

SOUTH CAROLINA STATE REGISTER DISCLAIMER

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SOUTH CAROLINA STATE REGISTER

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

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

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

THE SOUTH CAROLINA STATE REGISTER

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

STYLE AND FORMAT OF THE SOUTH CAROLINA STATE REGISTER

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

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

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

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

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

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

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

Executive Orders are actions issued and taken by the Governor.

1999 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	1/8	2/12	3/12	4/9	5/14	6/11	7/9	8/13	9/10	10/8	11/12	12/10
Publishing Date	1/22	2/26	3/26	4/23	5/28	6/25	7/23	8/27	9/24	10/22	11/26	12/24

Reproducing Official Documents

All documents appearing in the South Carolina *State Register* are prepared and printed at public expense. There are no restrictions on the re-publication of official documents appearing in the *State Register*. All media services are especially encouraged to give wide publicity to all documents printed in the *State Register*.

Public Inspection of Documents

A copy of each document filed with the Office of the State Register is available for public inspection during normal office hours, 8:30 A.M. to 5:00 P.M., Monday through Friday. Due to State House renovations, the Office of the State Register is temporarily located in The Carolina Plaza, Room B12, 937 Assembly Street, in Columbia. Telephone inquiries concerning material in the *State Register* or the *South Carolina Code of Regulations* may be made by calling (803) 734-2145.

Certificate

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

Lynn P. Bartlett
Editor

Adoption, Amendment and Repeal of Regulations

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

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

EMERGENCY REGULATIONS

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

REGULATIONS PROMULGATED TO COMPLY WITH FEDERAL LAW

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

EFFECTIVE DATE OF REGULATIONS

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

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

SUBSCRIPTIONS

The *State Register* is published on the fourth Friday of each month by the Legislative Council of the General Assembly of the State of South Carolina. Subscription rate is \$95.00 per year postpaid to points in the United States. Partial subscriptions may be ordered at the rate of \$8.00 per issue for the remainder of a subscription term. Subscriptions begin July 1 and end June 30.

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Columbia, South Carolina 29211**

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Enclosed is my check or money order for \$_____. Date _____

Name _____

Address _____

Telephone _____

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July 9, 1999

In order by General Assembly review expiration date

The history, status, and full text of these regulations are available on the
South Carolina General Assembly Home Page: www.lpittr.state.sc.us

DOC	SUBJECT	EXP. DATE	AGENCY NO.
2400	Computing Experience for Teachers	1 23 00	Board of Education
2350	Subdivision Water & Sewage	2 01 00	Health and Envir Control
2427	Principal Induction Program	3 11 00	Board of Education
2425	Textbook Adoption	3 11 00	Board of Education
2424	Summer Programs	3 13 00	Board of Education
2430	Hunt Units and Wildlife Management	3 13 00	Dept of Natural Resources
2429	Breathalyzer Tests	3 26 00	Law Enforcement Division
2428	Alcoholic Beverages Culinary Course	3 29 00	Higher Education

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

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

REQUEST TO WITHDRAW (120 DAY REVIEW PERIOD TOLLED)

DOC	DATE	SUBJECT	AGENCY NO.
2193	2 11 98	Video Poker; Def ASingle Place≡ ...	Dept of Revenue

RESOLUTIONS INTRODUCED TO DISAPPROVE:(120 DAY REVIEW PERIOD TOLLED)

DOC	DATE	SUBJECT	AGENCY NO.
1984	1 14 99	Principal Evaluation	Board of Education
1981	1 14 99	Policy Development	Board of Education
2360	5 20 99	LIFE Scholarship	Higher Education

WITHDRAWN:

DOC	DATE	SUBJECT	AGENCY NO.
2372	6 22 99	Procedures for Contested Cases	Health and Envir Control

2 EXECUTIVE ORDERS

No. 99-30

WHEREAS, W. Henry Jackson has resigned as Beaufort County Clerk of Court, effective June 30th, 1999; and

WHEREAS, the undersigned is authorized to appoint a County Clerk of Court in the event of a vacancy pursuant to Code of Laws of South Carolina (1976), as amended, Sections 1-3-220(2) (Supp. 1998), 4-11-20(1) and 14-17-30; and

WHEREAS, Gloria G. Williams of 1 Tornado Alley, Saint Helena, South Carolina 29920, is a fit and proper person to serve as the Beaufort County Clerk of Court.

NOW, THEREFORE, pursuant to the authority vested in me by the Constitution and Statutes of this State, I hereby appoint Gloria G. Williams as Clerk of Court of Beaufort County until the next general election and until her successor shall qualify.

GIVEN UNDER MY HAND AND THE GREAT SEAL OF THE STATE OF SOUTH CAROLINA, THIS 11th DAY OF JUNE, 1999.

JIM HODGES
Governor

No. 99-31

WHEREAS, South Carolina law enforcement officers protect our citizens from crime and violence, even when it may mean putting their own lives in jeopardy; and

WHEREAS, the State has a duty to take all measures to provide these public servants with the means necessary to protect themselves in a dangerous profession; and

WHEREAS, bulletproof vests have been shown to protect officers from acts of violence; and

WHEREAS, the Congress of the United States has appropriated a sum of money to assist states in purchasing bulletproof vests for law enforcement officers; and

WHEREAS, in order for state law enforcement agencies to receive funding under this program, the chief executive of each state must determine a process by which the funds are administered, or appoint a designee agency to assume these duties; and

WHEREAS, the South Carolina Department of Public Safety, through its Office of Safety and Grants, presently administers United States Department of Justice grant funds and is able to administer the Bulletproof Vest Program in an effective and cost-efficient manner.

NOW, THEREFORE, I hereby direct the Department of Public Safety to act as the lead state agency for South Carolina in the Bulletproof Vest Program in all matters of administration.

I further hereby direct the Department of Public Safety to convene a committee of representatives from state agencies, who employ commissioned law enforcement officers and wish to participate, to provide recommendations to the Department of Public Safety concerning the fair and equitable distribution of program funds for bulletproof vests.

This Order shall take effect immediately.

GIVEN UNDER MY HAND AND THE GREAT SEAL OF THE STATE OF SOUTH CAROLINA, THIS 24th DAY OF JUNE, 1999.

JIM HODGES
Governor

No. 99-32

WHEREAS, the video gaming legislation pending before the General Assembly of the State of South Carolina is a matter of great importance to the citizens of this State; and

WHEREAS, the General Assembly has been unable to agree on comprehensive video gaming legislation; and

WHEREAS, Article IV, Section 19 of the South Carolina Constitution states *inter alia*:

The Governor may on extraordinary occasions convene the General Assembly in extra session.
and,

WHEREAS, being mindful of the duties and responsibilities placed on me by the Constitution and laws of this State; and in determining that there exists an extraordinary occasion requiring me to convene the General Assembly in extra session prior to the next regular session of the General Assembly.

NOW, THEREFORE, pursuant to the powers conferred upon me by the Constitution and Statutes of the State of South Carolina, and by the power vested in me by Article IV, Section 19 of the Constitution of the State of South Carolina, I hereby call an extra session of the General Assembly of South Carolina to convene at the State House in Columbia on Tuesday, June 29, 1999, at noon.

GIVEN UNDER MY HAND AND THE GREAT SEAL OF THE STATE OF SOUTH CAROLINA, THIS 24th DAY OF JUNE, 1999.

JIM HODGES
Governor

4 NOTICES

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

In accordance with Section 44-7-200(C), Code of Laws of South Carolina, the public is hereby notified that a Certificate of Need application has been accepted for filing and publication July 23, 1999, for the following project(s). After the application is deemed complete, affected persons will be notified that the review cycle has begun. For further information, please contact Mr. Albert N. Whiteside, Director, Planning and Certification of Need Section, 2600 Bull St., Columbia, SC 29201 at (803) 737-7200.

Affecting Darlington County

Conversion of sixteen (16) restricted long term care beds to community long term care beds which will not participate in the Medicaid (Title XIX) Program for a total of eighty-eight (88) nursing home beds.

Betha Baptist Retirement Community and Health Care Center

Darlington, South Carolina

Project Cost: \$ -0-

Addition of sixteen (16) nursing home beds which will not participate in the Medicaid (Title XIX) Program for a total of One hundred and sixty-four (164) nursing home beds.

Morrell Memorial Convalescent Center

Hartsville, South Carolina

Project Cost: \$ 29,702

Affecting Florence County

Establishment of a 28 bed long term acute care hospital to be known as NextCARE Specialty Hospital of Florence through the transfer of ownership of 28 acute care beds from Carolinas Hospital System (Florence), resulting in 262 general acute care beds at Carolinas Hospital System (Florence) and a 28 bed long term acute care hospital in the Cedar Tower of Carolinas Hospital System.

NextCARE Specialty Hospital of Florence

Florence, South Carolina

Project Cost: \$ 853,400

Affecting Greenville County

Renovation and expansion of surgical services.

St. Francis Hospital, Inc.

Greenville, South Carolina

Project Cost: \$ 13,181,894

Affecting Union County

Purchase of a dual head camera system and renovation and expansion of the Nuclear Medicine Imaging Program.

Wallace Thomson Hospital

Union, South Carolina

Project Cost: \$ 818,525

In accordance with S.C. DHEC Regulation 61-15, the public and affected persons are hereby notified that the review cycle has begun for the following project(s) and a proposed decision will be made within 60 days beginning July 23, 1999. "Affected persons" have 30 days from the above date to submit comments or requests

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

Affecting Charleston County

Renovation to add a second interventional radiology suite.
Roper Hospital, Inc.
Charleston, South Carolina
Project Cost: \$ 1,149,737.61

Affecting Florence County

Purchase and installation of a fixed Magnetic Resonance Imaging unit which will result in two (2) fixed MRI's and the loss of a mobile MRI.
McLeod Regional Medical Center
Florence, South Carolina
Project Cost: \$ 3,475,000

Affecting Greenville County

Renovation of OR#26 and the adjacent storage room to establish an Endovascular Suite.
Greenville Memorial Hospital
Greenville, South Carolina
Project Cost: \$ 1,528,000

Affecting Richland County

Construction of a building on the northwest portion of the campus (The Heart Center) to consolidate cardiovascular services (excluding surgical suites and cardiac rehabilitation) consisting of the relocation of 124 general acute care beds, cardiac diagnostics, and the addition of one (1) therapeutic cardiac catheterization laboratory for a total of four (4) cardiac catheterization labs and one (1) electrophysiology (EP) lab with no change in total licensed bed capacity.
Palmetto Richland Memorial Hospital
Columbia, South Carolina
Project Cost: \$ 77,266,057

**South Carolina Department of Health and
Environmental Control**

**Notice to the Regulated Community
Concerning Embedded Microprocessors
and the Year 2000**

The South Carolina Department of Health and Environmental Control is actively working to assure all agency computer hardware and software systems will continue to function in the year 2000 and beyond. As part of that effort, the agency hereby advises the regulated community of potential problems with microprocessor-controlled equipment and devices used in the conduct of their business.

Information systems (hardware and software) used for essential business activities should be assessed for Year 2000 compliance, and, if necessary, renovated or replaced to achieve compliance. This includes devices, such as laboratory and communication equipment, which contain a microprocessor. It is possible these devices may not work properly after the year 2000, and could affect your compliance with state and federal regulations.

6 NOTICES

You are encouraged to contact the manufacturers of any such devices and obtain a Year 2000 Certification for the equipment. Many certifications are already posted on the companies' world-wide web sites.

If you have questions or require additional information, please contact Ken Knight, DHEC Year 2000 Coordinator at (803) 898-3726, or Steve Vassey, EQC Information Technology, at (803) 898-3953.

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

PUBLIC NOTICE

Section IV of R.61-98, the State Underground Petroleum Environmental Response Bank (SUPERB) Site Rehabilitation and Fund Access Regulation, requires that the Department of Health and Environmental Control evaluate and certify site rehabilitation contractors to perform site rehabilitation of releases from underground storage tanks under the State Underground Petroleum Environmental Response Bank (SUPERB) Act. Pursuant to Section IV.B.1., the Department is required to place a list of those contractors requesting certification on public notice and accept comments from the public for a period of thirty (30) days. If you wish to provide comments regarding the companies and individuals listed below, please submit your comments in writing, no later than August 30, 1999 to:

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

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

Class I
Rindt-McDuff Associates, Inc.

Class II
The E.C. Group, LLC

**STATE CROP PEST COMMISSION
CLEMSON UNIVERSITY**

CHAPTER 27

Statutory Authority: 1976 Code Section 46-9-40

Notice of Drafting:

The State Crop Pest Commission proposes to amend Regulation 27-135, Designation of Plant Pests. Interested persons may submit their view in writing to Mr. Ken Glenn, Department of Plant Industry, 511 Westinghouse Road, Pendleton, SC 29670. To be considered, written comments must be received no later than 4:30 p.m by August 23, 1999, the close of the drafting comment period.

Synopsis:

The Commission proposes to revise and generally update the regulation by adding new plant pests, by deleting former plant pests and correcting some current plant pest entries. The intent of the revisions is to provide a current and accurate listing of plant pests.

Legislative review will be required.

DEPARTMENT OF EDUCATION

CHAPTER 43

Statutory Authority: 1976 Code Section 59-5-60;
South Carolina Education Accountability Act No. 400 of 1998

Notice of Drafting:

The South Carolina State Board of Education proposes new legislation and amendments to the following regulations: (1) R43-130, Accreditation Standards Filed, (2) R43-205, Administrative and Professional Personnel Qualifications, Duties and Workloads, (3) R43-231, Defined Program K-5; (4) R43-232, Defined Program 6-8; (5) R43-259, Graduation Requirements; Superior; (6) R43-261, District and School Comprehensive Planning; (7) R43-264.1, Half-day Child Development Programs; (8) R43-300, Accreditation Criteria; (9) R43-301, Intervention Where Quality of Education in a Local School District is Impaired; (10) R43-302, School Incentive Reward Program; (11) R43-303, Flexibility Through Deregulation Program. Interested persons may submit comments to Dr. Leonard McIntyre, Deputy Superintendent, Division of Professional Development and School Quality, South Carolina Department of Education, 1429 Senate Street, Columbia, South Carolina 29201. To be considered, comments must be received no later than 5:00 PM, August 25, 1999, the close of the drafting period.

Synopsis:

The South Carolina Education Accountability Act No. 400 of 1998, passed by the General Assembly and signed into law by the Governor on June 10, 1998, requires promulgation of new regulations and the alignment of a significant number of existing educational programs and their relevant regulations with the Act. Therefore, any new regulations, as well as the above-listed regulations, should be amended to reflect provisions of the South Carolina Education Accountability Act of 1998.

8 DRAFTING NOTICES

DEPARTMENT OF EDUCATION
CHAPTER 43
Statutory Authority: 1976 Code Section 59-63-1300

Notice of Drafting:

The South Carolina State Board of Education proposes to draft new regulations that address a program to fund alternative school programs to provide appropriate services to students who for behavioral or academic reasons are not benefiting from the regular school program or may be interfering with the learning of others. Interested persons may submit comments to Dr. James O. Ray, Deputy Superintendent, Division of District and Community Services, South Carolina Department of Education, 1429 Senate Street, Columbia, S.C. 29201. To be considered, comments must be received no later than 5:00 p.m. on August 25, 1999, the close of the drafting period.

Synopsis:

Believing that a child who does not complete his education is greatly limited in obtaining employment, achieving his full potential, and becoming a productive member of society, the General Assembly passed legislation amending Chapter 63, Title 59 of the 1976 Code by adding Article 13. This article, signed into law by the Governor on June 24, 1999, provides funding for school districts which choose to establish, maintain, and operate, either individually or as a cooperative agreement among districts, alternative school programs. Alternative school programs shall be provided for, but not limited to, students in grades 6 – 12. To be eligible to receive funding under the provisions of the statute, school districts must develop a plan for the alternative school program which includes the following: (1) the mission of the school; (2) policy for the basis of enrollment in the school; (3) the location of the school program; and, (4) a description of how the school will focus on the educational and behavioral needs of the students. The State Department of Education shall review alternative school plans for eligibility for funding, and provide technical assistance for planning, establishing, and implementing based on best practice.

Legislative review by this proposal will be required.

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

Notice of Drafting:

The South Carolina Department of Education proposes to draft new regulations governing Parenting/Family Literacy Programs. Interested persons may submit their comments in writing to Dr. Jim Ray, Deputy Superintendent, Division of District and Community Services, State Department of Education, 1429 Senate Street, Columbia, South Carolina 29201. To be considered, all comments must be received no later than 5:00 PM on August 25, 1999, the close of the drafting comment period.

Synopsis:

The Early Childhood Development and Academic Assistance Act of 1993 (Act 135) requires new regulations for implementing parenting/family literacy programs in all school districts to support parents in their role as the principal teachers of their preschool children. The programs must provide parent education to parents and guardians who choose to participate and must include intensive and special efforts to recruit parents whose children are at risk for school failure.

DEPARTMENT OF EDUCATION
CHAPTER 43
 Statutory Authority: 1976 Code Sections 59-5-60,
 59-26-10, 59-26-20, 59-26-30 & 59-26-40

Notice of Drafting:

The South Carolina Department of Education proposed to draft substantial revisions and additional regulations governing Teacher Certification, Teacher Education Program Approval, and Teacher Evaluation. Interested persons may submit their comments in writing to Dr. Sandra G. Rowe, Director, Office of Teacher Education and Certification, 1600 Gervais Street, Columbia, South Carolina 29201. To be considered, all comments must be received no later than 5:00 PM on August 25, 1999, the close of the drafting comment period.

Synopsis:

The development of South Carolina Curriculum Frameworks; the direction of National Goals for Education; development of INTASC standards for initial teacher licensure; enactment of South Carolina Accountability Act; and, the work of the State Licensure Steering Committee and related task forces create the need for restructuring the state systems for training, licensing and evaluating teachers.

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
CHAPTER 61
 Statutory Authority: 1976 Code Section 48-1-60

Notice of Drafting:

The Department of Health and Environmental Control (DHEC) is considering amending Regulation 61-69, entitled "Classified Waters". Interested persons should submit their views in writing to Sally C. Knowles, Director, Division of Water Quality, 2600 Bull Street, Columbia, South Carolina 29201. To be considered, all comments must be received by 5:00 p.m., August 23, 1999.

Synopsis:

DHEC is considering reclassifying all of the waters of Paris Mountain in the Enoree River Watershed, that traverse Paris Mountain State Park, from Class Freshwaters (FW) to Class Outstanding Resources Waters (ORW) to protect outstanding recreational resources. These water bodies are located in Greenville County. The amendment requires legislative review.

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
CHAPTER 61

Statutory Authority: 1976 Code
 Sections: 44-96-60, 44-96-80,
 44-96-100, 44-96-260, and 44-96-290

Notice of Drafting:

The Department of Health and Environmental Control proposes to amend R.61-107, Solid Waste Management, by drafting new regulations that address demonstration of need, and consistency with State and local solid waste management plans for solid waste management facilities. Interested persons may submit comments to Mr. Art Braswell, Bureau of Land and Waste Management, 2600 Bull Street, Columbia, S.C. 29201. To be considered,

10 DRAFTING NOTICES

comments must be received no later than 5:00 p.m. on August 23, 1999, the close of the drafting comment period.

Synopsis:

The Solid Waste Policy and Management Act (Act) directed the Department to promulgate regulations to implement the requirement for a demonstration of need prior to issuance of a Department permit for construction of new and expansion of existing solid waste management facilities.

The Act states that no permit to construct a new or expand an existing solid waste management facility shall be issued by the Department unless the proposed facility or expansion is consistent with the local or regional solid waste management plan and the State solid waste management plan. The proposed regulations will establish criteria by which consistency will be determined.

Legislative review of this proposed regulation is required.

Document No. 2438

PUBLIC SERVICE COMMISSION

CHAPTER 103

Statutory Authority: S. C. Code Sections 58-3-140 (Supp. 1998) and 58-27-1910

Preamble:

In an effort to encourage applicants to appear for hearings scheduled before the Public Service Commission, the Commission proposes to add a regulation which requires an appearance bond in the amount of two hundred fifty dollars to be filed with any application that may require a hearing before the Public Service Commission. The appearance bond will be returned to the applicant if the applicant appears at the public hearing.

Notice of Public Hearing and Opportunity for Public Comment:

Individuals interested in commenting on the proposed regulation may do so by submitting comments in writing to Mr. Gary E. Walsh, Executive Director, Public Service Commission of South Carolina, P.O. Drawer 11649, Columbia, South Carolina 29211. To be considered, comments must be received no later than 4:45 p.m. on October 29, 1999, the close of the drafting comment period. Please refer to Docket Number 99-247-A when written comments are forwarded to the Commission. A public hearing will be held on November 17, 1999, at 10:30 a.m. before the Public Service Commission in the Commission's Hearing Room at 101 Executive Center Drive, Saluda Building, Columbia, South Carolina.

Notice of Drafting for the proposed regulation was published in the *State Register* on June 25, 1999.

Section-by-Section Discussion

103-805 New text is being added that requires an appearance bond to be filed with all applications that may require a hearing before the Public Service Commission

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: Appearance Bond

Purpose: When hearings are scheduled before the Public Service Commission, the applicant, the intervenor and the Commission Staff must prepare diligently to present a case before the Commission. Therefore, an appearance bond would ensure that applicants appear for hearings scheduled before the Commission.

Legal Authority: The legal authority for Regulation 103-805 is Section 58-3-140 S.C. Code of Laws.

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

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

The enactment of this regulation will promote efficient use of docket scheduling. The regulation will encourage applicants to appear for scheduled hearings.

12 PROPOSED REGULATIONS

DETERMINATION OF COSTS AND BENEFITS:

There will be no costs to the State or any political subdivisions because of this regulation.

UNCERTAINTIES OF ESTIMATES: None

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH: None

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

Text:

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

Document No. 2439

PUBLIC SERVICE COMMISSION

CHAPTER 103

Statutory Authority: S.C. Code Sections 58-3-140 (Supp. 1998) and 58-23-1010

Preamble:

The Commission proposes to amend Regulations 103-102, 103-112, and 103-133(6) by adding and defining the terms non-emergency vehicle, wheelchair van, wheelchair van patient, and Federal Motor Carrier CSA Safety Regulations; classifying non-emergency vehicles as Class "C" motor carriers; and outlining the requirements applicants for a Certificate of Public Convenience and Necessity for a non-emergency vehicle must meet before operating in the State of South Carolina. The new regulations also cover requirements an applicant for a Certificate must satisfy such as driver qualifications, vehicle requirements, vehicle maintenance requirements, drug testing requirements, minimum periodic inspection standards, and minimum insurance limits.

Notice of Drafting for the proposed regulation was published in the *State Register* on March 26, 1999.

Section-by-Section Discussion

103-102(23) New text is being added to define the term non-emergency vehicle

103-102(24) New text is being added to define the term wheelchair van

103-102(25) New text is being added to define the term wheelchair van patient

103-102(26) New text is being added to state the Federal Motor Carrier CSA Safety Regulations shall apply to all non-emergency vehicles

103-112 The existing text of Regulation 103-112 is being amended to classify non-emergency vehicles as Class "C" motor carriers

103-133(6)(A) New text is being added which outlines the driver qualifications that an applicant must meet for a certificate of public convenience and necessity

103-133(6)(B) New text is being added that identifies the vehicle requirements that an applicant must possess before a certificate of public convenience and necessity will be granted by the Commission

103-133(6)(C) New text is being added that outlines vehicle maintenance requirements that are required before an applicant will be granted a certificate of public convenience and necessity

103-133(6)(D) New text is being added regarding the implementation of drug testing requirements by applicants who are seeking a certificate of public convenience and necessity from the Commission

103-133(6)(E) New text is being added on minimum periodic inspection standards that must be maintained by applicants for a certificate of public convenience and necessity

103-133(6)(F) New text is being added which states the minimum insurance limits applicants for a certificate of public convenience and necessity must obtain before a certificate will be granted by the Commission.

Notice of Public Hearing and Opportunity for Public Comment:

Individuals interested in commenting on the proposed regulations may do so by submitting comments in writing to Mr. Gary E. Walsh, Executive Director, Public Service Commission of South Carolina, P.O. Drawer 11649, Columbia, South Carolina. To be considered, comments must be received no later than 4:45 p.m. on September 24, 1999, the close of the drafting comment period. Please refer to Docket Number 99-291-T when written comments are forwarded to the Commission. A public hearing on the proposed new regulations regarding non-emergency vehicles will be held on October 13, 1999, at 10:30 a.m. before the Commission in the Commission's Hearing Room at 101 Executive Center Drive, Saluda Building, Columbia, South Carolina.

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: NON-EMERGENCY VEHICLES

Purpose: The purpose of these new regulations is to establish guidelines and provisions for owners and drivers of non-emergency vehicles and to specify requirements that must be met by applicants who must obtain a certificate of public convenience and necessity from the Public Service Commission before operating a non-emergency vehicle in the State of South Carolina.

Legal Authority: The legal authority for adding and amending proposed regulations regarding non-emergency vehicles are Sections 58-3-140 and 58-23-1010 of the S.C. Code of Laws

Plan for Implementation: The new regulations will take effect upon approval by the General Assembly and publication in the *State Register*. After the regulations take effect, applicants who receive a certificate of public convenience and necessity to operate non-emergency vehicles in the State of South Carolina shall be monitored and regulated by the Public Service Commission.

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

The Public Service Commission has jurisdiction over the transportation of persons or property for compensation. The promulgation of these regulations will ensure that the owners and operators of non-emergency vehicles are in compliance with federal, state, and local laws and enactment and enforcement of the regulations will encourage passengers to contact a state agency with questions and concerns.

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DETERMINATION OF COSTS AND BENEFITS:

The enactment of these regulations will require owners of non-emergency vehicles in the State of South Carolina to operate safe, efficient vehicles while being monitored by the Public Service Commission.

UNCERTAINTIES OF ESTIMATES: None

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

The enactment of the new regulations will require carriers to comply with the Federal Motor Carrier Inspection, Repair, and Maintenance CSA Safety Regulations. In addition, the new regulations require several standards which must be maintained on non-emergency vehicles. Therefore, the enactment of these regulations will positively impact both the environment and public health.

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

A detrimental effect on the environment and public health will occur if these regulations are not enacted because the operation of non-emergency vehicles will not be monitored by a state agency and furthermore, the safety of passengers of these vehicles in addition to the public health will be at risk unless the regulations are implemented.

Text:

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

Document No. 2440
PUBLIC SERVICE COMMISSION
CHAPTER 103

Statutory Authority: S.C. Code Sections 58-3-140 (Supp. 1998) and 58-5-210

Preamble:

The Commission proposes to add regulations which will govern the submetering of water and wastewater services. These regulations will define the terms submetering, provider, and supplier. Further, the regulations will outline the requirements an applicant must satisfy to obtain a certificate from Public Service Commission. In addition, no provider will be able to begin selling water prior to applying for and receiving a certificate of authority and posting a bond in the amount and form required by the Commission. Finally, the added regulations will contain information pertaining to quality of service, records and reports, rates, customer deposits, disconnection, billing procedure, meter reading, data to be filed with the Commission, gross receipts tax, and waiver of rules.

Notice of Drafting for the proposed regulation was published in the *State Register* on June 25, 1999.

Section-by-Section Discussion

103-583 New text is being added to define the terms submetering, provider, and supplier

103-584 New text is being added regarding the certificate and bond that must be obtained by the provider before the provider begins reselling sewer utility service

103-585 New text is being added requiring a provider of sewer service to have and maintain all permits before providing sewer service

103-586 New text is being added requiring a certificated provider of sewer service to maintain its records in the office of the provider in South Carolina in addition to the requirement that each certificated provider of sewer service prepare and file annual report

103-587 New text is being added regarding the rates a certificated provider may charge for sewer service

103-588 New text is being added which governs customer deposits, disconnection, billing procedure, and meter reading of sewer service

103-589 New text is being added which outlines the data that must be filed with the Commission by a provider of sewer utility service

103-590 New text is being added regarding the gross receipts tax that a provider of sewer utility service must pay to offset costs incurred by the Commission to regulate the provider

103-774 New text is added to define the terms submetering, provider, and supplier

103-775 New text is added regarding the certificate and bond that must be obtained by the provider before the provider begins reselling water utility service

103-776 New text is being added requiring a provider of water service to have and maintain all permits before providing water utility service

103-777 New text is being added requiring a certificated provider of water service to maintain its records in the office of the provider in South Carolina in addition to the requirement that each certificated provider of water service prepare and file an annual report

103-778 New text is being added which governs the rates a certificated provider may charge for water service

103-779 New text is being added which governs customer deposits, disconnection, billing procedure, and meter reading of water service

103-780 New text is being added that outlines the data that must be filed with the Commission by a provider of water utility service

103-781 New text is being added regarding the gross receipts tax that a provider of water utility service must pay to offset the costs incurred by the Commission to regulate the provider

Notice of Public Hearing and Opportunity for Public Comment:

A public hearing on the proposed new regulations regarding the submetering of water and wastewater services will be held September 16, 1999, at 10:30 a.m. before the Commission in the Commission's Hearing Room at 101 Executive Center Drive, Saluda Building, Columbia, South Carolina.

Interested persons may submit written comments to Mr. Gary E. Walsh, Executive Director, Public Service Commission of South Carolina, P.O. Drawer 11649, Columbia, South Carolina 29211. To be considered, comments must be received no later than 4:45 p.m. on September 9, 1999, the close of the drafting comment period. Please refer to Docket Number 99-216-W/S when written comments are forwarded to the Commission.

16 PROPOSED REGULATIONS

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: Submetering of water and wastewater services

Purpose: At the present time, there is not a state agency in the State of South Carolina that regulates submeterers of water and wastewater services. The implementation of these proposed regulations will allow the Public Service Commission to regulate submeterers of water and wastewater services

Legal Authority: The legal authority for adding regulations regarding the submetering of water and wastewater services are Sections 58-3-140 and 58-5-210 of the S.C. Code of Laws

Plan for Implementation: The new regulations will take effect upon approval by the General Assembly and publication in the *State Register*. After the new regulations take effect, providers of submetered water and wastewater services shall be monitored and regulated by the Public Service Commission and its Staff.

DETERMINATION OF NEED AND REASONABLENESS OF THE PROPOSED REGULATION BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS: The Public Service Commission in Order No. 1999-307 in Docket No. 99-216-W/S held that it is in the public interest to declare submeterers of water and wastewater services as public utilities. These regulations were created in response to a Commission Directive to its Staff to create regulations which govern submeterers of water and wastewater services.

DETERMINATION OF COSTS AND BENEFITS: The proposed new regulations will help monitor the services of providers of submetered water and wastewater services. In addition, by classifying submeterers of water and wastewater services as utilities, customers who receive these services can appeal to the Commission with concerns such as meter readings.

UNCERTAINTIES OF ESTIMATES: None

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH: The providers of submetered water and wastewater services will have to obtain the necessary permits required by the Public Service Commission and must comply with all the rules of state and local governmental agencies to continue providing these services. Therefore, the Commission's regulation of providers of submetered water and wastewater services will promote and enhance the public health.

DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION IS NOT IMPLEMENTED: If these regulations are not implemented, the activities of providers of submetered water and wastewater services will not be monitored and consumers who receive these type services will not have the opportunity to appeal to a governmental agency regarding their questions and concerns.

Text:

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

Document No. 2441

**DEPARTMENT OF LABOR, LICENSING AND REGULATION
BOARD OF CHIROPRACTIC EXAMINERS**

CHAPTER 25

Statutory Authority: 1976 Code Section 40-9-30 and 40-1-70

Emergency Situation:

The Board of Chiropractic Examiners has determined that passage of Part IV of the National Board of Chiropractic Examiners (NBCE) is an acceptable practical examination for licensing purposes in this State. Accordingly, the Board will no longer conduct its own practical examination after July 1, 1999. Therefore, it is imperative that the adoption of Part IV as an acceptable qualification for licensure be implemented as soon as possible in order to continue to allow qualified applicants to be licensed to provide professional services to the public.

Text:

25-2. Application for Board Examination

A. (3) National Board of Chiropractic Examiners scores. Certified copy of Parts I, II, III, and IV from the National Board of Chiropractic Examiners (NBCE) with the NBCE recommended passing score is required for applicants graduating from a chiropractic college on or after January 1, 1997. Graduates from chiropractic college on or after July 1, 1987, but before January 1, 1997 must have passed Parts I, II and III and passed a practical examination approved by the Board, such as the Special Purpose Examination for Chiropractic (SPEC) or Part IV. Graduates from chiropractic college prior to July 1, 1987 must have passed Parts I and II and passed a practical examination approved by the Board, such as the Special Purpose Examination for Chiropractic (SPEC) or Part IV. Applicants must have completed and passed all required parts of the National Board examinations prior to application for the South Carolina examination. Examination results must be received thirty (30) days prior to examination.

25-3. Examination

A. Examination Subjects. Applicants must be tested in South Carolina statutes, ethics, and philosophy and must pass with a score of seventy-five percent (75%) or better. If an applicant fails to achieve a score of seventy-five percent (75%) or better he may retake the examination within one (1) year.

Statement of Need and Reasonableness: The need to immediately establish Part IV of the NBCE as the practical examination requirement for licensure in this State is imperative in order to prevent a disruption in the provision of chiropractic services to patients by qualified applicants for licensure.

DESCRIPTION OF REGULATION: Regulation 25-2(A)(3) is revised by inserting appropriate references to Part IV, the test designer's recommended passing score, and alternatives for applicants graduating before January 1, 1997. Regulation 25-3 is repealed in its entirety and replaced with a limited requirement for testing in South Carolina statutes, ethics, and philosophy.

Purpose: The proposed amendments will delete obsolete requirements to licensure and continue only those deemed necessary and consistent with the legislative intent of licensure in South Carolina

Legal Authority: Statutory Authority: 1976 Code Title 40, Chapter 9, Section 30(D)(8) and 1976 Code Title 40, Chapter 1, Section 70.

Plan for Implementation: All applicants in the process of applying for licensure will be afforded the opportunity for licensure under the new regulation. Applicants who are in the process of applying for licensure who do not meet the Part IV requirement will be permitted to complete the testing process under the regulations in effect at the time of application. All new applicants will be required to meet these new requirements for application.

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DETERMINATION OF NEED AND REASONABLENESS BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS: The need to immediately establish Part IV of the NBCE as the practical examination requirement for licensure in this State is imperative in order to prevent a disruption in the provision of chiropractic services to patients by qualified applicants for licensure.

DETERMINATION OF COSTS AND BENEFITS: No additional costs. Expected benefit is less cost for the agency to administer examinations.

UNCERTAINTIES OF ESTIMATES: There are no uncertainties of estimates concerning these regulations.

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

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

Resubmitted: April 20, 1999

Document No. 2362
DEPARTMENT OF EDUCATION
CHAPTER 43

Statutory Authority: 1976 Code Sections 59-5-60 and 59-31-360

R43-71. Free Textbooks

Synopsis:

This regulation addresses provisions for distributing free instructional materials, the free basal textbook list, and provisions for disposing of out-of-adoption materials. Section 26 is added establishing State Board of Education policy for funding consumable instructional materials; Section 27 is added establishing State Board of Education policy with regard to payment of fees for lost instructional materials; Section 28 is added establishing State Board of Education policy for funding instructional materials adopted subject to Section 59-31-45 of the 1976 Code; and Section 29 is added requiring publishers to provide a certified list of contracts.

Instructions: Section 19 should read as set forth below. Sections 26, 27, 28, and 29 should be added to R43-71, Free Textbooks, after Section 25.

Text:

R43-71, Free Textbooks

Section 19. Lost Instructional Materials. Schools may require pupils, parents or guardians to pay for instructional materials lost and the pupil, parent or guardian may be denied further benefits of the Free Instructional Materials Program until in compliance with this requirement. This requirement may be waived in instances where the judgment of the principal and/or responsible officials believe that the child is a victim of unusual circumstances. The school district shall be responsible for the cost. The report of lost instructional materials paid for and sales should be itemized by titles on an appropriate form sent each school at the end of the school year. The schedule of charges shall be determined by the State Board of Education upon the recommendation of the State Department of Education. Fees collected for lost materials shall be remitted to the State Department of Education.

Section 26. Consumable Instructional Materials.

A. The State Department of Education will publish annually a listing of consumable instructional materials. Any materials not on the listing shall be considered non-consumable. Schools using non-consumable materials as consumable shall be responsible for the cost of replacement.

B. Instructional materials such as workbooks, lab manuals, and test booklets that provide space for written comments and answers shall be classified as one-year consumables and considered consumed once issued to a student and used for instruction. One-year consumable materials issued to a student and used for instruction will be removed from inventory annually.

C. Funds to replace consumable materials will be provided annually to the extent that an Appropriation is provided by the General Assembly for instructional materials with replacement of non-consumable materials having first priority.

Section 27. Accounts Must Be Settled. The State Department of Education may file a certificate of delinquency with the State Treasurer under Section 11-9-75 for unpaid fees for lost instructional materials 90 days or more delinquent.

Section 28. Special Adoptions. Instructional materials, textbooks, or series not currently available from the State Department of Education that are subsequently added as a special adoption or a district adoption under Section

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59-31-45 may be purchased with the district's existing allocation. The State Department of Education may limit the exchange of instructional materials replaced by special and district adoptions.

Section 29. Most Favored Purchaser. Pursuant to South Carolina Code, if publishers sell materials to any other person or entity at a lower price than the price offered to South Carolina, that reduced price automatically becomes the contract price for South Carolina. At the end of each calendar year, publishers shall submit a certified list of all contracts made with other entities during the calendar year just closed on all instructional materials for which the publisher has a contract in South Carolina. That list must include the contract price for those materials.

Fiscal Impact Statement:

There will be no additional costs incurred by the State or its political subdivisions.