The Workers' Compensation Commission is the regulatory agency of the State of South Carolina responsible for overseeing and administering the South Carolina Workers' Compensation Act. SC Code Ann. § 42-1-10 et seq. (1976). The Commission shall promulgate all regulations relating to the administration of the workers' compensation laws. The Commission has the authority to establish the discount rates at not to exceed six percent nor be less than two percent. § 42-3-30; § 42-9-301; R.67-1605.



## 50 PROPOSED REGULATIONS

DESCRIPTION OF REGULATION: R.67-1605, Lump Sum Payment.

Purpose: The purpose of the regulation is to establish procedures for an employer or employer's representative for making a lump sum payment.

Legal Authority: Pursuant to Section 42-9-301 the Commission is authorized to establish the discount rates at not to exceed six percent nor be less than two percent.

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

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

The Commission determined a need for considering the methodology used to calculate net present value of lump sum payments in June 2012. An ad hoc advisory committee of stakeholders was formed to review the current and alternative methodologies for calculating the net present value of lump sum payments to ensure fairness to the claimants and the employers.

### DETERMINATION OF COSTS AND BENEFITS:

There are no additional costs to the agency related to the proposed regulation. The benefit of the proposed changes is to provide a more equitable calculation by using current interest rates for making lump sum payments.

### UNCERTAINTIES OF ESTIMATES:

None.

### EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

None.

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

None.

### Statement of Rationale:

The Commission is proposing to amend Regulation 67-1605 to ensure the fairness of the methodology used to calculate the net present value of lump sum payments.

### Text:

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

**Filed: August 28, 2013 9:32am**

Document No. 4394  
**DEPARTMENT OF NATURAL RESOURCES**  
 CHAPTER 123

Statutory Authority: 1976 Code Sections 50-1-200, 50-1-220, 50-11-10, and 50-11-2200

**Emergency Situation:**

These emergency regulations establish the dove seasons and dove limits statewide and establish seasons, limits and special restrictions for dove hunting on Dove Management Areas. Because the dove season begins September 2, it is necessary to file these regulations as emergency.

**Text:**

**WILDLIFE MANAGEMENT AREA PUBLIC DOVE FIELDS 2013-14**

Dove Management Area Regulations: The following fields are open on a first-come basis, unless otherwise stated below. The number of hunters may be restricted on some fields. A Wildlife Management Area permit is required for all fields. Fields are open only as shown below. Please consider the other hunters as well as the landowners whose cooperation makes these fields possible. Signs will be placed along roads directing hunters to the fields. All federal and state laws apply. Fields are open only on days and times indicated. Fields denoted by an asterisk (\*) require hunters to sign in (not before 12:00 noon) and sign out on ALL hunts. No species other than mourning doves and Eurasian collared doves may be hunted during scheduled dove hunts. Please remove all litter, including spent shell hulls, from fields when leaving! Migratory Bird Permit Required.

**Statewide Season Dates:**

September 2 - October 5 (Sept. 2-7 Afternoons only): November 23 - November 30: December 19 - January 15

Bag Limit: Mourning Doves: 15 doves per day. No limit on Eurasian collared doves.

The following special regulations apply to all Wildlife Management Area Public Dove Fields: Hunters are limited to 50 shells per hunt. No entry onto fields before 12:00 noon. No shooting after 6:00 p.m. during the first segment of the season (September 2 – October 5)

**ABBEVILLE**

U.S. Forest Service – Power of Partnerships Field - 60 acres. 1st season – Saturdays Only beginning Sept. 21. Sept. 7 is Youth Hunt Only. Sept. 14 is Wheelin Sportsmen Hunt and morning hunting will be allowed for this event only. 2<sup>nd</sup> and 3<sup>rd</sup> season – Open Mon – Sat.

**AIKEN**

US Dept of Energy - Crackerneck WMA - 40 acres. 1<sup>st</sup> season – Sept. 4 & 18; 2<sup>nd</sup> & 3<sup>rd</sup> seasons – Fridays, Saturdays & Thanksgiving Day ONLY.

**ANDERSON**

Clemson University - Fant's Grove WMA - 45 acres. 1<sup>st</sup> season, Saturdays – FIELD CLOSED OCT. 5. Open 2<sup>nd</sup> & 3<sup>rd</sup> seasons – Saturdays Only

**\*BERKELEY**

U.S. Army Corps of Engineers - Canal WMA (Above Powerhouse) - 60 acres. Sept. 7, 14; Oct. 5; Nov. 23

## **52 EMERGENCY REGULATIONS**

U.S. Army Corps of Engineers - Canal WMA (Below Powerhouse) - 40 acres. Dove Hunting Only - Sept. 7, 14; Oct. 5; Nov. 23.

### **CHARLESTON**

Botany Bay Plantation WMA - 70 acres. All hunts are Youth Only see Youth Hunt List for details.

### **CHEROKEE**

Gaffney Board of Public Works - 20 acres. Saturdays Only. Dove Hunting Only.

### **CHESTER**

U.S. Forest Service - Worthy Bottoms - 30 acres. 1<sup>st</sup> season - Saturdays Only. 2<sup>nd</sup> & 3<sup>rd</sup> seasons - Open Mon. – Sat.

### **CHESTERFIELD**

SC Forestry Commission – Sand Hills State Forest - Wilkes Chapel Field - 54 acres. 1<sup>st</sup> season –Saturdays Only, 2<sup>nd</sup> & 3<sup>rd</sup> seasons - Open Mon. – Sat.

SC Forestry Commission – Sand Hills State Forest - Davis Field - 30 acres. 1<sup>st</sup> season – Sept. 7 and Wednesdays Only, beginning Sept. 18.  
2<sup>nd</sup> & 3<sup>rd</sup> seasons – Open Mon. – Sat.

### **\*CLARENDON**

SC Forestry Commission - Oak Lea WMA - 102 acres. Sept. 7, 14, 21; Jan. 4 & 11. \*\*Sept. 7 participants selected by drawing.

### **COLLETON**

DNR - Donnelley WMA - 80 acres. Sept. 7, 14, 21; Nov. 30. During 3<sup>rd</sup> season Open Wednesdays and Saturdays.

### **DARLINGTON**

DeWitt Property - 50 acres. 1<sup>st</sup>, 2<sup>nd</sup>, and 3<sup>rd</sup> Seasons – Saturdays Only, Dove Hunting Only.

### **FLORENCE**

Santee Cooper – Pee Dee Station Site WMA - 60 acres. 1<sup>st</sup>, 2<sup>nd</sup>, and 3<sup>rd</sup> Seasons. Saturdays Only – Dove Hunting Only. \*\*Sept. 7 participants selected by drawing.

### **GEORGETOWN**

DNR Samworth WMA - acres. Sept. 7, 14; Oct. 5; Nov. 23; Dec. 21

### **\*HAMPTON**

DNR - Webb Wildlife Center - 30 acres. Sept. 7 & 14; Oct. 5; Nov. 23.

### **LAURENS**

DNR Cliff Pitts WMA - 10 acres. 1<sup>st</sup> season Saturdays, 2<sup>nd</sup> & 3<sup>rd</sup> seasons open Mon. - Sat.

### **LEXINGTON**

Hallman Field - 47 acres. 1<sup>st</sup>, 2<sup>nd</sup>, and 3<sup>rd</sup> seasons -Saturdays Only, Dove Hunting Only.

### **MARLBORO**

DNR - Lake Wallace WMA - 50 acres. 1<sup>st</sup>, 2<sup>nd</sup>, and 3<sup>rd</sup> seasons Saturdays Only - Dove Hunting Only.

**MCCORMICK**

\*U.S. Army Corps of Engineers - Bordeaux Work Center Field – 40 acres. Sept. 7 & 18; Oct. 2; Nov. 27, Jan. 1 & 11 only, Dove Hunting Only.

Must sign-in & out @ 1009 McIntosh Rd.

U.S. Army Corps of Engineers – Parksville Field - 22 acres. 1<sup>st</sup> season – Saturdays Only, 2<sup>nd</sup> & 3<sup>rd</sup> seasons – Open Mon. - Sat.

US Army Corp of Engineers - Plum Branch Saddle Club Fields - 30 acres. 1<sup>st</sup> season – Saturdays Only, 2<sup>nd</sup> & 3<sup>rd</sup> seasons – Open Mon. - Sat.

U.S Forest Service - McCombs Tract Field - 60 acres. 1<sup>st</sup> season – Saturdays Only, 2<sup>nd</sup> and 3<sup>rd</sup> season – Open Mon. - Sat.

U.S. Forest Service - Price Mill Field - 60 acres. 1<sup>st</sup> season – Saturdays Only, 2<sup>nd</sup> and 3<sup>rd</sup> season – Open Mon. - Sat.

U.S. Forest Service – Little River Fields - 13 acres. Sept. 7 NWTF Women in the Outdoors Hunt ONLY. Beginning Sept. 9 - Monday through Saturday during the statewide dove season.

**NEWBERRY**

SCDOT McCullough Field - 30 acres. Saturdays Only Beginning Sept 14, Dove Hunting Only Sept. 7 is Youth Hunt Only.

**OCONEE**

S.C. Forestry Commission - Piedmont Forestry Center - 18 acres. 1<sup>st</sup> and 2<sup>nd</sup> seasons - Saturdays Only, 3<sup>rd</sup> season – Closed. Dove hunting only.

U.S. Forest Service – Long Creek Tract – 20 acres. In order to hunt, adults must have 1 or 2 youth age 17 or younger. Disability hunters must contact the U.S. Forest Service Andrew Pickens office 864-638-9568 for permit requirements and access. 1<sup>st</sup> season – Saturdays only, 2<sup>nd</sup> season – Open November 23 Only. 3<sup>rd</sup> season – Closed.

**U.S. Forest Service - Ross Mtn. Field**

About 7 miles north of Walhalla on SC 28, Turn on Tunneltown Rd., Turn on Ross Mtn. Rd, Field on Both Sides of road, 35 acres

Open 1<sup>st</sup>, 2<sup>nd</sup> & 3<sup>rd</sup> seasons - Saturdays Only

(864) 654-1671 ext. 16

**\*ORANGEBURG**

Santee Cooper - Santee Cooper WMA - 45 acres. Entire WMA under Dove Area Regulations. Sept. 7 is Youth Hunt Only. Sept. 14; Oct. 5; Nov. 23; Jan. 4.

**PICKENS**

DNR Property - 40 acres. Open 1<sup>st</sup>, 2<sup>nd</sup> & 3<sup>rd</sup> seasons. Saturdays Only Beginning Sept. 7. Dove Hunting Only

Clemson University - Gravelly WMA - Causey Tract - 25 acres. Open 1<sup>st</sup>, 2<sup>nd</sup> & 3<sup>rd</sup> seasons. Saturdays Only Beginning Sept. 7.

DNR Property – Jocassee Gorges – Cane Creek Field – 14 acres. Wednesday Only, Beginning Sept. 18.

## **54 EMERGENCY REGULATIONS**

### **SPARTANBURG**

Santee Cooper - 15 acres. 1<sup>st</sup> season – Saturdays only. 2<sup>nd</sup> & 3<sup>rd</sup> seasons – Open Mon. – Sat.

Spartanburg Co Parks Dept - Cherokee Springs Field - 15 acres. Saturdays only. Dove hunting only.

### **SUMTER**

S.C. Forestry Commission - Manchester State Forest

Bland Field 1 – 50 acres. Sept. 7 is Youth Hunt Only. 1<sup>st</sup>, 2<sup>nd</sup> & 3<sup>rd</sup> seasons – Saturdays Only

Bird Haven Field –25 acres. 1<sup>st</sup> season, 2<sup>nd</sup> & 3<sup>rd</sup> seasons – Saturdays Only.

Tuomey Fields (Field A and Field B) –Field A on Right (93 acres). Field B on Left (36 acres). Sept. 7 participants selected by drawing.

1<sup>st</sup>, 2<sup>nd</sup> & 3<sup>rd</sup> seasons – Saturdays Only.

Turner Field - 10 acres. 1<sup>st</sup>, 2<sup>nd</sup> & 3<sup>rd</sup> seasons – Saturdays Only.

Mary Williams Field - 29 acres. 1<sup>st</sup>, 2<sup>nd</sup> & 3<sup>rd</sup> seasons – Saturdays Only.

Avin Field - 12 acres. 1<sup>st</sup>, 2<sup>nd</sup> & 3<sup>rd</sup> seasons – Saturdays Only.

Brunson Field - 23 acres. 1<sup>st</sup>, 2<sup>nd</sup> & 3<sup>rd</sup> seasons – Saturdays Only.

### **UNION**

DNR Thurmond Tract - 15 acres. 1<sup>st</sup> season – Saturdays Only. 2<sup>nd</sup> & 3<sup>rd</sup> seasons open Mon. – Sat.

Sedalia (U.S. Forest Service) - 15 acres. 1<sup>st</sup> season – Saturdays. 2<sup>nd</sup> & 3<sup>rd</sup> seasons - Open Mon. - Sat.

US Forest Service - Herbert Field - 35 acres. 1<sup>st</sup> season Saturdays - Beginning Sept. 14, Sept. 7 is Youth Only, 2<sup>nd</sup> & 3<sup>rd</sup> seasons - Open Mon. - Sat.

### **YORK**

DNR - Draper Tract - 45 acres (two fields). 1<sup>st</sup> season –Saturdays Only, 2<sup>nd</sup> & 3<sup>rd</sup> seasons Open Mon. - Sat. \*\*  
Sept. 7 participants selected by drawing.

York County – Worth Mountain WMA - 40 acres planted. 1<sup>st</sup> season – Saturdays only, 2<sup>nd</sup> & 3<sup>rd</sup> seasons Open Mon. - Sat.

### **SPECIAL YOUTH DOVE HUNTS:**

Eligibility for these hunts requires adults 21 years or older to bring 1 or 2 youths 17 years of age and younger. The following regulations also apply on Special Youth Dove Hunts: (1) Adults accompanying youth are NOT allowed to shoot at any time during Special Youth Dove Hunts. (2) Adults must remain in the field and closely supervise participating youth at all times. (3) In parties of one adult and 2 youths, only one youth hunter may be handling a loaded firearm at any given time. (4) Bag limit is 15 birds per youth participant. Birds harvested by individual hunters must be kept separate and in no instance may an individual hunter harvest more than 15 birds.

### **ABBEVILLE COUNTY YOUTH HUNT**

U.S. Forest Service – Power of Partnerships Field, September 7 – No pre-registration required.

### **CHARLESTON COUNTY YOUTH HUNT**

Botany Bay Plantation WMA Sept. 7, 14; Nov. 23; Dec. 21; Jan. 11. No pre-registration required.

NEWBERRY COUNTY YOUTH HUNT

SCDOT – McCullough Field, September 7 – No pre-registration required.

ORANGEBURG COUNTY YOUTH HUNT

Santee Cooper – Santee Cooper WMA, September 7 – No pre-registration required.

SUMTER COUNTY YOUTH HUNT

Manchester State Forest near Wedgefield Bland Tract – Field 1. September 7 – No pre-registration required.

UNION COUNTY YOUTH HUNT

U.S. Forest Service Herbert Field. September 7 – No pre-registration required.

YORK COUNTY YOUTH HUNT

DNR Draper WMA, September 7 – No pre-registration required.

**Statement of Need and Reasonableness:**

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 new WMAs as well as expanding use opportunities on existing WMAs. Since the availability of specific fields changes each year and season dates change as allowed by Federal Regulation, it is necessary to file Dove Field regulations annually. Because these hunts begin on September 2, it is necessary to file these regulations as emergency so they take effect immediately.

**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.

**Filed: August 28, 2013 9:31am**

Document No. 4393

**DEPARTMENT OF NATURAL RESOURCES**

**CHAPTER 123**

Statutory Authority: 1976 Code Sections 50-1-220, 50-11-2200 and 50-11-2210

**Emergency Situation:**

This amended regulation sets seasons, bag limits and methods of hunting and taking of wildlife on Wildlife Management Areas. Amendments are needed to allow a special deer herd reduction hunt on Croft State Park. Because the hunts begin on September 25, it is necessary to file these regulations as emergency so they take effect immediately.

**Text:**

123-40. Hunt Units and Wildlife Management Area Regulations

1.2 (X) Croft State Park WMA

## 56 EMERGENCY REGULATIONS

Archery-Crossbow Deer Hunts	Sept. 25-26 October 9-10 November 6-7	3 Deer Per Day, either-sex Except 1 antlered buck per day
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### Hunt Procedure/Special Rules and Regulations

1. All hunters are required to check-in and obtain a daily permit at the checkpoint at the Maintenance Shop near the main gate on or prior to each day of the hunt period. The checkpoint will be open on the day of the hunt approximately 2 hours before official sunrise and the day before each hunt period from 5:00 pm to 8:00 pm.

2. Hunters with ATV permits must leave their designated parking lot one hour after official sunset. All other hunters must leave their hunt area immediately after dark. All hunters must report to the deer check station to checkout no later than one hour after official sunset. Failure to checkout in a timely manner will result in a citation. Those persons needing to return to the hunt area to look for a wounded deer or to retrieve a dead deer must notify State Park or DNR personnel at that time.

3. Scouting is allowed during normal park hours and days prior to each hunt period. Daily admission fees apply, except day of applicant's hunt.

4. Parking is allowed only on park property inside the property boundaries and along roads inside the park. The daily hunt permit must be displayed on the dash of all vehicles parked on state park property. Two parking areas will be provided just off Dairy Ridge Road. Parking is not allowed along the sides of Dairy Ridge Road. Do not park where a gate is being blocked. See map for designated parking areas. These parking guidelines do not apply to ATV parking which is addressed separately.

5. Portable stands may be placed one day prior to your scheduled hunt and must be removed no later than one day following each hunt period. Screw-in steps must be removed and no permanent spikes or nails are allowed.

6. Only Archery equipment including crossbows is permitted. Hunters are allowed to carry only one type of equipment at a time.

7. Hunters must wear either a hat, coat or vest of international orange during all hunts except while occupying an elevated stand more than six feet above the surface level.

8. Hunters may use boats with electric trolling motors only to enhance hunter access. Running lights and all other safety equipment are required.

9. The use of a trail dog on a leash will be allowed for the recovery of wounded deer from 11:00 am to 3:00 pm and after dark. You must notify State Park or DNR personnel before a dog is utilized.

10. Hunters will only be allowed to utilize ATV's with the proper ATV Parking Permit and within that permit's designated ATV parking area and access route.

11. Camping is available at Croft State Park.

12. The daily bag limit is 3 deer per day, including no more than 1 antlered buck..

13. Field dressing of deer is allowed in the woods but entrails should not be left closer than 200 yards from any road, trail or facility. Hunters should not attempt to dig in the ground to bury entrails because of safety concerns regarding buried ordnance (See safety requirements sheet). Field dressing of deer will not be allowed at the check station near the Maintenance Shop.

14. All harvested deer must be promptly brought to the deer check station at the Shop near the main gate.

15. Firearms or alcoholic beverages are not allowed within the park.

16. All South Carolina State Park Service and all Wildlife Management Area (WMA) rules and regulations apply.

### Statement of Need and Reasonableness:

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. Amendments are needed to allow a special deer herd reduction hunt on Croft State Park. Because the hunts begin on September 25, it is necessary to file these regulations as emergency so they take effect immediately.

**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.

**Filed: August 28, 2013 9:33am**

Document No. 4395

**DEPARTMENT OF NATURAL RESOURCES**

**CHAPTER 123**

Statutory Authority: 1976 Code Sections 50-1-200, 50-1-220, 50-3-100, 50-9-740, 50-11-10, 50-11-65, 50-11-120, 50-11-310, 50-11-335, 50-11-350, 50-11-390, 50-11-430, 50-11-500, 50-11-510, 50-11-520, 50-11-530, 50-11-854, 50-11-2200 and 50-11-2210

**Emergency Situation:**

These emergency regulations amend and supersede South Carolina Department of Natural Resources Regulation Number 123-40, 123-52 and 123-53. These regulations set open and closed seasons, bag limits and methods of taking wildlife; define special use restrictions related to hunting and methods for taking wildlife on Wildlife Management Areas. Because the hunting seasons on many of these areas begin September 1 it is necessary to file these regulations as emergency.

**Text:**

**HUNTING IN WILDLIFE MANAGEMENT AREAS**

123-40. Wildlife Management Area Regulations.

1.1 The regulations governing hunting including prescribed schedules and seasons, methods of hunting and taking wildlife, and bag limits for Wildlife Management Areas and special restrictions for use of WMA lands are as follows:

**A. Game Zone 1**

**1. Other WMAs**

- (d) Still Gun Hunts for Deer (no dogs).
- (ii) Total of 7 5 deer for all ~~gun hunts~~ methods combined. 2 deer per day, buck only except either-sex on days specified in Reg. 4.2. Archers allowed to take either-sex during entire period.

**2. Glassy Mountain Archery Only Area – Chestnut Ridge Heritage Preserve**

- (a) Archery Only Hunts for Deer (no dogs).
- (i) Oct. 1 ~~Oct. 16, Oct. 31~~ Jan. 1

**B. Game Zone 2**

**1. Other WMAs**

- (c) Primitive Weapons for Deer (no dogs).
- (ii) Total of 2 deer, 2 per day, for primitive weapons hunt.
- (d) Still Gun Hunts for Deer (no dogs).



## 58 EMERGENCY REGULATIONS

(ii) Total of ~~10~~ 5 deer for all ~~gun hunts~~ methods combined. 2 deer per day, buck only except either-sex on days specified in Reg. 4.2. Archers allowed to take either-sex during entire period.

### 2. Keowee WMA

(e) Hogs and Coyotes

(ii) No hog hunting with dogs ~~except during special designated hog hunts with dogs and during the party dog hunts for bear.~~

### 3. Draper WMA

(a) Archery Only Hunts for Deer (no dogs)

(i) Sept. 15 – Sept. 30, Mon. after Thanksgiving – 3<sup>rd</sup> Sat. after Thanksgiving.

(ii) Total 3 deer for all archery only hunts, 2 per day, either-sex.

(b) Archery and Muzzleloader (no dogs)

(i) Oct. 1 – Oct. 10

(ii) Total of 2 deer

(iii) Muzzleloaders, buck only, except either-sex on days specified in Reg. 4.2. Archery either-sex.

(c) Still Gun Hunts for Deer (no dogs)

(i) Oct. 11 – Sat. after Thanksgiving, 3<sup>rd</sup> Mon. after Thanksgiving – Jan. 1.

(ii) Total of 10 deer for all gun hunts. 2 deer per day, buck only except either-sex on days specified in Reg. 4.2. Archery either-sex during entire period.

~~(a)~~ (d) Quail Hunts

(i) 1<sup>st</sup> and 2<sup>nd</sup> Sat. in Dec., 3<sup>rd</sup> and 4<sup>th</sup> Wed. in Dec., 1<sup>st</sup> and 2<sup>nd</sup> Wed. and Sat. in Jan.

(ii) 10 quail per day.

(iii) Sunrise until 4:00 PM.

~~(b)~~ (e) Rabbit Hunts

(i) 1<sup>st</sup> Wed. after Thanksgiving, Wed. in Dec. prior to the 2<sup>nd</sup> Sat. in Dec., Wed. and Sat. in Jan. following the last scheduled quail hunt until Mar. 1.

(ii) 3 per day.

~~(e)~~ (f) Other Small Game

(i) No hunting before Sept. 1 or after Mar.; otherwise Game Zone 2 seasons apply.

(ii) Game Zone 2 bag limit.

(iii) No open season on fox squirrels.

(g) Data cards required for hunter access, except draw dove hunts. Completed cards must be returned daily upon leaving.

### 4. Fants Grove WMA

(f) Hogs and Coyotes

(ii) No hog hunting with dogs ~~except during special designated hog hunts with dogs and during the party dog hunts for bear.~~

## E. Game Zone 5

### 3. Longleaf Pine Heritage Preserve WMA

(a) ~~Total 2 deer for all hunts.~~ Still hunting only, no deer dogs, no buckshot, no hunting from motor vehicles. Individual Antlerless Deer Tags valid on days not designated as either-sex after Sept. 15.

### 4. Manchester State Forest WMA

(k) Still Hog Hunts (no dogs)

(i) Archery, crossbows, centerfire rifles, muzzleloading rifles, centerfire handguns and shotguns with slugs only.

(ii) 1<sup>st</sup> two full weeks in Mar.

(iii) No limit.

(l) Hog Hunts with Dogs

(i) Handguns only.

(ii) Last two full weeks in Mar.

(iii) No more than 4 bay or catch dogs per party.

(iv) No live hogs removed from WMA.

(v) No limit.

**12. Cartwheel Bay Heritage Preserve WMA**

## (b) Archery Deer Hunts.

(i) ~~Sept. 15—1<sup>st</sup> Sat. in Oct. 1 – Sept. 14~~(ii) ~~2<sup>nd</sup> Mon. in Oct.—1<sup>st</sup> Sat. in Nov. Sept. 15 – Oct. 15~~

## (c) Small Game (no open season on fox squirrels).

(i) No small game hunting during scheduled deer or bear hunting periods.**13. Lewis Ocean Bay Heritage Preserve WMA**

## (b) Archery Deer Hunts

(i) ~~1<sup>st</sup> Mon.— Sat. on or after Sept. 15, 1<sup>st</sup> Mon.— Sat. in Oct., 2<sup>nd</sup> Mon.— Sat. in Oct., 3<sup>rd</sup> Mon.— Sat. in Oct. Sept. 1 – Sept. 14~~(ii) 1 deer per day, ~~either sex~~ buck only.(iii) Sept. 15 – Oct. 15(iv) 1 deer per day, ~~either-sex~~

## (c) Archery and Muzzleloader Deer Hunts

(i) ~~4<sup>th</sup> Mon. in Oct.— following Sat., 2<sup>nd</sup> Mon.— Sat. in Nov. Oct. 16 – 23, Nov. 6 - 9~~**14. Little Pee Dee Complex WMA**

## (c) Archery Deer Hunts

(i) ~~Sept. 15—last Sat. in Sept. 1 – Sept. 14~~(ii) ~~Oct. 1—3<sup>rd</sup> Sat. in Oct., Sept. 15 – Oct. 15, Mon. after Dec. 15 – Jan. 1.~~

## (d) Archery and Muzzleloader Deer Hunts

(i) ~~4<sup>th</sup> Mon. in Oct.— the following Sat. Oct. 16 - 23~~

(1) 1 deer per day, buck only

(ii) ~~1<sup>st</sup> Mon. in Nov.— the following Sat. Nov. 6 - 9~~

(1) 1 deer per day, either-sex

**15. Waccamaw River Heritage Preserve WMA**

## (b) Archery Deer Hunts

(i) ~~2<sup>nd</sup> Mon.— Sat. in Oct., 3<sup>rd</sup> Mon.— Sat. in Oct. Sept. 1 – Sept. 14~~(ii) 1 deer per day, ~~either sex~~ buck only.(iii) Sept. 15 – Oct. 15(iv) 1 deer per day, ~~either-sex~~

## (c) Archery and Muzzleloader Deer Hunts

(i) ~~4<sup>th</sup> Mon.— Sat. in Oct., 1<sup>st</sup> Mon.— Sat. in Nov. Oct. 16 – 23, Nov. 6 - 9~~**F. Game Zone 6****4. Webb WMA**

## (b) Still Gun Hunts for Deer (no dogs)

(iv) ~~1<sup>st</sup> firearm draw hunt of each season is antlerless only. No antlered bucks may be harvested.~~

## (c) Still Hog Hunts (no dogs, no stalking or man drives)

(i) ~~Archery, crossbows, centerfire rifles, muzzleloading rifles, centerfire handguns and shotguns with slugs only.~~(ii) ~~4<sup>th</sup> Thurs.— Sat. in Feb., 2<sup>nd</sup> and 3<sup>rd</sup> Thurs.— Sat. in May, 1<sup>st</sup> Thurs.— Sat. in Sept.~~(iii) ~~No limit.~~

## (d) Hog Hunts with Dogs

(i) ~~1<sup>st</sup> Thurs. – Sat. in Mar., 2<sup>nd</sup> Thurs. – Sat. in Mar. May, 2<sup>nd</sup> Thurs. – Sat. in Sept.~~(ii) ~~No more than 4 bay or catch dogs per party.~~(v) ~~Hunters must sign register upon entering and leaving the Webb WMA.~~(vi) ~~Hog hunters are permitted to camp at Bluff Lake on nights prior to and during scheduled hog hunts only.~~**13. Palachucola WMA**

## (c) Still Hog Hunts (no dogs, no stalking or man drives)

(i) ~~Archery, crossbows, centerfire rifles, muzzleloading rifles, centerfire handguns and shotguns with slugs only.~~(ii) ~~4<sup>th</sup> Thurs.— Sat. in Feb., 2<sup>nd</sup> and 3<sup>rd</sup> Thurs.— Sat. in May, 1<sup>st</sup> Thurs.— Sat. in Sept.~~(iii) ~~No limit.~~

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### (f) Hog Hunts with Dogs

(i) 1<sup>st</sup> Thurs. – Sat. in Mar., 2<sup>nd</sup> Thurs. – Sat. in ~~Mar.~~ May, 2<sup>nd</sup> Thurs. – Sat. in Sept.

(ii) ~~No more than 4 bay or catch dogs per party.~~

(v) ~~Hunters must sign register upon entering and leaving the WMA.~~

### **15. Waccamaw River Heritage Preserve WMA**

(a) ~~Still hunting only, no deer dogs, no buckshot, no hunting from vehicles. Total 2 deer per season. Hogs no limit.~~

### (b) Archery Deer Hunts

(i) ~~2<sup>nd</sup> Mon. – Sat. in Oct., 3<sup>rd</sup> Mon. – Sat. in Oct.~~

(ii) ~~1 deer per day, either sex~~

### (c) Archery and Muzzleloader Hunts for Deer

(i) ~~4<sup>th</sup> Mon. – Sat. in Oct., 1<sup>st</sup> Mon. – Sat. in Nov.~~

(ii) ~~1 deer per day, either sex~~

### (d) Still Gun Hunts for Deer (no dogs)

(i) ~~2<sup>nd</sup> Mon. in Nov. – 4<sup>th</sup> Sat. in Nov.~~

(ii) ~~1 deer per day, buck only~~

### (e) Still Hog Hunts (no dogs)

(i) ~~Archery, crossbows, centerfire rifles, muzzleloading rifles, centerfire handguns and shotguns with slugs only.~~

(ii) ~~Mar. 1 – 20~~

(iii) ~~No limit. No bay or catch dogs.~~

### (f) Hog Hunts with Dogs

(i) ~~Mar. 21 – Fri. before the last Sat. in Mar.~~

(ii) ~~No more than 4 bay or catch dogs per party.~~

(iii) ~~No live hogs removed from WMA.~~

(iv) ~~Handguns only.~~

### (g) Raccoon Hunts

(i) ~~1<sup>st</sup> Wed. in Dec. – last Wed. in Feb. Wed. nights only.~~

(ii) ~~3 per party per night.~~

### (h) Small Game

(i) ~~Gray squirrel~~

(1) ~~Thanksgiving Day – Mar. 1~~

(2) ~~Game Zone 6 bag limits.~~

(ii) ~~Woodcock~~

(1) ~~Federal seasons~~

(2) ~~Federal bag limits~~

### **18. Hamilton Ridge WMA**

(d) ~~Still Hog Hunts (no dogs, no stalking or man drives)~~

(i) ~~Archery, crossbows, centerfire rifles, muzzleloading rifles, centerfire handguns and shotguns with slugs only.~~

(ii) ~~4<sup>th</sup> Thurs. – Sat. in Feb., 2<sup>nd</sup> and 3<sup>rd</sup> Thurs. – Sat. in May, 1<sup>st</sup> Thurs. – Sat. in Sept.~~

(iii) ~~No limit.~~

### (e) Hog Hunts with Dogs

(i) 1<sup>st</sup> Thurs. – Sat. in Mar., 2<sup>nd</sup> Thurs. – Sat. in ~~Mar.~~ May, 2<sup>nd</sup> Thurs. – Sat. in Sept.

(ii) ~~No more than 4 bay or catch dogs per party.~~

### (g) Other Small Game (no fox squirrels)

(iv) Dove Hunting on designated public dove field only

## GENERAL REGULATIONS

2.15 On WMA Lottery Hunts, any willful violation of a WMA regulation terminates the individual's privilege to use the WMA until the matter is finally resolved.

## WEAPONS

3.1 On WMA lands hunters may use any shotgun, rifle, bow and arrow, crossbow or hand gun except that specific weapons may be prohibited on certain hunts. Small game hunters may possess or use shotguns with shot no larger than No. 2 or .22 rimfire or smaller rifles/handguns or primitive muzzle-loading rifles of .40 caliber or smaller. Small game hunters may not possess or use buckshot, slugs or shot larger than No. 2. Blow guns, dart guns, ~~or~~ drugged arrows, or arrows with exploding tips are not permitted. Small game hunters using archery equipment must use small game tips on the arrows (judo points, bludgeon points, etc.).

3.3 On WMA lands big game hunters are not allowed to use military or hard-jacketed bullets or .22 or smaller rimfire. Shotguns with only buckshot or slugs are allowed. Buckshot is prohibited during still hunts for deer or hogs on the Santee Coastal Reserve, Bucksport, Pee Dee Station Site, Lewis Ocean Bay, Great Pee Dee, Crackerneck, Webb Center, Marsh Furniture, Manchester State Forest, Palachucola, Waccamaw River Heritage Preserve, Donnelley, Francis Marion, Moultrie, McBee, Edisto and Bonneau Ferry WMAs.

## WATERFOWL &amp; DOVE REGULATIONS

10.11 Potato Creek Hatchery Waterfowl Area is closed to hunting access and fishing during the period one week prior to and two weeks after the Federal waterfowl season except for scheduled waterfowl hunts. All hunters must enter and leave the Potato Creek Hatchery Waterfowl Area through the designated public landing on secondary road 260 and complete a data card and deposit card in receptacle prior to leaving the area. Hunting hours are from 30 minutes before legal sunrise to legal sunset (including the special youth hunt). ~~Hunters may not enter the area prior to 3:00 a.m. on hunt days.~~ No airboats are allowed for hunting or fishing and no hunting from secondary road 260.

10.12 ~~Hunters may not enter Hatchery WMA prior to 3 AM and~~ On Hatchery WMA, hunters must leave the area by 1 PM. ~~On Hatchery WMA except on the last Saturday of waterfowl season when hunters may hunt until sunset.~~ Each hunter is limited to twenty-five nontoxic shot shells (steel, bismuth/tin, bismuth, tungsten-polymer, tungsten-iron) per hunt and no buckshot allowed. Hunters must enter and leave Hatchery WMA through the Hatchery Landing and accurately complete a data card and deposit card in receptacle prior to leaving the area. No airboats are allowed in the Hatchery WMA for hunting or fishing during the period 15 Nov.-31. Jan. No fishing allowed during scheduled waterfowl hunts.

10.20 On Enoree River, Dunaway, Duncan Creek, Russell Creek and Tyger River Waterfowl Areas data cards are required for hunter access during scheduled waterfowl hunts. Completed data cards must be returned daily upon leaving each of these areas. Hunters may not enter the areas prior to 5:00 am on hunt days.

123-52. Either-sex Days and Antlerless Deer Limits for Private Lands in Game Zones 1-6.

5. Individual Deer Tags: Individual Antlerless Deer Tags are not valid in Game Zone 1. Tags are valid in Game Zones 3 – 6 beginning Sept. 15 and in Game Zone 2 beginning Oct. 1. Individual tags are not valid on properties enrolled in the Antlerless Deer Quota Program. Tags do not alter the daily (2 per day) or seasonal limit or change the type of weapons that can be used during special weapons seasons.

Antlerless deer must be tagged immediately after harvest and before it is moved from the point of kill and the tag must be validated as prescribed by SCDNR.

6. Antlerless Deer Limits: Game Zone 1 – Archery and Muzzleloader period 2 per day, 2 Total (muzzleloader is buck only); Gun Hunt Period – 2 per day, Total 5 all methods combined (firearms is buck only except on either-sex days). Game Zone 2 – Archery Only Period 2 per day, Total 2; Archery and Muzzleloader Period 2 per day, Total 2 (muzzleloader is buck only except on either-sex day); Gun Hunt Period 2 per day, 5 Total all methods combined (Firearms is buck only except on either-sex days or with Individual Tags). Game Zones 3 – 6, 2 per day on either-sex days or with individual tags.

## 62 EMERGENCY REGULATIONS

### 123-53. Bear Hunting Rules and Seasons

1. The open season for taking bear by special draw hunt in Georgetown County, Horry County and Williamsburg County on private and WMA land is October 24 – November 5.

2. Legal weapons include archery equipment, muzzleloaders (.36 caliber or greater), centerfire rifles, centerfire handguns and shotguns with slugs or buckshot.

3. The orange permit must be displayed in a visible location on the dash of the vehicle while the person is actively bear hunting.

4. Harvested bear must be reported to SCDNR by telephone within 12 hours of the kill.

5. All persons drawn for the hunt must submit a harvest report, regardless if a bear was harvested or not, no later than 7 days after the close of the season and return the unused tag.

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

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. Amendments are needed to allow additional opportunity. Because some hunts begin on September 1, it is necessary to file these regulations as emergency so they take effect immediately.

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

This amendment of Regulation 123-40, 123-52 and 123-53 will result in increased public hunting opportunities that 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.

Document No. 4412

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

Statutory Authority: 1976 Code Section 41-15-210

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

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

In Subarticle 6 (General Industry and Shipyard Employment):

Revisions to Sections 1910.6, 1910.97, 1910.145 and 1910.261, as amended in Federal Register Volume 78, Number 114 dated Thursday, June 13, 2013 pages 35559 through 35567.

In Subarticle 7 (Construction):

Revisions to Sections 1926.6, 1926.200, 1926.251, 1926.201, 1926.202, 1926.800, 1926.856, 1926.858, 1926.952 and 1926.1400, as amended in Federal Register 78, Number 78 dated Tuesday, April 23, 2013 pages 23837 through 23843, Federal Register 78, Number 103 dated Wednesday, May 29, 2013 pages 32110 through 32116, and Federal Register Volume 78, Number 114 dated Thursday, June 13, 2013 pages 35559 through 35567.

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