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# SOUTH CAROLINA STATE REGISTER

PUBLISHED BY  
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of the  
GENERAL ASSEMBLY

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

# ***SOUTH CAROLINA STATE REGISTER***

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

## **STYLE AND FORMAT**

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

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

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

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

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

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

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

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

## **2024 PUBLICATION SCHEDULE**

Documents will be accepted for filing on any normal business day from 8:30 A.M. until 5:00 P.M. All documents must be submitted in the format prescribed in the *Standards Manual for Drafting and Filing Regulations*.

To be included for publication in the next issue of the *State Register*, documents will be accepted no later than 5:00 P.M. on any closing date. The modification or withdrawal of documents filed for publication must be made **by 5:00 P.M.** on the closing date for that issue.

	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.
Submission Deadline	1/12	2/9	3/8	4/12	5/10	6/14	7/12	8/9	9/13	10/11	11/8	12/13
Publishing Date	1/26	2/23	3/22	4/26	5/24	6/28	7/26	8/23	9/27	10/25	11/22	12/27

## **REPRODUCING OFFICIAL DOCUMENTS**

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

## **PUBLIC INSPECTION OF DOCUMENTS**

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

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

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

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

## **EMERGENCY REGULATIONS**

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

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

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

## **EFFECTIVE DATE OF REGULATIONS**

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

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

## SUBSCRIPTIONS

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 South Carolina General Assembly Home Page: <http://www.scstatehouse.gov/regnsrch.php>

<b>DOC. NO.</b>	<b>RAT. NO.</b>	<b>FINAL ISSUE</b>	<b>SUBJECT</b>	<b>EXP. DATE</b>	<b>AGENCY</b>	<b>HOUSE COMMITTEE</b>	<b>SENATE COMMITTEE</b>
5267			Article 6, Telecommunications Utilities	01/18/2026	Public Service Commission		
5192			R.45-1, Definitions	01/18/2026	State Election Commission		
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5242			Article 2, Motor Carriers	01/18/2026	Public Service Commission		



## 2 EXECUTIVE ORDERS

### Executive Order No. 2024-29

**WHEREAS**, on September 25, 2024, the undersigned issued Executive Order No. 2024-24, declaring a State of Emergency in connection with Hurricane Helene, which made landfall along the coast of the State of Florida as a major hurricane and subsequently impacted the State of South Carolina and other areas in the southeastern region of the United States with strong winds, significant and sustained rainfall, flash flooding, tornadoes, and other dangerous conditions, causing extensive damage to public and private property and critical utility infrastructure; and

**WHEREAS**, Section 1(H) of Executive Order No. 2024-24 “authorize[d] and direct[ed] state agencies and departments, including state-supported colleges, universities, and technical colleges, to follow county government closure determinations, consistent with the normal state procedure associated with hazardous weather conditions, for purposes of closing state government offices in any such counties or operating the same on an abbreviated schedule to ensure the safety of state employees and the general public”; and

**WHEREAS**, in addition to the foregoing, Section 1(H) of Executive Order No. 2024-24 also provided that “[e]mergency or other critical personnel designated and determined by, and in the sole discretion of, the corresponding Agency Head, or their designee, as essential or mission-critical to the State’s preparation for, response to, or recovery from emergency conditions related to Hurricane Helene or Hurricane Milton, or otherwise necessary to serve the State of South Carolina or to ensure the continuity of critical operations of state government, may still be required to report to work” and directed that “[s]tate agencies and departments shall utilize, to the maximum extent possible, telecommuting or work-from-home options for non-essential employees”; and

**WHEREAS**, during the aforementioned State of Emergency, and in accordance with the directive set forth in Section 1(H) of Executive Order No. 2024-24 for state government offices to follow county government closure determinations, state government agencies or offices thereof in numerous counties throughout the State were closed or operated on an abbreviated schedule on one or more days during the period from September 26, 2024, through October 7, 2024; and

**WHEREAS**, in addition to the foregoing, state government agencies or offices thereof in numerous counties throughout the State were closed or operated on an abbreviated schedule on one or more days during the same period due to the hazardous weather conditions associated with Hurricane Helene or the significant impacts related to the same, or both, and to ensure the safety of state employees and the general public, *see* S.C. Code Ann. Regs. 19–712.01; and

**WHEREAS**, section 8-11-57 of the South Carolina Code of Laws, as amended, provides, in pertinent part, that “whenever the Governor declares a state of emergency or orders all or some state offices closed due to hazardous weather conditions he may authorize up to five days leave with pay for affected state employees who are absent from work due to the state of emergency or the hazardous weather conditions.”

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

#### **Section 1. Authorizing Leave with Pay Due to State of Emergency and Hurricane Helene and Related Impacts**

A. I hereby authorize and direct any and all state agencies and departments, including state-supported colleges, universities, and technical colleges, that closed or operated on an abbreviated schedule on one or more days during the period from September 26, 2024, through October 7, 2024, due to the above-referenced State of Emergency or due to the aforementioned hazardous weather conditions or resulting impacts,

or both, to provide a list to the South Carolina Department of Administration of all offices closed and employees affected by November 1, 2024.

B. I hereby authorize and direct the South Carolina Department of Administration to process or approve leave with pay for the identified state employees.

**Section 2. General Provisions**

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

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

C. This Order is effective immediately.

**GIVEN UNDER MY HAND AND THE GREAT  
SEAL OF THE STATE OF SOUTH CAROLINA,  
THIS 25th DAY OF OCTOBER, 2024.**

**HENRY DARGAN MCMASTER  
Governor**

**Executive Order No. 2024-30**

**WHEREAS**, on September 25, 2024, the undersigned issued Executive Order No. 2024-24, declaring a State of Emergency in connection with Hurricane Helene, which made landfall along the coast of the State of Florida as a major hurricane and subsequently impacted the State of South Carolina and other areas in the southeastern region of the United States with strong winds, significant and sustained rainfall, flash flooding, tornadoes, and other dangerous conditions, causing extensive damage to public and private property and critical utility infrastructure; and

**WHEREAS**, as a result of the foregoing hazardous weather conditions and resulting impacts, to include widespread and significant disruptions in critical utility services, the undersigned has been advised that it became necessary for certain banks and savings and loan institutions in this State to close or remain closed on one or more days during the period from September 27, 2024, through October 7, 2024, or to otherwise operate on an altered or abbreviated schedule or cease transacting business on one or more such days; and

**WHEREAS**, section 53-5-55 of the South Carolina Code of Laws, as amended, provides that “in South Carolina holidays for banks and savings and loan institutions shall be those holidays observed by the Federal Reserve Bank” but that “[i]n addition to the holidays provided for in this section, the Governor may declare any other day or days of the year legal holidays for the institutions affected by this section whenever the Governor finds such additional holiday or holidays to be necessary or appropriate”; and

**WHEREAS**, in view of the aforementioned circumstances, the undersigned has determined that it is necessary to declare additional legal banking holidays for banks and savings and loan institutions in the State of South Carolina that were required to close or remain closed on one or more days during the period from September 27, 2024, through October 7, 2024, or to otherwise operate on an altered or abbreviated schedule or

## 4 EXECUTIVE ORDERS

cease transacting business on one or more such days, due to the hazardous weather conditions associated with Hurricane Helene or the impacts associated with the same.

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

### **Section 1. Declaring Additional Legal Banking Holidays Due to Hurricane Helene and Related Impacts**

A. In consideration of the foregoing circumstances, I hereby declare that September 27, 2024, through October 7, 2024, shall be legal banking holidays for banks and savings and loan institutions in the State of South Carolina that were forced to close or remain closed, or to otherwise operate on an altered or abbreviated schedule or cease transacting business on one or more such days, due to the aforementioned hazardous weather conditions associated with Hurricane Helene or the resulting impacts.

B. In the event that banks and savings and loan institutions in the State of South Carolina were forced to close or remain closed, or to otherwise operate on an altered or abbreviated schedule or cease transacting business, on one or more additional days during a State of Emergency declared by Executive Order No. 2024-24 or by Executive Order No. 2024-28, due to the hazardous weather conditions or resulting impacts contemplated or described therein, I hereby authorize the Office of the Governor to administratively add any such day or days to the legal banking holidays declared herein or to provide or issue any necessary and appropriate additional or supplemental guidance, rules, regulations, or restrictions regarding the application of this Order or to otherwise provide clarification regarding the same, through appropriate means, without the need for further Orders.

### **Section 2. General Provisions**

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

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

C. This Order is effective immediately.

**GIVEN UNDER MY HAND AND THE GREAT  
SEAL OF THE STATE OF SOUTH CAROLINA,  
THIS 25th DAY OF OCTOBER, 2024.**

**HENRY DARGAN MCMASTER  
Governor**

**Executive Order No. 2024-31**

**WHEREAS**, the undersigned has been notified of the passing of Dr. Lonnie Randolph, Jr., who previously served as president of the South Carolina State Conference of the National Association for the Advancement of Colored People (“NAACP”) and in various state and local capacities; and

**WHEREAS**, in addition to his distinguished tenures leading the NAACP at both the state and local levels, Dr. Randolph previously served the State of South Carolina as chairman of the South Carolina Commission on Consumer Affairs, a member of the Board of Pardons and Paroles, and an optometrist providing care not only to private clients but also to schoolchildren and patients at the South Carolina Department of Juvenile Justice and the South Carolina Department of Corrections; and

**WHEREAS**, Dr. Randolph was a beloved husband and family man, charismatic leader, tireless community and civil rights advocate, dedicated public servant, and passionate philanthropist, and his passing warrants the people of this State further recognizing and appropriately honoring his extraordinary legacy and lifetime of service to the State of South Carolina; and

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

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

**NOW, THEREFORE**, by virtue of the authority vested in me as Governor of the State of South Carolina and pursuant to the Constitution and Laws of this State and of these United States and the powers conferred upon me therein, I hereby order that the flags atop the State Capitol be lowered to half-staff from sunrise until sunset on Friday, November 1, 2024, in honor of Dr. Lonnie Randolph, Jr. and in recognition of his extraordinary legacy and lifetime of service to the State of South Carolina. This Order is effective immediately.

**GIVEN UNDER MY HAND AND THE GREAT  
SEAL OF THE STATE OF SOUTH CAROLINA,  
THIS 31st DAY OF OCTOBER, 2024.**

**HENRY DARGAN MCMASTER**  
**Governor**

**Executive Order No. 2024-32**

**WHEREAS**, the undersigned has been notified of the passing of Dr. Barbara Nielsen, who previously served the State of South Carolina as Superintendent of Education from 1991 to 1999; and

**WHEREAS**, in addition to her distinguished service as Superintendent of Education, Dr. Barbara Nielsen previously served the State of South Carolina as an educator, administrator, Chair of the South Carolina Teacher Recruitment and Retention Task Force, and in various other state and local capacities; and

**WHEREAS**, Dr. Barbara Nielsen was a passionate and pioneering educator, inspirational leader, dedicated public servant, and beloved wife, mother, and grandmother, and her passing warrants the people of this State further recognizing and appropriately honoring her extraordinary legacy and lifetime of service to the State of South Carolina; and

## 6 EXECUTIVE ORDERS

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

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

**NOW, THEREFORE**, by virtue of the authority vested in me as Governor of the State of South Carolina and pursuant to the Constitution and Laws of this State and of these United States and the powers conferred upon me therein, I hereby order that the flags atop the State Capitol be lowered to half-staff from sunrise until sunset on Sunday, November 3, 2024, in honor of Dr. Barbara Nielsen and in recognition of her extraordinary legacy and lifetime of service to the State of South Carolina. This Order is effective immediately.

**GIVEN UNDER MY HAND AND THE GREAT  
SEAL OF THE STATE OF SOUTH CAROLINA,  
THIS 31st DAY OF OCTOBER, 2024.  
HENRY DARGAN MCMASTER  
Governor**

### **Executive Order No. 2024-33**

**WHEREAS**, beginning on November 6, 2024, interactions between a front stalled across the southeastern region of the United States and deep tropical moisture produced periods of substantial and sustained rainfall in certain portions of the State of South Carolina, which caused and continues to cause significant flash and riverine flooding and other dangerous conditions; and

**WHEREAS**, the undersigned has been advised that the aforementioned hazardous weather and corresponding dangerous conditions represent a significant threat to certain areas of South Carolina, which requires that the State promptly respond to and proactively prepare for the ongoing and anticipated impacts and take timely precautions to protect and preserve property, critical infrastructure, communities, and the general safety and welfare of the people of this State; and

**WHEREAS**, in light of the foregoing circumstances, the undersigned has determined that it is necessary and appropriate for the State to take additional proactive action to expedite ongoing emergency management, response, recovery, and relief efforts in connection with the hazardous weather and dangerous conditions described herein and the anticipated impacts associated with the same; and

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

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

**WHEREAS**, pursuant to section 25-1-440 of the South Carolina Code of Laws, when an emergency has been declared, the undersigned is further authorized to “suspend provisions of existing regulations

prescribing procedures for conduct of state business if strict compliance with the provisions thereof would in any way prevent, hinder, or delay necessary action in coping with the emergency”; and

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

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

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

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

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

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

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

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

## 8 EXECUTIVE ORDERS

### Section 1. Emergency Measures to Address Flooding and Other Dangerous Conditions

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

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

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

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

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

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

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

H. I hereby authorize and direct state agencies and departments, including state-supported colleges, universities, and technical colleges, to follow county government closure determinations, consistent with the normal state procedure associated with hazardous weather conditions, for purposes of closing state government

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

## **Section 2. Transportation Waivers to Facilitate Emergency Management**

A. I hereby determine and declare that the existing and anticipated threats and circumstances associated with the hazardous weather and dangerous conditions described herein and the potential impacts related to the same constitute an emergency pursuant to 49 C.F.R. § 390.23 for purposes of suspending certain rules and regulations, as set forth below, for commercial vehicles and operators of commercial vehicles in accordance with 49 C.F.R. § 390.23 and section 56-5-70 of the South Carolina Code of Laws.

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

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

D. This Section shall not be construed to require or allow an ill or fatigued driver to operate a commercial motor vehicle. In accordance with 49 C.F.R. § 390.23, "a driver who informs the motor carrier that he or she needs immediate rest must be permitted at least ten (10) consecutive hours off duty before the driver is required to return to such terminal or location." Likewise, this Section shall not be construed as an exemption from the applicable controlled substances and alcohol use and testing requirements in 49 C.F.R. § 382, the commercial driver's license requirements in 49 C.F.R. § 383, or the financial responsibility requirements in 49



## 10 EXECUTIVE ORDERS

C.F.R. § 387, and it shall not be interpreted to relieve compliance with any other state or federal statute, rule, order, regulation, restriction, or other legal requirement not specifically waived, suspended, or addressed herein or addressed in any additional or supplemental guidance, rules, regulations, restrictions, or clarifications issued, provided, or promulgated by DOT or DPS.

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

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

2. Posted bridges may not be crossed.

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

4. Except as provided below, any vehicles that exceed the above dimensions, weights, or both, must obtain a permit with defined routes from DOT's Oversize/Overweight Permit ("OSOW") Office. To order a permit, please call (803) 737-6769 during normal business hours, 8:30 a.m. – 5:00 p.m., or (803) 206-9566 after normal business hours.

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

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

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

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

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

### Section 3. General Provisions

A. This Order is not intended to create, and does not create, any individual right, privilege, or benefit, whether substantive or procedural, enforceable at law or in equity by any party against the State of South

Carolina, its agencies, departments, political subdivisions, or other entities, or any officers, employees, or agents thereof, or any other person.

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

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

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

E. This Order is effective immediately and shall remain in effect for a period of fifteen (15) days unless otherwise expressly stated herein or modified, amended, or rescinded by subsequent Order. Further proclamations, orders, and directives deemed necessary to ensure the fullest possible protection of life and property during this State of Emergency shall be issued orally by the undersigned and thereafter reduced to writing and published for dissemination within the succeeding 24-hour period.

**GIVEN UNDER MY HAND AND THE GREAT  
SEAL OF THE STATE OF SOUTH CAROLINA,  
THIS 7th DAY OF NOVEMBER, 2024.**

**HENRY DARGAN MCMASTER  
Governor**

## 12 NOTICES

### CLEMSON UNIVERSITY

#### NOTICE OF GENERAL PUBLIC INTEREST

Clemson University's Department of Pesticide Regulation (Clemson DPR) is responsible for the regulation of pesticides product registration, use and applicator requirements in the State of South Carolina. This regulation of pesticides includes the use of rodenticides.

**BACKGROUND:** In 2020 the Town of Kiawah Island (TKI) notified Clemson DPR of the deaths of a least 3 bobcats where toxicology reports indicated the cause of death was from "anticoagulant rodenticide toxicosis" or secondary exposure to certain rodenticides commonly used in residential and commercial pest control by licensed companies and independently by private residents. The rodenticides of concern are commonly referred to as second-generation anticoagulants or SGAs.

The initial request in 2020 to implement regulations restricting further use of SGA rodenticides was denied in lieu of a voluntary, collaborative effort between TKI leadership, residents, pest control companies, and Clemson DPR that was designed to provide a more sustainable, long-term approach to address SGA rodenticide use on the island while also allowing for flexibility to continue the safe and legal use in cases where health-related or other significant rodent issues existed. In addition to the voluntary approach, an educational campaign was initiated to educate pest control companies and residents about the sensitive issues on Kiawah Island and the need alternative rodent control methods including an Integrated Pest Management (IPM) approach along with the use of non-SGA rodenticides that offer a safer alternative for wildlife. Since 2020, the TKI Bobcat Guardian program along with a targeted pest control education program from Clemson has without question been very successful in reducing SGA use and while also moving the bobcat population back in a positive direction.

**CURRENT SITUATION:** Despite initial success with the voluntary TKI Bobcat Guardian program, the data from 2024 seems to show an increase in SGA rodenticide detections from indicator species testing on the island. (Multiple years of research data from the Town of Kiawah Island and other published and unpublished scientific data indicates that in sensitive environments like Kiawah Island these four active ingredients have a high potential to cause adverse effects to non-target wildlife even when used correctly under current pesticide label directions and further restrictions are required to mitigate the identified risks.)

This data, coupled with the pending Final Proposed Interim Decision (PID) from the US Environmental Protection Agency (EPA) regarding the reclassification of SGAs to what is likely to include additional use restrictions by the EPA, aligns with the current proposed action by Clemson DPR.

Under South Carolina state pesticide regulation Chapter 27-1075 Section B, the Director of Clemson DPR has the discretion to implement additional regulations (beyond the EPA) after appropriate consultations with the affected parties or their representatives. By this authority, Clemson DPR intends to designate the following four SGA rodenticide active ingredients as restricted statewide for a period of no less than one year beginning on or about January 1, 2025:

1. Brodifacoum;
2. Bromadiolone;
3. Difethialone; and
4. Difenacoum.

This order would take effect on January 1, 2025, and include the following restrictions:

1. The SGA active ingredients listed above will only be available for sale and use to licensed applicators certified under South Carolina's Pesticide certification program. Professional applications will be limited to certified applicators and those operating under their supervision in the areas of Industrial, Institutional, Structural, and Health-Related Pest Control (Category 7A), Public Health Pest Control (Category 8), and Private Applicators engaged in the production of an agricultural commodity.

2. Sales and use by non-licensed individuals will be prohibited.

At this time, Clemson DPR is providing this general public notice of its intent to issue such additional restrictions on certain SGA rodenticides and will be accepting written comments from the public through December 31, 2024. All written comments may be submitted to: Dr. Steve Cole, Clemson Regulatory Services, 511 Westinghouse Rd., Pendleton, SC 29670, or Email at: [scole3@clemson.edu](mailto:scole3@clemson.edu).

## DEPARTMENT OF ENVIRONMENTAL SERVICES

### NOTICE OF GENERAL PUBLIC INTEREST

#### NOTICE OF PUBLIC COMMENT ON PROPOSED PROGRESS REPORT FOR SECOND REGIONAL HAZE PLANNING PERIOD

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

The South Carolina Department of Environmental Services (Department) is publishing this Notice of General Public Interest pursuant to the requirements of 40 CFR 51.308, to provide interested persons the opportunity to comment on the Department's submittal to the U.S. Environmental Protection Agency (EPA) of the proposed progress report for the second planning period for regional haze. The public is invited to submit comments in writing. To be considered, comments must be received by 5:00 p.m. on December 23, 2024, the close of the comment period. Submit comments to Scott Bigleman, Air Regulation and Data Analysis Section, Bureau of Air Quality, 2600 Bull Street, Columbia, S.C. 29201. Interested persons may also contact Scott Bigleman via phone at (803) 898-0561 or email at [scott.bigleman@des.sc.gov](mailto:scott.bigleman@des.sc.gov) for more information or to view a copy of the state's proposed progress report. A link to a copy of the state's proposed progress report is also located on the Department's Public Notices webpage: <https://des.sc.gov/community/community-engagement/environmental-public-notice>.

#### **Synopsis:**

This proposed progress report, covering the period 2019 through 2024, and determination of adequacy were prepared in accordance with the Federal Regional Haze Rule provisions specified in 40 CFR 51.308(g) and 40 CFR 51.308(h), and the EPA's July 30, 2024, guidance checklist for required elements for second planning period progress reports. The Regional Haze Rule requires states to develop plans and programs to assure reasonable progress toward meeting the national goal of preventing any future, and remedying any existing, impairment of visibility in mandatory Class I Federal areas, which impairment results from manmade air pollution. South Carolina's Class I Federal area (see 40 CFR 81.426) includes the Cape Romain National Wilderness Area. South Carolina provided the Federal Land Managers (FLM) from the U.S. Fish and Wildlife Service, the National Park Service, and the U.S. Forest Service the opportunity for consultation as required by 40 CFR 51.308(i)(2). The comments received from the FLMs during consultation and the Department's responses can be found in Section 8 of the proposed progress report.

## 14 NOTICES

### DEPARTMENT OF PUBLIC HEALTH

#### NOTICE OF GENERAL PUBLIC INTEREST

In accordance with Section 44-7-200(D), Code of Laws of South Carolina, the public is hereby notified that a Certificate of Need application has been accepted for filing and publication on **November 22, 2024**, for the following project(s). After the application is deemed complete, affected persons will be notified that the review cycle has begun. For further information, please contact Certificate of Need Program, 2100 Bull Street, Columbia, South Carolina 29201, at (803) 545-4200, or by email at [coninfo@dph.sc.gov](mailto:coninfo@dph.sc.gov).

**Affecting Aiken, Allendale, Bamberg, Barnwell, Beaufort, Charleston, Colleton, Edgefield, Hampton, Jasper, McCormick, and Orangeburg Counties**

**Trusted Ally Home Care - South Carolina LLC d/b/a Trusted Ally Home Care**

Establishment of a Specialty Home Health Agency limited to nursing services in Aiken, Allendale, Bamberg, Barnwell, Beaufort, Charleston, Colleton, Edgefield, Hampton, Jasper, McCormick, and Orangeburg Counties at a total project cost of \$78,629.00.

In accordance with Section 44-7-210(A), Code of Laws of South Carolina, and Regulation 61-15, the public and affected persons are hereby notified that for the following projects, applications have been deemed complete, and the review cycle has begun. A proposed decision will be made no earlier than 30 days, but no later than 90 days, from **November 22, 2024**. "Affected persons" have 30 days from the above date to submit requests for a public hearing to Certificate of Need Program, 2100 Bull Street, Columbia, South Carolina 29201. If a public hearing is timely requested, the Department's decision will be made after the public hearing, but no later than 120 days from the above date. For further information call (803) 545-4200 or email [coninfo@dph.sc.gov](mailto:coninfo@dph.sc.gov).

**Affecting Anderson, Kershaw, Lexington, Newberry, Oconee, Orangeburg, Pickens, Richland, Spartanburg, and Sumter Counties**

**Coram Alternate Site Services, Inc.**

Establishment of a Specialty Home Health Agency limited to home infusion nursing services in Anderson, Kershaw, Lexington, Newberry, Oconee, Orangeburg, Pickens, Richland, Spartanburg, and Sumter Counties at a total project cost of \$3,141.14.

**Affecting Beaufort County**

**Novant Health Hilton Head Medical Center d/b/a Novant Health Bluffton Medical Center**

Construction for the establishment of a new 50 acute care bed hospital, with associated services, of 196,500 sf by transfer of 33 acute care beds and the addition of 17 acute care beds at a total project cost of \$320,049,946.79.

**Affecting Pickens County**

**Prisma Health-Upstate d/b/a Prisma Behavioral Health Hospital**

Construction for the establishment of a new 112 inpatient psychiatric bed hospital of 135,470 sf by transfer of 65 psychiatric beds and the addition of 47 psychiatric beds at a total project cost of \$137,790,070.00.

Document No. 5363  
**ATTORNEY GENERAL**  
CHAPTER 13

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

- 13-2101. Definitions.
- 13-2201. Application for Money Transmission License.
- 13-2202. Application for Approval to Engage in Money Transmission.
- 13-2301. Application for Currency Exchange License.
- 13-2501. Public Records.
- 13-2701. Hearing on Orders of Suspension or Revocation.

**Preamble:**

The Office of the Attorney General proposes to repeal certain regulations previously adopted under the South Carolina Anti-Money Laundering Act. The amended South Carolina Money Services Act (S.C. Code Ann. §35-11-100, et seq.) has recently been adopted, which rendered these regulations no longer necessary or appropriate. The Notice of Drafting regarding this regulation was published on September 27, 2024, in the *State Register*.

Section-by-Section Discussion:

- 13-2101. This section is repealed as no longer necessary after the adoption of the amended South Carolina Money Services Act.
- 13-2201. The section is amended to repeal the portions that are no longer necessary after the adoption of the amended South Carolina Money Services Act.
- 13-2202. This section is repealed as no longer necessary after the adoption of the amended South Carolina Money Services Act.
- 13-2301. The section is amended to repeal the portions that are no longer necessary after the adoption of the amended South Carolina Money Services Act.
- 13-2501. This section is repealed as no longer necessary after the adoption of the amended South Carolina Money Services Act.
- 13-2701. This section is repealed as no longer necessary after the adoption of the amended South Carolina Money Services Act.

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

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, such a hearing will be held at the South Carolina Administrative Law Court, Edgar Brown Building, Second Floor, 1205 Pendleton Street, Columbia, S.C., on January 8, 2025, at 10:00 am. If no qualifying request is received by December 23, 2024, the hearing will be cancelled. Written comments may be directed to J. Louis Cote III, Senior Assistant Attorney General, Office of the Attorney General, PO Box 11549, Columbia, SC 29211, not later than 5:00 p.m. on December 23, 2024.

**Preliminary Fiscal Impact Statement:**

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

**Statement of Need and Reasonableness:**

DESCRIPTION OF REGULATION: South Carolina Money Services Regulations.

## 16 PROPOSED REGULATIONS

Purpose: To repeal certain regulations previously adopted under the South Carolina Anti-Money Laundering Act after the adoption of the South Carolina Uniform Money Services Act has made those regulations no longer necessary or appropriate.

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

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

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

The Attorney General, as Commissioner, oversees and enforces the provisions of the South Carolina Money Services Act. The current regulations were adopted under the older money services laws and are no longer necessary or appropriate in light of the passing of the amended money services legislation. If the current regulations were to remain in effect, it would cause confusion and uncertainty in the licensing and enforcement of the money services industry.

### DETERMINATION OF COSTS AND BENEFITS:

There will be no additional costs incurred by the State or any political subdivision.

### UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning these regulations.

### EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH:

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

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

There will be no detrimental effects on the environment and public health if the regulations are not implemented in this State.

### Statement of Rationale:

The regulations are being repealed and amended in response to the amending of the South Carolina Anti-Money Laundering Act to incorporate provisions of the Model Money Transmission Modernization Act which makes the continuing effectiveness of the current regulations unnecessary.

### 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. 5364  
**ATTORNEY GENERAL**  
CHAPTER 13

Statutory Authority: 1976 Code Sections 35-1-101 et seq.

13-401. Examinations for Securities Agents, Investment Advisers, and Investment Adviser Representatives.  
13-403. Broker-Dealer, Agent, Investment Adviser, and Investment Adviser Representative Registrations, Terminations, and Brochure Delivery.

**Preamble:**

The Office of the Attorney General proposes to update, amend, and promulgate regulations regarding agent and investment adviser representative exams, registrations, and continuing education requirements. The Notice of Drafting regarding this regulation was published on September 27, 2024, in the *State Register*.

Section-by-Section Discussion:

13-401. This section is amended to allow for agents and investment adviser representatives to extend the validity of their examinations, allow for examination waivers for Certified Investment Management Analysts, and incorporate investment adviser representative continuing education.  
13-403. This section is amended to clarify when applications are considered to be complete or abandoned.

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

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, such a hearing will be held at the South Carolina Administrative Law Court, Edgar Brown Building, Second Floor, 1205 Pendleton Street, Columbia, S.C., on January 8, 2025, at 1:00 p.m. If no qualifying request is received by December 23, 2024, the hearing will be cancelled. Written comments may be directed to J. Louis Cote III, Senior Assistant Attorney General, Office of the Attorney General, PO Box 11549, Columbia, SC 29211, not later than 5:00 p.m. on December 23, 2024.

**Preliminary Fiscal Impact Statement:**

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

**Statement of Need and Reasonableness:**

DESCRIPTION OF REGULATION: South Carolina Securities Regulations.

Purpose: To amend and adopt regulations to implement provisions of the South Carolina Uniform Securities Act of 2005 related to agent and investment adviser representative registrations, including examinations, applications, and continuing education.

Legal Authority: 1976 Code Sections 35-1-101 et seq.

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

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

The Attorney General, as Securities Commissioner, oversees and enforces the provisions of the South Carolina Uniform Securities Act of 2005. The updates to the regulations reflect recent changes in federal and state



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securities laws. The Attorney General has previously issued policy positions and orders regarding examinations, examination validity extension, and continuing education, and now wishes to adopt those orders into regulations. The implementation of these proposed regulations will promote compliance with the Act, the protection of investors, and legitimate capital formation in South Carolina.

### DETERMINATION OF COSTS AND BENEFITS:

There will be no additional costs incurred by the State or any political subdivision.

### UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning these regulations.

### EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH:

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

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

There will be no detrimental effects on the environment and public health if the regulations are not implemented in this State.

### Statement of Rationale:

The regulations are being added to reflect recent developments in securities regulation, keep South Carolina competitive in the financial industry, and to promulgate previously adopted orders of the Securities Commissioner.

### 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. 5365  
**ATTORNEY GENERAL**  
CHAPTER 13

Statutory Authority: 1976 Code Sections 35-1-101 et seq.

- 13-203. Recognized Securities Manuals.
- 13-415. Registration Exemption for Investment Advisers to Private Funds. (New)
- 13-416. Registration Exemption for Merger and Acquisition Brokers. (New)

### Preamble:

The Office of the Attorney General proposes to update, amend, and promulgate regulations regarding exemptions from registrations requirements, including for securities offerings relying on S.C. Code Ann Section 35-1-202(2), advisers to certain private funds, and merger and acquisition brokers. The Notice of Drafting regarding this regulation was published on September 27, 2024, in the *State Register*.

Section-by-Section Discussion:

13-203. This section is amended to remove a manual that is no longer published and to add the OTCQX and OTCQB markets.

13-415. This section is added to create an exemption from registering as an investment adviser for advisers to certain private funds.

13-416. This section is added to create an exemption from broker dealer registration requirements for merger and acquisition brokers.

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

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, such a hearing will be held at the South Carolina Administrative Law Court, Edgar Brown Building, Second Floor, 1205 Pendleton Street, Columbia, S.C., on January 8, 2025, at 11:00 am. If no qualifying request is received by December 23, 2024, the hearing will be cancelled. Written comments may be directed to J. Louis Cote III, Senior Assistant Attorney General, Office of the Attorney General, PO Box 11549, Columbia, SC 29211, not later than 5:00 p.m. on December 23, 2024.

**Preliminary Fiscal Impact Statement:**

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

**Statement of Need and Reasonableness:**

DESCRIPTION OF REGULATION: South Carolina Securities Regulations.

Purpose: To amend and adopt regulations to implement provisions of the South Carolina Uniform Securities Act of 2005 related to exemptions from certain registration requirements for securities offerings utilizing the manual exemption, merger and acquisition brokers, and advisers to private funds.

Legal Authority: 1976 Code Sections 35-1-101 et seq.

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

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

The Attorney General, as Securities Commissioner, oversees and enforces the provisions of the South Carolina Uniform Securities Act of 2005. The Attorney General has previously issued policy positions and orders exempting certain merger and acquisition brokers, private fund advisers, and securities offerings utilizing the manual exemption, and now wishes to adopt those orders into regulations. The implementation of these proposed regulations will promote legitimate capital formation in South Carolina and keep the State up to date with recent developments in state and federal securities laws.

**DETERMINATION OF COSTS AND BENEFITS:**

There will be no additional costs incurred by the State or any political subdivision.

**UNCERTAINTIES OF ESTIMATES:**

There are no uncertainties of estimates concerning these regulations.

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### EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH:

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

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

There will be no detrimental effects on the environment and public health if the regulations are not implemented in this State.

### Statement of Rationale:

The regulations are being added to reflect updates in state and federal securities laws, keep South Carolina competitive in the financial industry, and to promulgate previously adopted orders of the Securities Commissioner.

### 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. 5359

### STATE BOARD OF EDUCATION

#### CHAPTER 43

Statutory Authority: 1976 Code Section 59-5-60

43-262. Assessment Program.

### Preamble:

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

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

This updates the current names of items and provides for prevailing terminology in future updates.

The Notice of Drafting for the proposed amendments to the regulation was published in the *State Register* on August 23, 2024.

### Section-by-Section Discussion:

#### Section I

Section I is amended to replace the No Child Left Behind Act of 2001 (NCLB) to state Every Student Succeeds Act of 2015 (ESSA) or prevailing federal legislation allows the regulation to be updated and allow for change in the future.

Additionally, Section I is amended to replace the name of the state summative assessment, South Carolina Palmetto Assessment of State Standards, SCPASS, that is no longer in use with SC READY or the corresponding state assessment to allow the regulation to be updated to the current test and allow for change in the future.

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

A public hearing will be held on January 7, 2025, at 1:00 p.m. in Room A-111 of the South Carolina Department of Education, 849 Learning Lane, West Columbia, SC, 29172. The proposed amendments to the regulation will be posted on the State Board of Education web site for review and comment.

Written comments should be submitted to Kristi Austin, Director, Office of Assessment and Standards, Division of College, Career, and Military Readiness, SC Department of Education, 849 Learning Lane, West Columbia, SC, 29172 or by e-mail [kdaustin@ed.sc.gov](mailto:kdaustin@ed.sc.gov) on or before 5:00 p.m. on December 23, 2024.

**Preliminary Fiscal Impact Statement:**

No additional 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 43-262.

**Statement of Need and Reasonableness:**

DESCRIPTION OF REGULATION:

Purpose: State Board of Education Regulation 43-262 governs the requirements of students in assessment programs.

Legal Authority: 1976 Code Section 59-5-60.

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 purpose of this updated regulation is to change the federal legislation and name of the assessment program to the current terminology and include wording for prevailing terms so changes will not be necessary in the future.

DETERMINATION OF COSTS AND BENEFITS:

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

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.

## 22 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:

Amendments to the regulation will update the name of the assessment and prevailing legislation.

### 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. 5357

### STATE BOARD OF FINANCIAL INSTITUTIONS

#### CHAPTER 15

Statutory Authority: 1976 Code Sections 34-1-110(A)(3) and 34-26-210

15-47. Merger Procedures for State Credit Unions.

### Preamble:

The State Board of Financial Institutions (BOFI) proposes to amend Regulation 15-47 to simplify and clarify merger procedures for state-chartered credit unions, and also to provide parity with federal credit unions regarding the merger process.

### Section-by-Section Discussion:

15-47. Merger Procedures for State Credit Unions.

All subsections are amended to simplify, clarify, and to reduce repetition or redundancy in the merger review and approval process. Requirements set forth in the proposed amended regulation are consistent with the merger procedures established by the National Credit Union Administration.

The Notice of Drafting was published in the *State Register* on September 27, 2024.

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

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such a hearing will be conducted at 1205 Pendleton Street, Suite 415, Columbia, S.C. 29201 on February 5, 2025, at 10:00 a.m. Written comments may be directed to Kathy Bickham, Commissioner of Banking, Board of Financial Institutions, 1205 Pendleton Street, Suite 305, Columbia, S.C. 29201 no later than 5:00 p.m., December 23, 2024. If a qualifying request pursuant to Section 1-23-110(A)(3) is not timely received, the hearing will be canceled.

### Preliminary Fiscal Impact Statement:

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

**Statement of Need and Reasonableness:**

This regulation is amended in accordance with Sections 34-1-110(A)(3) and 34-26-210.

**DESCRIPTION OF REGULATION:**

**Purpose:** The Agency proposes to amend Regulation 15-47 to simplify and clarify merger procedures for state-chartered credit unions, and also to provide parity with federal credit unions regarding the merger process.

**Legal Authority:** 1976 Code Sections 34-1-110(A)(3) and 34-26-210.

**Plan for Implementation:** Legislative review of this proposal is not required pursuant to Section 1-23-120(H)(1) and Section 34-1-110(A)(3). Therefore, this regulation change will take effect upon publication of the final regulation in the State Register.

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

The Agency is updating regulations to simplify and clarify merger procedures for state-chartered credit unions, and also to provide parity with federal credit unions regarding the merger process.

**DETERMINATION OF COSTS AND BENEFITS:**

There is no cost incurred by the State.

**UNCERTAINTIES OF ESTIMATES:**

There are no uncertainties of estimates concerning the regulation.

**EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:**

These regulations will have no effect on the environment.

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

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

**Statement of Rationale:**

Regulation 15-47 establishes voluminous and complicated procedures for a credit union to obtain BOFI's approval to merge with another credit union. BOFI proposes to amend this Regulation to simplify and clarify merger procedures for state-chartered credit unions, and also to provide parity with federal credit unions regarding the merger process.

**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.

## 24 PROPOSED REGULATIONS

Document No. 5360  
**DEPARTMENT OF TRANSPORTATION**  
CHAPTER 63

Statutory Authority: 1976 Code Sections 57-25-800 through 57-25-830

63-339. Agritourism and Tourism-Oriented Directional Signing.

### Preamble:

S.C. Code Sections 57-25-800 through 57-25-830 authorize SC Department of Transportation to promulgate regulations necessary for regulating the Agriculture and Tourism-oriented directional signing program. These regulations are being updated to be in compliance with the latest version of the Manual on Uniform Traffic Control Devices (MUTCD) and provide guidance based on current practices agreed upon by the Tourist-Oriented Signage (TODS) Program Oversight Committee.

The Notice of Drafting was published in the *State Register* October 25, 2024.

### Section-by-Section Discussion:

Section	Type of Change	Purpose
R.63-339.C.(1)	Revision	Change “Department” to “SCDOT”
R.63-339.C.(5)	Revision	Add clarification that Businesses in un-annexed properties within municipal boundaries are not eligible for participation
R.63-339.C.(11)	Delete	
R.63-339.C.(12)	Revision	Re-number to R.63-339(C)(11)
R.63-339.C.(13)	Revision	Re-number to R.63-339(C)(12)
R.63-339.D.(3)	Revision	Delete 2 <sup>nd</sup> sentence on regarding type of business names
R.63-339.D.(6)	Revision	Change “Department” to “SCDOT”
R.63-339.G.	Revision	Add that driveways criteria for placement
R.63-339.G.(1)	Revision	Add criteria for businesses with driveways on primary routes
R.63-339.G.(3)	Revision	Add criteria for businesses with driveways on primary routes
R.63-339.H.(f)	Revision	Revise operation language for seasonal businesses
R.63-339.H.(h)	Revision	Revise requirements for public telephones
R.63-339.I.(j)	Revision	Revise requirements for public telephones
R.63-339.J.(1)(2)(3)(4) R.63-339.K.(1)(3)(6)(7) (8)(9)(10)(11)(13)	Revision	Change “Department” to “SCDOT”
R.63-339.K.(3)	Revision	Add type of attendance at meetings
R.63-339.K.	Revision	Change “Department” to “SCDOT”

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

Should a public hearing be requested pursuant to Section 1-23-110 (A) (3) of the 1976 Code of Laws, as amended, the hearing will be conducted at 955 Park Street, Columbia, South Carolina., Suite 115B, at 10 AM on Monday, December 30, 2024. Interested parties should submit written comments to John N. Boozer, PE, State Traffic Operations Engineers, at 955 Park Street, Columbia, SC 29202. To be considered, written comments or hearing requests must be received no later than 5:00 PM on December 23, 2024. If no qualifying request is received by 5:00 PM on December 23, 2024, the hearing will be cancelled.

**Preliminary Fiscal Impact Statement:**

The Department of Transportation estimates that there would be no costs incurred by the State and its political subdivisions in complying with the proposed amendments.

**Statement of Need and Reasonableness:**

DESCRIPTION OF REGULATION:

Purpose: To provide motorist with business identification and directional information for agritourism and tourism-oriented facilities or activities. Changes will clarify criteria for business in un-annexed properties within municipal boundaries; eligibility of businesses located on primary routes; participation of businesses with seasonal operations; revision to be in compliance with the latest version of the Manual on Uniform Traffic Control Devices (MUTCD); and guidance based on current practices agreed upon by the Tourist-Oriented Signage (TODS) Program Oversight Committee.

Legal Authority: 1976 Code Sections 57-25-800 through 57-25-830.

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

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

The purpose of this proposed regulation is to clarify requirements for placement of agritourism and tourism-oriented directional signing on eligible public highways.

DETERMINATION OF COSTS AND BENEFITS:

There is no increased cost incurred by the State or its political subdivisions.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning the regulation.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

The proposed regulation will have no 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 the regulation is not implemented.

**Statement of Rationale:**

The updated regulations will clarify criteria for business in un-annexed properties within municipal boundaries; eligibility of businesses located on primary routes; participation of businesses with seasonal operations; revision to be in compliance with the latest version of the Manual on Uniform Traffic Control Devices (MUTCD); and guidance based on current practices agreed upon by the Tourist-Oriented Signage (TODS) Program Oversight Committee.



## 26 PROPOSED REGULATIONS

### Text:

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

Document No. 5358  
**DEPARTMENT OF TRANSPORTATION**  
CHAPTER 63  
Statutory Authority: 1976 Code Section 57-25-170

63-338. Specific Information Service Signing.

### Preamble:

S.C. Code Section 57-25-170 authorizes SC Department of Transportation to make regulations necessary for regulation of the specific information service signing or known as the LOGO Program. These regulations are being updated to be in compliance with the new language and requirements of the latest version of the FHWA Manual on Uniform Traffic Control Devices (MUTCD) and to amend the criteria for FOOD sign category to include the requirement of serving prepared food as well as adding reference to SC Reg.61-25. All references to the Department have been changed to SCDOT.

The Notice of Drafting was published in the *State Register* October 25, 2024.

### Section-by-Section Discussion:

Section	Type of Change	Purpose
R.63-338.A.	Revision	Add change the name to business identification sign panel
R.63-338.C.(1)	Revision	Change “Department” to “SCDOT”
R.63-338.C.(2)	Delete	Add electric vehicle (EV) charging as a service; change names of panel and SCDOT
R.63-338.C.(3)	Revision	Change name of panel
R.63-338.C.(4)	Revision	Add electric vehicle (EV) charging service; change name of SCDOT and panel
R.63-338.C.(5)	Revision	Change name of business panel
R.63-338.C.(6)	Revision	Add electric vehicle (EV) charging as service
R.63-338.C.(10)	Delete	Delete (10)
R.63-338.D.(1)	Revision	Change name of panel to business identification sign
R.63-338.D.(3)(3)a.b.	Revision	Add electric vehicle (EV) charging and change name of panel
R.63-338.D.(3)d.	Revision	Add the attraction signs are limited to 4 panels
R.63-338.D.(4)(5)(6)	Revision	Change name of logo sign to business identification sign
R.63-338.D.(7)(9)	Revision	Add electric vehicle (EV) charging service
R.63-338.D.(10)	Revision	Add electric vehicle (EV) charging spacing criteria
R.63-338.D.(10))	Revision	Re-numbered to 11
R.63-338.E.	Revision	Changed name of logo sign to business identification
R.63-338.E.(1)	Revision	Add electric vehicle (EV) charging service and changed name of logo sign
R.63-338.E.(2)(3)(4)(5)	Revision	Changed name of logo panel, change name of Department and added electric vehicle (EV) charging service
R.63-338.E.(6)	Revision	Added criteria for the electric vehicle (EV) charging
R.63-338.F.	Revisions	Change name of logo sign to business identification sign

R.63-338.G	Revisions	Change name of logo sign to business identification sign and change name of department
R.63-338.H.	Revisions	Changed name of logo sign, and changed name of department, added electric vehicle (EV) criteria to trailblazer signs and ramp signs
R.63-338.I.(1)	Revision	Change name of department
R.63-338.I.(1)(a)	Deleted	Delete public telephone
R.63-338.I.(1)(b)	Revision	Added electric vehicle (EV) charging criteria
R.63-38.I.(1)(b)(c)(d)(e)	Revision	Re-numbered to (c)(d)(e)(f)
R.63-338.I.(1)(c)	Revision	Added Food panel criteria and deleted public phone
R.63-338.I.(1)(d)(e)	Deletion	Deleted public telephone
R.63-338.(1)(f)	Revision	Changed name of department
R.63-338.I.(2)	Revision	Add electric vehicle (EV) charging service and change name of department
R.63-338.J.and K.	Revisions	Change name of logo sign and change name of department

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

Should a public hearing be requested pursuant to Section 1-23-110 (A) (3) of the 1976 Code of Laws, as amended, the hearing will be conducted at 955 Park Street, Columbia, South Carolina., Suite 115B, at 10 AM on Monday, December 30, 2024. Interested parties should submit written comments to John N. Boozer, PE, State Traffic Operations Engineers, at 955 Park Street, Columbia, SC 29202. To be considered, written comments or hearing requests must be received no later than 5:00 PM on December 23, 2024. If no qualifying request is received by 5:00 PM on December 23, 2024, the hearing will be cancelled.

**Preliminary Fiscal Impact Statement:**

The Department of Transportation estimates that there would be no costs incurred by the State and its political subdivisions in complying with the proposed amendments.

**Statement of Need and Reasonableness:**

DESCRIPTION OF REGULATION:

Purpose: To provide motorist with business identification panel and placement information for specific information service signing. Changes will clarify criteria for electric vehicle (EV) charging signs on business identification panels. Revisions will eliminate requirement for public telephone, number of attraction business identification panels from six to four, and provide compliance with the latest version of the Manual on Uniform Traffic Control Devices (MUTCD).

Legal Authority: 1976 Code Section 57-25-170.

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

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

The purpose of this proposed regulation is to clarify requirements for placement of specific information service signing on highways.

## **28 PROPOSED REGULATIONS**

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

There is no increased cost incurred by the State or its political subdivisions.

### **UNCERTAINTIES OF ESTIMATES:**

There are no uncertainties of estimates concerning the regulation.

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

The proposed regulation will have no 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 the regulation is not implemented.

### **Statement of Rationale:**

The updated regulations will add electric vehicle (EV) charging requirements on panels, reduce the number of attraction business on panels; eliminate the public phone requirement, and bring the regulation in compliance with the latest version of the Manual on Uniform Traffic Control Devices (MUTCD).

### **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: November 7, 2024 1:35pm

Document No. 5361  
**DEPARTMENT OF NATURAL RESOURCES**  
 CHAPTER 123  
 Statutory Authority: 1976 Code Section 50-11-1910

123-56. Deer Processors and Donated Deer Processing Fee Recovery.

**Emergency Situation:**

SC Code Section 50-11-1910(B) was amended effective May 2024 authorizing the South Carolina Department of Natural Resources to promulgate regulations to permit deer processors to process legally taken female (doe) deer donated by a hunter or deer depredation permittee and recover the fee of processing the deer from a person other than the individual who donated the deer. Given the timing of passage of this amendment and that of the regulations process the department is filing this emergency regulation to effectuate the provisions of this section for the 2024 deer season which begins on August 15 and ends on January 1.

**Text:**

123-56. Deer Processors and Donated Deer Processing Fee Recovery.

1. Recovering the fee for processing a deer without a permit constitutes sale of venison and is unlawful. Violation of permit conditions may result in permit revocation and penalties under the enabling code section.
2. To participate in the processing fee recovery program, a deer processor must submit an application provided by the department and be issued a permit annually. The permit is only valid for recovering the processing fee from female (doe) deer donated by a hunter or deer depredation permittee.
3. Permitted processors are not obligated to accept donated deer and may choose the times when donated deer are accepted.
4. Permitted processors must record the date the deer was donated, by whom the deer was donated, and the SC Game Check harvest report confirmation number or Deer Depredation Program tag number of the donated deer on forms provided by the department.
5. Permitted processors must furnish to the department by January 31 annually copies of all deer donation records for which processing fees were recovered.
6. Permitted processors may not recover fees more than those normally charged for deer processing services.
7. Processors must post or make available a list of fees for services that may include but are not limited to skinning/dressing, cutting/wrapping, upcharges for specialty cuts and specialty items like sausage, jerky, snack sticks, etc.
8. Processing fees may be recovered for whole processed deer or for portions of a processed deer provided that fees for portions or specialty products are prorated so they do not exceed what is normally charged for the item as part of processing a whole deer.
9. Reference to the program should describe it as “recovering” or “being reimbursed for” the processing fee in the same manner that would occur if the individual who harvested the deer paid the processing fee. Reference to offering deer meat for “sale” is unlawful.

**Fiscal Impact Statement:**

The addition of Regulation 123-56 will result in limited fiscal impact and will provide for the provisions of SC Code 50-11-1910(B) to be in effect for the 2024 deer season.

## 30 FINAL REGULATIONS

Document No. 5287

### STATE BOARD OF FINANCIAL INSTITUTIONS

#### CHAPTER 15

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

15-26. Disposition of Real Property of Banks.

#### **Synopsis:**

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

The Notice of Drafting was published in the *State Register* on June 28, 2024. The Proposed Regulation was published in the *State Register* on August 23, 2024.

#### **Instructions:**

Amend the regulation as follows.

#### **Text:**

15-26. Disposition of Other Real Estate Owned by Banks, State Savings Banks, and State Savings and Loan Associations.

(1) For purposes of this regulation, “Other Real Estate Owned” shall be defined as any interest in real estate which would be classified as such pursuant to the definitions and related rules established in the Instructions for Preparation of Consolidated Reports of Condition and Income issued by the Federal Financial Institutions Examination Council (Call Report Instructions).

(2) The preferred method of disposition of Other Real Estate Owned is immediate sale at a price sufficient to cover the institution’s investment and costs of acquisition.

(3) If the property interest is not sold immediately, the book value of each parcel of Other Real Estate Owned shall be determined using the Call Report Instructions.

(4) Other Real Estate Owned shall be disposed of within a period of five years, except upon written approval of the Board of Financial Institutions to extend the period up to an additional five years.

(a) When Other Real Estate Owned is acquired through merger with or acquisition of another institution, the acquiring institution’s holding period of the acquired Other Real Estate Owned commences on the date of the merger or acquisition.

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

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

#### **Statement of Rationale:**

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

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

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

**Synopsis:**

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

The Notice of Drafting was published in the *State Register* on June 28, 2024. The Proposed Regulation was published in the *State Register* on August 23, 2024.

**Instructions:**

Repeal the regulation in its entirety.

**Text:**

15-39H. Repealed.

**Fiscal Impact Statement:**

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

**Statement of Rationale:**

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

Document No. 5295  
STATE BOARD OF FINANCIAL INSTITUTIONS  
CHAPTER 15  
Statutory Authority: 1976 Code Section 34-1-110

15-32. Home Improvement Loans.

**Synopsis:**

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

The Notice of Drafting was published in the *State Register* on June 28, 2024. The Proposed Regulation was published in the *State Register* on August 23, 2024.

**Instructions:**

Repeal the regulation in its entirety.

## 32 FINAL REGULATIONS

### **Text:**

15-32. Repealed.

### **Fiscal Impact Statement:**

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

### **Statement of Rationale:**

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

Document No. 5297

### **STATE BOARD OF FINANCIAL INSTITUTIONS**

#### **CHAPTER 15**

Statutory Authority: 1976 Code Sections 34-1-110(3) and 34-26-210

15-52. Increase in Field of Membership.

### **Synopsis:**

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

The Notice of Drafting was published in the *State Register* on June 28, 2024. The Proposed Regulation was published in the *State Register* on August 23, 2024.

### **Instructions:**

Repeal the regulation in its entirety.

### **Text:**

15-52. Repealed.

### **Fiscal Impact Statement:**

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

### **Statement of Rationale:**

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

Document No. 5298

## STATE BOARD OF FINANCIAL INSTITUTIONS

## CHAPTER 15

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

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

**Synopsis:**

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

The Notice of Drafting was published in the *State Register* on June 28, 2024. The Proposed Regulation was published in the *State Register* on August 23, 2024.

**Instructions:**

Amend the regulation as follows.

**Text:**

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

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

(2) State chartered banks, state savings banks, and state savings and loan associations may, without the specific approval of the Board, invest in operating subsidiaries engaged in activities the bank could perform directly, as national banks and federal savings associations are permitted to do. The Commissioner of Banking must be notified in writing of investment in any new subsidiary and the specific activities performed. Any offices used by the subsidiary for the sale of products or services must be distinct from those of the financial institution and must be so noted by appropriate signs. Further, if there is a change to the specific activities to be performed by a subsidiary in which the institution has invested, the institution shall also notify the Commissioner of Banking.

**Fiscal Impact Statement:**

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

**Statement of Rationale:**

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



## 34 FINAL REGULATIONS

Document No. 5280  
**STATE BOARD OF FINANCIAL INSTITUTIONS**  
CHAPTER 15  
Statutory Authority: 1976 Code Sections 34-1-60 and 34-1-110

15-29. Loans to Officers and Directors.

### **Synopsis:**

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

The Notice of Drafting was published in the *State Register* on June 28, 2024. The Proposed Regulation was published in the *State Register* on August 23, 2024.

### **Instructions:**

Repeal the regulation in its entirety.

### **Text:**

15-29. Repealed.

### **Fiscal Impact Statement:**

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

### **Statement of Rationale:**

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

Document No. 5282  
**STATE BOARD OF FINANCIAL INSTITUTIONS**  
CHAPTER 15  
Statutory Authority: 1976 Code Section 34-26-210

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

### **Synopsis:**

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

The Notice of Drafting was published in the *State Register* on June 28, 2024. The Proposed Regulation was published in the *State Register* on August 23, 2024.

### **Instructions:**

Repeal the regulation in its entirety.

**Text:**

15-48. Repealed.

**Fiscal Impact Statement:**

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

**Statement of Rationale:**

Regulation 15-48 references an outdated federal regulation. As the underlying procedure is no longer applicable, this Regulation will be repealed in its entirety.

Document No. 5284

**STATE BOARD OF FINANCIAL INSTITUTIONS**

**CHAPTER 15**

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

15-25. Purchase of Property for Future Expansion.

**Synopsis:**

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

The Notice of Drafting was published in the *State Register* on June 28, 2024. The Proposed Regulation was published in the *State Register* on August 23, 2024.

**Instructions:**

Amend the regulations as follows.

**Text:**

15-25. Property Held for Future Expansion

State chartered banks, state savings banks, and state savings and loan associations may hold property acquired for future expansion under the same conditions as national banks and federal savings associations are permitted to hold such property and must account for and dispose of such property accordingly.

**Fiscal Impact Statement:**

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

**Statement of Rationale:**

The amended language allows state-chartered banks, state savings banks, and state savings and loan associations to hold property acquired for future expansion under the same conditions as national banks and federal savings

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associations are permitted to hold such property and requires the institutions to account for and dispose of such property accordingly.

Document No. 5288  
**STATE BOARD OF FINANCIAL INSTITUTIONS**  
CHAPTER 15  
Statutory Authority: 1976 Code Section 34-1-60

15-39R. Regulatory Net Worth Requirements.

**Synopsis:**

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

The Notice of Drafting was published in the *State Register* on June 28, 2024. The Proposed Regulation was published in the *State Register* on August 23, 2024.

**Instructions:**

Repeal the regulation in its entirety.

**Text:**

15-39R. Repealed.

**Fiscal Impact Statement:**

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

**Statement of Rationale:**

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