

SOUTH CAROLINA STATE REGISTER DISCLAIMER

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SOUTH CAROLINA STATE REGISTER

PUBLISHED BY
THE LEGISLATIVE COUNCIL
of the
GENERAL ASSEMBLY

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

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.

2009 PUBLICATION SCHEDULE

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

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

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

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

Subscriptions to the *South Carolina State Register* are available electronically through the South Carolina Legislature Online website at www.scstatehouse.gov via an access code, or in a printed format. Subscriptions run concurrent with the State of South Carolina's fiscal year (July through June). The annual subscription fee for **either** format is \$100.00. Payment must be made by check payable to the Legislative Council. To subscribe complete the form below and mail with payment. Access codes for electronic subscriptions will be e-mailed to the address submitted on this form.

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

DOC. NO.	RAT. NO.	FINAL ISSUE	SUBJECT	EXP. DATE	AGENCY
4043			Amend and Add Regulations to Chapter 67 to Reflect Changes in Title 42 Necessitated by the Approval of Act 111 on June 25, 2007	1/13/10	Workers' Compensation Commission
4054			Registration of Immigration Assistance Services	2/22/10	LLR
4055			Illegal Aliens and Private Employment	2/22/10	LLR
4058			Insurance Holding Company Systems	3/08/10	Department of Insurance
4059			South Carolina Reinsurance Facility Recoupment	3/08/10	Department of Insurance
4060			Life Insurance Disclosure	3/08/10	Department of Insurance
4061			Valuation of Investments	3/08/10	Department of Insurance
4068			Funeral Service Practice Act	3/30/10	Board of Funeral Service
4066			Long Term Care Insurance	4/21/10	Department of Insurance
4067			Law Enforcement Officer and E-911 Officer Training & Certification	4/28/10	S.C. Criminal Justice Academy
4072			Central Fill Pharmacies	5/04/10	Board of Pharmacy
4063			Workers' Compensation Insurance and Use of Leased Vehicles	5/12/10	Public Service Commission
4075			Requirements of Licensure in the Field of Cosmetology	5/12/10	Board of Cosmetology
4070			Air Pollution Control Regulations and Standards	5/12/10	Department of Health and Envir Control
4083			Use of Senior-Specific Certifications and Professional Designations in the Sale of Life Insurance and Annuities	5/12/10	Department of Insurance
4088			Annuity and Deposit Fund Disclosure	5/12/10	Department of Insurance
4080			Hazardous Waste Management	5/12/10	Department of Health and Envir Control
Committee Requested Withdrawal					
4022			Riverbanks Parks Commission	Tolled	Riverbanks Parks Commission
Resolution Introduced to Disapprove					
4014			Environmental Protection Fees	Tolled	Department of Health and Envir Control
4015			Environmental Protection Fees	Tolled	Department of Health and Envir Control

2 COMMITTEE LIST OF REGULATIONS SUBMITTED TO GENERAL ASSEMBLY

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

DOC. No.	SUBJECT	HOUSE COMMITTEE	SENATE COMMITTEE
4043	Amend and Add Regulations to Chapter 67 to Reflect Changes in Title 42 Necessitated by the Approval of Act 111 on June 25, 2007	Labor, Commerce and Industry	Judiciary
4054	Registration of Immigration Assistance Services	Labor, Commerce and Industry	Labor, Commerce and Industry
4055	Illegal Aliens and Private Employment	Judiciary	Labor, Commerce and Industry
4058	Insurance Holding Company Systems	Labor, Commerce and Industry	Banking and Insurance
4059	South Carolina Reinsurance Facility Recoupment	Labor, Commerce and Industry	Banking and Insurance
4060	Life Insurance Disclosure	Labor, Commerce and Industry	Banking and Insurance
4061	Valuation of Investments	Labor, Commerce and Industry	Banking and Insurance
4068	Funeral Service Practice Act	Labor, Commerce and Industry	Judiciary
4066	Long Term Care Insurance	Labor, Commerce and Industry	
4067	Law Enforcement Officer and E-911 Officer Training & Certification	Judiciary	
4072	Central Fill Pharmacies	Medical, Military, Pub & Mun Affairs	
4063	Workers' Compensation Insurance and Use of Leased Vehicles		
4075	Requirements of Licensure in the Field of Cosmetology		
4070	Air Pollution Control Regulations and Standards		
4083	Use of Senior-Specific Certifications and Professional Designations in the Sale of Life Insurance and Annuities		
4088	Annuity and Deposit Fund Disclosure		
4080	Hazardous Waste Management		
Committee Requested Withdrawal			
4022	Riverbanks Parks Commission	Agriculture and Natural Resources	Fish, Game and Forestry
Resolution Introduced to Disapprove			
4014	Environmental Protection Fees	Agriculture and Natural Resources	Medical Affairs
4015	Environmental Protection Fees	Agriculture and Natural Resources	Medical Affairs

Executive Order No. 2009-15

WHEREAS, the Congress and President of the United States enacted the American Recovery and Reinvestment Act of 2009 (the Act), which provides for the expenditure of \$500 billion in federal funds for infrastructure investment, health care and welfare programs, and other public works;

WHEREAS, the Act includes the Health Information Technology for Economic and Clinical Health Act of 2009 (the HITECH Act) that sets forth a plan for advancing the appropriate use of health information technology to improve quality of care and establish a foundation for health care reform;

WHEREAS, the HITECH Act authorizes the Centers for Medicare and Medicaid Services (CMS) to administer incentives to eligible professionals and hospitals to encourage the use of secure, electronic health records (EHRs);

WHEREAS, to achieve the goal of transforming the health care system through health information technology, three things must first be established:

- Clinicians and hospitals must acquire and implement certified EHRs in a way that fully integrates these tools into the care delivery process;
- Technical, legal, and financial supports are needed to enable information to flow securely and to support health care and population health; and,
- A skilled workforce needs to support the adoption of EHRs, information exchange across health care providers and public health authorities, and the redesign of work-flows within health care settings to gain the quality and efficiency benefits of EHRs while maintaining individual privacy and security; and

WHEREAS, health information technology systems are powerful tools that may be used to achieve outstanding quality in health care delivery, resource coordination, cost efficiency, and patient safety in the health care system.

NOW, THEREFORE, I hereby establish the Interim Governance Committee (Committee). The Committee's purpose is to recommend strategies and policies to successfully implement and sustain a statewide Health Information Exchange (HIE).

The Committee shall:

- Convene healthcare stakeholders and build trust and consensus among the stakeholders;
- Discuss ways to enhance the technical architecture and framework of the statewide HIE to promote the meaningful use of electronic health records by providers;
- Cooperate with stakeholders to develop appropriate standards for the statewide HIE's privacy, security, and interoperability that aligns with state and federal standards;
- Establish mechanisms to provide oversight and accountability to the HIE; and
- Advise and assist with the development of proposed enabling legislation to create a permanent governing body.

4 EXECUTIVE ORDERS

The Committee consists of the following members or their designees:

- (1) President of the South Carolina Hospital Association;
- (2) Chief Executive Officer of the South Carolina Office of Rural Health;
- (3) President of the South Carolina Medical Association;
- (4) Chief Executive Officer of the South Carolina Primary Health Care Association;
- (5) President of the South Carolina Pharmacy Association;
- (6) Director of the South Carolina Department of Health and Human Services;
- (7) Director of the Budget and Control Board's Office of Research and Statistics;
- (8) Commissioner of the Department of Health and Environmental Control;
- (9) Chairman of the Board of the Lakelands Rural Health Network;
- (10) President and Chief Executive Officer of Health Sciences South Carolina; and
- (11) A consumer.

This Order is effective immediately.

**GIVEN UNDER MY HAND AND THE GREAT
SEAL OF THE STATE OF SOUTH CAROLINA,
THIS 16TH DAY OF OCTOBER 2009.**

MARK SANFORD
Governor

Executive Order No. 2009-16

WHEREAS, S. Bradley Morris has resigned as Union County Clerk of Court, effective October 9, 2009; and

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

WHEREAS, William F. (Freddie) Gault, residing at 209 River Hills Road, Union, South Carolina, 29379, is a fit and proper person to serve as the Union County Clerk of Court.

NOW, THEREFORE, pursuant to the authority vested in me by the Constitution and Statutes of this State, I hereby appoint William F. (Freddie) Gault as Clerk of Court of Union County until the next general election for this office and until his successor shall qualify.

**GIVEN UNDER MY HAND AND THE GREAT
SEAL OF THE STATE OF SOUTH CAROLINA,
THIS 21st DAY OF OCTOBER 2009.**

MARK SANFORD
Governor

Executive Order No. 2009-17

WHEREAS, Lewis Christopher Shannon was suspended from his position as a member of the Horry County School Board by me on June 2, 2009; and

WHEREAS, the undersigned is authorized to appoint an interim member to the Horry County School Board as a result of the suspension of Mr. Shannon pursuant to Section 8-1-100 of the South Carolina Code of Laws; and

WHEREAS, Wilbur McNeil (Neil) James, Jr. of 2950 Loop Drive, Loris, South Carolina, 29569, is a fit and proper person to serve as a member of the Horry County School Board.

NOW, THEREFORE, pursuant to the authority vested in me by the Constitution and Statutes of this State, I hereby appoint Wilbur McNeil (Neil) James, Jr. as a member of the Horry County School Board until the next general election and until his successor shall qualify.

GIVEN UNDER MY HAND AND THE GREAT SEAL OF THE STATE OF SOUTH CAROLINA, THIS 23rd DAY OF OCTOBER 2009.

MARK SANFORD
Governor

Executive Order No. 2009-18

WHEREAS, Donald R. Betenbaugh was suspended from his position as Supervisor of Union County by me on October 7, 2009; and

WHEREAS, the undersigned is authorized to appoint an interim Supervisor for Union County as a result of the suspension of Mr. Betenbaugh pursuant to Section 8-1-100 of the South Carolina Code of Laws; and

WHEREAS, Thomas Lee Sinclair, residing at 1374 Meansville Road, Union, South Carolina, 29379, is a fit and proper person to serve as the Union County Supervisor.

NOW, THEREFORE, pursuant to the authority vested in me by the Constitution and Statutes of this State, I hereby appoint Thomas Lee Sinclair as Supervisor of Union County until the next general election for this office and until his successor shall qualify.

GIVEN UNDER MY HAND AND THE GREAT SEAL OF THE STATE OF SOUTH CAROLINA, THIS 30th DAY OF OCTOBER 2009.

MARK SANFORD
Governor

6 EXECUTIVE ORDERS

Executive Order No. 2009-19

WHEREAS, the Grand Jurors of Horry County indicted Retha Pierce, Mayor of Atlantic Beach, on October 29, 2009, for Leaving the Scene of an Accident Resulting in Property Damage; and

WHEREAS, South Carolina law recognizes that "an act in which fraud is an ingredient involves moral turpitude..." see *State v. Horton*, 248 S.E.2d 263 (1978); *In re Derrick*, 392 S.E.2d 180 (1990), and the above-referenced indictment is for a crime that involves moral turpitude; and

WHEREAS, Retha Pierce is an officer of a political subdivision of the State and Article VI, Section 8, of the South Carolina Constitution provides that "[a]ny officer of the State or its political subdivisions...who has been indicted by a grand jury for a crime involving moral turpitude...may be suspended by the Governor until he shall have been acquitted;" and

WHEREAS, a certified true copy of the indictment against Retha Pierce has been provided to me.

NOW, THEREFORE, pursuant to the authority vested in me by the Constitution and Statutes of the State of South Carolina, I hereby suspend Retha Pierce from the office of Mayor of Atlantic Beach until such time as she shall be formally acquitted or convicted.

This action in no manner addresses the question of the guilt or innocence of Retha Pierce and should not be construed as an expression of any opinion one way or another on such question.

This Order shall take effect immediately.

**GIVEN UNDER MY HAND AND THE GREAT
SEAL OF THE STATE OF SOUTH CAROLINA,
THIS 30th DAY OF OCTOBER, 2009.**

MARK SANFORD
Governor

Executive Order No. 2009-20

WHEREAS, the Grand Jurors of Pickens County indicted Elouise James, a member of the Clemson City Council, on October 20, 2009, for exploitation of a vulnerable adult, forgery, and obstruction of justice; and

WHEREAS, South Carolina law recognizes that "an act in which fraud is an ingredient involves moral turpitude..." see *State v. Horton*, 248 S.E.2d 263 (1978); *In re Derrick*, 392 S.E.2d 180 (1990), and all of the above-referenced indictments are for crimes that involve moral turpitude; and

WHEREAS, Elouise James is an officer of a political subdivision of the State and Article VI, Section 8, of the South Carolina Constitution provides that "[a]ny officer of the State or its political subdivisions...who has been indicted by a grand jury for a crime involving moral turpitude...may be suspended by the Governor until he shall have been acquitted;" and

WHEREAS, a certified true copy of the indictment against Elouise James has been provided to me.

NOW, THEREFORE, pursuant to the authority vested in me by the Constitution and Statutes of the State of South Carolina, I hereby suspend Elouise James from the office of Council Member of the City of Clemson until such time as she shall be formally acquitted or convicted.

This action in no manner addresses the question of the guilt or innocence of Elouise James and should not be construed as an expression of any opinion one way or another on such question.

This Order shall take effect immediately.

**GIVEN UNDER MY HAND AND THE GREAT
SEAL OF THE STATE OF SOUTH CAROLINA,
THIS 30th DAY OF OCTOBER, 2009.**

**MARK SANFORD
Governor**

8 NOTICES

BUILDING CODES COUNCIL

NOTICE OF GENERAL PUBLIC INTEREST

Notice is hereby given that, in accordance with Section 6-9-40 of the 1976 Code of Laws of South Carolina, as amended, the South Carolina Building Codes Council intends to adopt the following building codes for use in the state of South Carolina.

Mandatory codes include the:

2009 Edition of the International Building Code;
2009 Edition of the International Residential Code;
2009 Edition of the International Fire Code;
2009 Edition of the International Plumbing Code;
2009 Edition of the International Mechanical Code;
2009 Edition of the International Fuel Gas Code;
2009 Edition of the International Property Maintenance Code;
2009 Edition of the International Existing Building Code.

Permissive codes include the:

2009 Edition of the International Property Maintenance Code;
2009 Edition of the International Existing Building Code;
2009 Edition of the International Performance Code for Buildings and Facilities.

The Council specifically requests comments concerning sections of the proposed editions, which may be unsuitable for enforcement in South Carolina. Written comments may be submitted to Gary F. Wiggins, Council Administrator, at PO Box 11329, Columbia, SC 29211-1329, on or before December 1, 2009.

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

NOTICE

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 November 27, 2009, 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 Mrs. Sarah "Sallie" C. Harrell, Division of Planning and Certification of Need, 2600 Bull St., Columbia, SC 29201 at (803) 545-4200.

Affecting Beaufort County

Construction of a one hundred twenty (120) bed nursing home that does not participate in the Medicaid (Title XIX) Program
Sunnyside Healthcare Commons of Hilton Head, LLC d/b/a Beacon Harbor Subacute Care
Bluffton, South Carolina
Project Cost: \$25,898,246

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 November 27, 2009. "Affected persons" have 30 days from the above date to submit comments or requests for a public hearing to Mr. Les W. Shelton, Division of Planning and Certification of Need, 2600 Bull Street, Columbia, S.C. 29201. For further information call (803) 545-4200.

Affecting Anderson County

Renovation of existing space to replace a 0.23T Open Viva Magnetic Resonance Imaging (MRI) unit with a fixed 1.5T MRI unit

Anderson Diagnostic Imaging

Anderson, South Carolina

Project Cost: \$2,109,391

Purchase of a daVinci Robotic Surgery System (dRSS) to be located on the campus of AnMed Health Women's and Children Hospital in an existing operating room (OR)

AnMed Health Women's and Children's Hospital

Anderson, South Carolina

Project Cost: \$2,310,496

Affecting Charleston County

Establishment of a freestanding ambulatory surgical facility (ASF) with two (2) endoscopy rooms restricted to endoscopy procedures only

The Colorectal EndoSurgery Institute of the Carolinas, LLC

Mt. Pleasant, South Carolina

Project Cost: \$2,512,210

Affecting Dillon County

Construction of a new Emergency Department that will relocate all emergency services to an addition to the existing structure

McLeod Medical Center Dillon

Dillon, South Carolina

Project Cost: \$8,392,733

Affecting Florence County

Construction of a new facility adjacent to the existing McLeod Health and Fitness Center located at Bentree Road and David L. McLeod Blvd for the relocation and expansion of the Rehabilitation and Sports Medicine Departments from their current locations on the main campus of McLeod Regional Medical Center

McLeod Regional Medical Center

Florence, South Carolina

Project Cost: \$8,476,867

Affecting Pickens County

Construction for the addition of twenty six (26) skilled nursing beds that will not participate in the Medicaid (Title XIX) program resulting in a total bed capacity of forty four (44) nursing home beds; the existing eighteen (18) beds are restricted to residents of the community only

Presbyterian Home of South Carolina-Foothills

Easley, South Carolina

Project Cost: \$2,806,332

10 NOTICES

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

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.

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

Pursuant to Section IV.B.1., the Department is required to place a list of those contractors requesting certification on public notice and accept comments from the public for a period of thirty (30) days. If you wish to provide comments regarding the companies and/or individuals listed below, please submit your comments in writing, no later than December 28, 2009 to:

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

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

Class II
Small Business Group, Inc.
Attn: J. N. Kevin Tunstall
10179 Hwy 78
Ladson, SC 29456

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

NOTICE OF GENERAL PUBLIC INTEREST

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

1. National Fire Protection Association 20, Standard for the Installation of Stationary Pumps for Fire Protection, 2010 Edition
2. The original promulgating authority for this code is:
National Fire Protection Association
1 Batterymarch Park
Quincy, Massachusetts 02269
3. This code is referenced by:
South Carolina Code of Laws Section 40-10-240
South Carolina Code of Regulations 71-8300.2(G)

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

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

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

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South Carolina Code of Regulations 71-8300.2(G)

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

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1. National Fire Protection Association 72, National Fire Alarm Code, 2010 Edition
2. The original promulgating authority for this code is:
National Fire Protection Association
1 Batterymarch Park
Quincy, Massachusetts 02269
3. This code is referenced by:
South Carolina Code of Laws, Section 23-9-60
South Carolina Code of Regulations 71-8300.2 (O)

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

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

**CLEMSON UNIVERSITY
STATE CROP PEST COMMISSION
CHAPTER 27**

Statutory Authority: 1976 Code Section 46-9-40

Notice of Drafting:

The State Crop Pest Commission is contemplating amending Regulations 27-1070, 27-1078, and 27-1079. The proposed amendments deal with defining the term “inactive license”, create a new license category for soil fumigation, and define and clarify certification and recertification requirements.

Synopsis:

These amendments would: be more consistent with the recertification requirements of other states in the Southeast; improve the level of compliance with the regulations for pesticide use by further education; keep pesticide applicators better informed of changes in the industry; and increase the level of professionalism through education.

Legislative review of this proposal will be required.

14 PROPOSED REGULATIONS

Document No. 4114
BUILDING CODES COUNCIL
CHAPTER 8

Statutory Authority: 1976 Code Section 6-8-20

8-100 through 8-185. Registration, Fees and Disciplinary Procedure

Preamble:

The South Carolina Building Codes Council proposes to amend Regulation 8-100 through 8-185 to reflect amendments to the statutes on regulation of building codes enforcement officers (2009 Act 20) and to update and clarify existing regulatory language. The proposed amendments provide procedures for state registration of private inspectors performing special or contract inspections of components and systems on new construction of large or complex buildings and structures. The amendments also establish the registration categories, conditions and requirements for special inspectors and contract inspectors.

Section-by-Section Discussion

Regulation 8-105. Definitions.

- 1.-3. No substantive changes.
4. Deletes "Code Enforcement Officer" and adds "in the stated classification" for clarity.
5. Rewords for clarity.
6. Adds new definition of code enforcement; deletes previous (7) definition.
7. Renumbers previous (6) definition of codes.
8. Adds new definition of commercial inspector; deletes previous (8) definition.
9. Renumbers previous (10) definition of council; deletes previous (9) definition.
10. Renumbers previous (11) definition of department.
11. Renumbers previous (12) definition of limited registration and rewords for clarity.
12. Renumbers previous (13) definition of practice of code enforcement.
13. Renumbers previous (14) definition of provisional registration and rewords for clarity.
14. Renumbers previous (15) definition of recognized code organization and rewords for clarity.
15. Renumbers previous (16) definition of registered and adds registrant; rewords for clarity.
16. Adds new definition of residential inspector; deletes previous (16) definition.
17. Adds new definition of single discipline inspector; deletes previous (17) definition.
- Deletes 18. and 19. as redundant.

Regulation 8-110. Registration Required.

Deletes time requirement; adds "special inspector or contract inspector"; rewords for clarity.

Regulation 8-115. Classifications and Qualifications for Registration.

Deletes "Requiring" and adds "and Qualifications for" in section title.

Deletes "performing" and adds "applying for registration"; adds "special inspector or contract inspector"; rewords for clarity; adds sentence for qualification of applicants.

- A. Deletes "General I classification" and adds certificate or exam record requirement for building official.
- B. Deletes "General II classification General Combination", adds "Commercial", and adds certificates or exam records requirement for commercial inspector.
- C. Deletes "General III classification" and "Combination", and adds certificates or exam records requirement for residential inspector.
- D. Deletes entire text and adds certificates or exam records requirement for plan examiner.
- E. Deletes entire text and adds certificate or exam record requirement for single discipline inspector.
- F. Adds new text about provisional requirements.

- G. Renumbers F.
- H. Adds new text about special inspector requirements.
- I. Adds new text about contract inspector requirements.

Regulation 8-120. Maximum Time for Certification.

- Deletes “Registration” and adds “Certification” in section title.
- Deletes first sentence and A.; adds sentence about provisional classification certification time limit requirements.
- A. Renumbers 1. and capitalizes “official”.
- B. Deletes 2. and B.; adds commercial inspector time limits.
- C. Renumbers 3. and deletes “combination”; deletes “18 months” and adds year requirement for certification(s).
- D. New section about year requirement for plans examiner.
- E. New section about year requirement for single discipline inspector.

Regulation 8-125. Application Required.

- Rewords for clarity.

Regulation 8-130. Qualifications for Certification.

- Deletes section in its entirety since subject matter previously mentioned.

Regulation 8-135. Exemptions.

- Adds language for clarity.

Regulation 8-140. Registration Renewal.

- Rewords for clarity.

Regulation 8-145. Fees.

- Deletes “of a code enforcement officer”.

Regulation 8-150. Continuing Education.

- Rewords for clarity.

Regulation 8-160. Comity.

- Rewords for clarity.

Regulation 8-165. Conflict of Interest.

- Rewords for clarity.

Regulation 8-170. Denial, Suspension and Revocation.

- Rewords for clarity.

Regulation 8-175. Preferring of Charges and Hearing.

- Rewords for clarity.

Regulation 8-180. Appeal from Action of Council.

- Changes “Judge” to “Court”.

Regulation 8-185. Registration Reinstatement and Replacement.

- Rewords for clarity.

16 PROPOSED REGULATIONS

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 before the Building Codes Council at 10:30 a.m. on Wednesday, January 13, 2010. Written comments may be directed to Gary Wiggins, Administrator, South Carolina Building Codes Council, Department of Labor, Licensing, and Regulation, Post Office Box 11329, Columbia, South Carolina 29211-1329, no later than 5:00 p.m., Tuesday, December 29, 2009. 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:

These regulations are amended in conformance with Building Codes Practice Act.

DESCRIPTION OF REGULATION:

Purpose: The council is updating the regulations in conformance with the Building Codes Practice Act.

Legal Authority: 1976 Code Section 6-8-20.

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

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

The proposed regulations reflect requirements for licensure.

DETERMINATION OF COSTS AND BENEFITS:

There is no cost incurred by the state.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning the regulations.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

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

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

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

Statement of Rationale:

These regulations are updated in conformance with the current Building Codes Council Practice Act and to provide for state registration of private inspectors performing special or contract inspections of components and systems on new construction of large or complex buildings and structures.

Text:

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

Document No. 4117
STATE BOARD OF EDUCATION
CHAPTER 43

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

43-62. Requirements for Additional Areas of Certification

Preamble:

This regulation needs to be amended to create additional educator certification options for adjunct instructor, Montessori, and online teaching. In addition, minor changes are proposed in the add-on certification requirements for secondary mathematics for clarification purposes and to align course titles with current courses available in teacher education programs. Add-on certification requirements for Reading also have been revised. The notice of drafting was published in the *State Register* on June 26, 2009.

Section-by-Section Discussion

Section II Listing of add-on certification areas has been revised to reflect new alpha order, resulting from changing Reading areas to Literacy areas.

Section II(I) The course requirements for add-on certification in secondary mathematics have been revised to be consistent with current course titles available in teacher education programs. Mathematics has been changed in the alpha order listing to II (J).

Section II(M) Certification areas in Reading have been revised and renamed to reflect current Literacy emphasis and course requirements revised appropriately. Section II(M) now becomes Section II(I).

Section V(A) Certification requirements for Adjunct Instructor have been included.

Section V(B) Advanced Fine Arts certification requirements have been moved from Section V(A) to Section V(B) to accommodate the alpha listing of certification areas in Section V.

Section V(C) Certification requirements for Montessori have been included.

Section V(D) Certification requirements for Online Teaching have been included.

18 PROPOSED REGULATIONS

Notice of Public Hearing and Opportunity for Public Comment:

Interested members of the public and regulated community are invited to make oral or written comments on the proposed regulation at a public hearing to be conducted by the State Board of Education at its meeting on Wednesday, January 13, 2010, at 1:30 p.m. at the Rutledge Building, South Carolina Department of Education, 1429 Senate Street, Columbia, South Carolina 29201. Persons desiring to make oral comments at the hearing are asked to limit their statements to five minutes or less, and as a courtesy are asked to provide written copies of their presentation for the record.

Interested persons are also provided an opportunity to submit written comments on the proposed amendments by writing to Mark A. Bounds, Deputy Superintendent, Division of Educator Quality and Leadership, 500 Landmark Building, 3700 Forest Drive, Columbia, South Carolina 29204 or e-mail mbounds@leaders.ed.sc.gov. Comments submitted by December 28, 2009, at 5:00 p.m., shall be submitted to the Board on or before the public hearing.

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: R 43-62, Requirements for Additional Areas of Certification.

Purpose: Regulation 43-62, Requirements for Additional Areas of Certification, is being amended.

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

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

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

The amendments to this regulation are needed to create additional certification options for adjunct instructor, Montessori, and online teaching; to clarify and align current course requirements for add-on certification in secondary mathematics; and to revise current certification requirements for Reading (Literacy).

DETERMINATION OF COSTS AND BENEFITS:

None.

UNCERTAINTIES OF ESTIMATES:

None.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

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

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

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

Statement of Rationale:

The amendments to this regulation are needed to create additional certification options for adjunct instructor, Montessori, and online teaching; to clarify and align current course requirements for add-on certification in secondary mathematics; and to revise current certification requirements for Reading (Literacy).

Text:

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

Document No. 4115
STATE BOARD OF EDUCATION
CHAPTER 43

Statutory Authority: 1976 Code Sections 59-5-60 and 59-53-1810

43-233. South Carolina Four-Year State Plan for Career and Technology Education, Fiscal Years 2001-2004

Preamble:

The State Board of Education proposes to repeal R.43-233. The South Carolina Four-Year State Plan for Career and Technology Education, and the subsequent updates and extensions authorized by the U.S. Department of Education under the Carl D. Perkins Vocational and Technical Education Act of 1998 (Perkins III), expired on June 30, 2007. The Carl D. Perkins Career and Technical Education Act of 2006 (Perkins IV) created the need for a one-year transition plan and a subsequent five-year plan for approval to receive the federal funds from the U.S. Department of Education. The state plan must be updated periodically according to guidelines issued by the U.S. Department of Education. There is no requirement that the state plan approved by the U.S. Department of Education be incorporated into a State Board of Education Regulation.

Notice of Drafting for the proposed repeal of 24 S.C. Code Ann. Regs. 43-233 (Supp. 2008), South Carolina Four-Year State Plan for Career and Technology Education, Fiscal Years 2001-2004, was published in the *State Register* on July 24, 2009.

Section-by-Section Discussion

24 S.C. Code Ann. Regs. 43-233 (Supp. 2008), South Carolina Four-Year State Plan for Career and Technology Education, Fiscal Years 2001-2004, is being repealed.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the S.C. Code, as amended, such a hearing will be held on January 13, 2009, at 1:30 p.m. in the Rutledge Conference Center, Rutledge Building, 1429 Senate Street., Columbia, South Carolina 29201. Persons desiring to make oral comment at the hearing are asked to provide written copies of their presentation for the record.

Written comments, requests for the text of the proposed repeal, or any other information and requests for a public hearing should be submitted to Dr. James R. Couch, Director, Office of Career and Technology

20 PROPOSED REGULATIONS

Education, Division of Standards and Learning, South Carolina Department of Education, 1429 Senate Street, Rutledge Building, Room 912-A, Columbia, SC 29201 or by e-mail to jcouch@ed.sc.gov, on or before 5:00 p.m. on December 28, 2009.

Preliminary Fiscal Impact Statement:

None.

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION: South Carolina Four-Year State Plan for Career and Technology Education, Fiscal Years 2001-2004.

Purpose: The South Carolina Four-Year State Plan for Career and Technology Education, and the subsequent updates and extensions authorized by the U.S. Department of Education under the Carl D. Perkins Vocational and Technical Education Act of 1998 (Perkins III), expired on June 30, 2007.

Legal Authority: 1976 Code Sections 59-5-60 (2004) and 59-53-1810 (Supp. 2008).

Plan for Implementation: The repeal will become effective when printed in the January 29, 2010, *State Register*.

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

This regulation is not needed.

DETERMINATION OF COSTS AND BENEFITS:

None.

UNCERTAINTIES OF ESTIMATES:

None.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

None.

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

There will be no detrimental effect on the environment or public health if the regulation is repealed.

Statement of Rationale:

None.

Text:

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

Document No. 4116
STATE BOARD OF EDUCATION
CHAPTER 43
Statutory Authority: 1976 Code Sections 59-16-10 *et seq.*

43-248. South Carolina Virtual School Program

Preamble:

The South Carolina Code of Laws authorizes the State Board of Education to promulgate regulations governing the operation of the South Carolina Virtual School Program.

The Notice of Drafting for the proposed regulations was published in the State Register on August 28, 2009.

Section-by-Section Discussion

43-248 In May 2007, Title 59 of the 1976 Code was amended by adding Sections 59-16-10 *et seq.* to establish the South Carolina Virtual School Program (SCVSP) and require the State Board of Education (SBE) to develop guidelines to govern the implementation of the program. The SCVSP Guidelines were approved by the SBE in December 2007. The SCVSP Guidelines have governed the implementation of the program since then. During that time, the SCVSP has provided South Carolina students access to distance, online, or virtual learning courses offered for an initial unit of high school credit. In addition, it has provided access to content recovery programs for students who have been identified by a school district as not having received credit for a course previously taken or for students who have been identified as not likely to receive credit for a course in which the student is currently enrolled.

Notice of Public Hearing and Opportunity for Public Comment:

Interested members of the public and regulated community are invited to make oral or written comments on the proposed regulation at a public hearing to be conducted by the State Board of Education at its meeting on January 13, 2009, at 1:30 p.m. in the Rutledge Conference Center, Rutledge Building, South Carolina Department of Education, 1429 Senate Street, Columbia, South Carolina. Persons desiring to make oral comments at the hearing are asked to limit their statements to five minutes or less, and as a courtesy are asked to provide written copies of their presentation for the record.

Interested persons are also provided an opportunity to submit written comments on the proposed regulation by writing to Deirdre Appleby, Director, Office of eLearning, 3710 Landmark Drive, Suite 301, Columbia, South Carolina 29204 or e-mail dappleby@ed.sc.gov. Comments submitted by December 28, 2009, at 5:00 p.m., shall be submitted to the Board in a summary of public comments and Department responses for consideration at the public hearing.

Preliminary Fiscal Impact Statement:

None.

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Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION: South Carolina Virtual School Program.

Purpose: The State Board of Education is promulgating this regulation for the operation of the South Carolina Virtual School Program.

Legal Authority: S.C. Code Ann. Section 59-16-10 *et seq.* (2008).

Plan for Implementation: This 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:

This regulation is needed to govern the implementation of the South Carolina Virtual School Program.

DETERMINATION OF COSTS AND BENEFITS:

None.

UNCERTAINTIES OF ESTIMATES:

None.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

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

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

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

Statement of Rationale:

The 2008 Code mandates that the South Carolina Board of Education develop and promulgate regulations to govern the implementation of the South Carolina Virtual School Program.

A copy of the statement of rationale may be obtained by contacting Deirdre Appleby, Director, Office of eLearning, 3710 Landmark Drive, Suite 301, Columbia, South Carolina 29204, or e-mail dappleby@ed.sc.gov.

Text:

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

Document No. 4110
DEPARTMENT OF NATURAL RESOURCES
CHAPTER 123

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

123-200 through 123-210. Regulation of Real Property Owned and Leased by the Department

Preamble:

The South Carolina Department of Natural Resources is proposing to amend the existing regulations which govern the conduct and activities of visitors to Wildlife Management Areas, Heritage Preserves and other lands owned or leased by the Department. Act No. 63 of 2009 amended Section 50-11-2200 to specify additional prohibited activities, amended Section 50-11-2210 to include Heritage Trust and Department Owned Lands, added Section 50-11-2225 to create a misdemeanor criminal offense for entering or remaining on a closed area and added Section 50-11-2215 to provide a non-interference with agency duties and landowner rights clause. These regulations remove the activities previously prohibited by regulation that are now prohibited by Statute and clarify use restrictions now allowed through regulation.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such hearing will be conducted at 1000 Assembly Street on January 14, 2010 at 10:00am in room 335, third floor, Rembert C. Dennis Building. Written comments may be directed to Breck Carmichael, Deputy Director, Wildlife & Freshwater Fisheries Division, Department of Natural Resources, Post Office Box 167, Columbia, SC 29202 by January 5, 2010 at 5:00pm.

Preliminary Fiscal Impact Statement:

This amendment of Regulations 123-200 through 123-210 will not reduce the public use of DNR properties or result in changes in the generation of State revenue.

Statement of Need and Reasonableness:

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

DESCRIPTION OF THE REGULATION:

Purpose: These regulations amend Chapter 123-200 through 123-210 which govern the conduct and activities of visitors to Wildlife Management Areas, Heritage Preserves and other lands owned or leased by the Department. These regulations remove the activities previously prohibited by regulation that are now prohibited by Statute through Act 63 and clarify use restrictions now allowed through regulation.

Legal Authority: Under Sections 50-11-2200 and 50-11-2210 of the S.C. Code of Laws, the Department of Natural Resources has jurisdiction over all Wildlife Management Areas and Department-owned land to establish regulations for the protection, preservation, operation, maintenance and use.

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

24 PROPOSED REGULATIONS

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

Act No. 63 of 2009 amended Section 50-11-2200 to specify additional prohibited activities, amended Section 50-11-2210 to include Heritage Trust and Department Owned Lands, added Section 50-11-2225 to create a misdemeanor criminal offense for entering or remaining on a closed area and added Section 50-11-2215 to provide a non-interference with agency duties and landowner rights clause. These regulations remove the activities previously prohibited by regulation that are now prohibited by Statute and clarify use restrictions now allowed through regulation.

DETERMINATION OF COSTS AND BENEFITS:

Implementation of the proposed regulation will not require any additional costs to the state or to the public or sporting community. There are no significant new costs imposed by the changes. Clarification of existing regulations under appropriate authority will improve enforcement ability and therefore reduce staff time in handling prosecution of offenses.

UNCERTAINTIES OF ESTIMATES:

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

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

The promulgation of this regulation will not have any impacts on public health. No environmental impacts will occur since the proposed regulation only removes activities previously prohibited by regulation that are now prohibited by Statute and clarify use restrictions now allowed through regulation.

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

No detrimental impact on public health or the environment will occur if this proposed regulation is not implemented. Failure to implement this regulation will prevent changes to the regulations required by the enactment of Act No. 63.

Statement of Rationale:

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

Text:

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

Filed: November 12, 2009 9:48am

Document No. 4113
DEPARTMENT OF NATURAL RESOURCES
 CHAPTER 123

Statutory Authority: 1976 Code Sections 50-1-200, 50-1-220, 50-11-10, 50-11-105, 50-11-310, 50-11-335, 50-11-350, 50-11-390, 50-11-520, 50-11-530, 50-11-854, 50-11-2200 and 50-11-2210

123-40. Wildlife Management Area Regulations

Emergency Situation:

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

Text:

123-40. Wildlife Management Area Regulations.

(G) Francis Marion National Forest

During still gun hunts for deer there shall be no hunting or shooting from, on or across any road open to vehicle traffic. No buckshot on still gun hunts. During deer hunts when dogs are used buckshot only is permitted. On either-sex deer hunts with dogs, all deer must be checked in by one hour after legal sunset. On all still gun and muzzleloader either-sex hunts for all units, all does must be tagged with an individual antlerless deer tag except when harvested on county-wide either-sex days. Individual antlerless deer tags are valid on days not designated as either-sex after Sept. 15 for still hunting only. Tibwin Special Use Area (in Wambaw) is closed to hunting except for Special hunts. On youth deer hunts, only youths 17 and younger may carry a gun and must be accompanied by an adult 21 years old or older.

Total of 8 deer for all gun and muzzleloader hunts on the Francis Marion.

Hellhole WMA

Deer

Archery

Aug. 15 - Sept. 30

2 deer per day, either-sex Sept. 15- 30.
 Hogs no limit.

Still Gun Hunts

Oct. 1 - Jan. 1
 except during scheduled
 dog drive hunts

2 deer per day, either-sex,
 hogs no limit. Doe tags must be
 used except on county either-sex
 days.

Dog Hunts
 (Shotguns only, no still
 gun hunting)

Dec. 5

Dec. 11

2 deer per day, buck only, hogs
 no limit.
 2 deer per day, either sex,
 hogs no limit.

26 EMERGENCY REGULATIONS

Youth only deer hunt with dogs.	Nov. 21	2 deer per day, either-sex, hogs no limit.
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Requirements for youth same as statewide youth deer hunt day.

On the either-sex deer hunt with dogs (except youth only hunts) all deer must be checked in at Hellhole Check Station.

Waterhorn WMA

Deer

Archery	Sept. 24 - Oct. 15	2 deer per day, either-sex, hogs no limit.
Muzzleloader	Oct. 26 - Nov. 7	2 deer per day, either-sex, hogs no limit. Doe tags must be used except on county either sex days.
Still Gun Hunts	Aug. 21 - 22	2 deer per day, buck only, hogs no limit.
	Sept. 4 - 5, 11 - 12	
	Nov. 13 - 14	
	Dec. 7 - 12 Dec. 26 - Jan.1	
Hog Hunts with dogs	Feb. 6, 20 Mar. 13	No limit.

No more than 4 bay or catch dogs per party. No still or stalk hunting permitted. One shotgun per party(buck shot only). Pistols allowed. Hog hunters must have a hunting license and WMA permit, and are required to wear a hat, coat or vest of solid international orange color while hunting. Hogs may not be transported alive. Hog hunters must sign in at designated locations and complete a data card upon entering and leaving Waterhorn WMA. Hunting allowed from legal sunrise to legal sunset.

Wambaw WMA

Deer

Seewee Special Use Area Archery (no dogs)	Sept. 1. - Jan. 1	2 deer per day, buck only, except either-sex Sept. 15 – Jan. 1.
Still Gun Hunts	Aug. 15 - Jan. 1 except during scheduled dog drive hunts.	2 deer per day, buck only, except either-sex Sept. 15 – Jan. 1 Hogs no limit. Doe tags must be used except on county either-sex days.
Dog Hunts (Shotguns only)	Sept. 25 Nov. 18 - 19, Dec. 12, 26, 28	2 deer per day, buck only, hogs no limit.
	Nov. 7	2 deer per day, either-sex, hogs no limit.

EMERGENCY REGULATIONS 27

Youth only deer hunt with dogs. Oct. 24 2 deer per day, either-sex, hogs no limit.

Requirements for youth same as statewide youth deer hunt day.

On either-sex deer hunts with dogs (except youth only hunts) all deer must be checked in at Awendaw check station on Hwy 17 or Honey Hill Lookout Tower.

Still gun hunts only East of Hwy 17. Rifles allowed.

Hog Hunts Feb. 13, 27, Mar. 6 No limit.

No more than 4 bay or catch dogs per party. No still or stalk hunting permitted. One shotgun per party (buck shot only). Pistols allowed. Hog hunters must have a hunting license and WMA permit, and are required to wear a hat, coat or vest of solid international orange color while hunting. Hogs may not be transported alive. Hog hunters must sign in at designated locations and complete a data card upon entering and leaving Wambaw WMA. Hunting allowed from legal sunrise to legal sunset.

Northampton WMA
Deer

Still Gun Hunts Aug. 15 - Jan. 1 except during scheduled dog drive hunts 2 deer per day, buck only, except either-sex Sept. 15 - Jan. 1. Hogs no limit. Doe tags must be used except on county either-sex days.

Dog Hunts (Shotguns only) Sept. 26 Oct. 7 - 8, Nov. 27, Dec. 29 2 deer per day, buck only, hogs no limit.

Oct. 17 2 deer per day, either-sex, hogs no limit.

Youth only deer hunt with dogs. Jan. 2 2 deer per day, either-sex, hogs no limit.

Requirements for youth same as statewide youth deer hunt day.

On either-sex deer hunts with dogs (except youth only hunts) all deer must be checked in at P&C Grocery or Anglers in Jamestown.

Santee WMA
Deer

Still Gun Hunts Aug. 15 - Jan. 1 except during scheduled dog drive hunts. 2 deer per day, buck only, except either-sex Sept. 15 - Jan. 1. Hogs no limit. Doe tags must be used except on county either-sex days.

28 EMERGENCY REGULATIONS

Dog Drive Hunts (Shotguns only)	Aug. 28 - 29	2 deer per day, buck only, hogs no limit.
	Oct. 21 - 22, Dec. 4	
	Sept. 19	2 deer per day, either-sex, hogs no limit.
Youth only deer hunt with dogs.	Oct. 3	2 deer per day, either-sex, hogs no limit.

Requirements for youth same as statewide youth deer hunt day).

On either-sex deer hunts with dogs (except youth only hunts) all deer must be checked in at Bonneau Ferry entrance or M & B Alvin Community Mart.

Statement of Need and Reasonableness:

Periodically additional lands are made available to the public through the Wildlife Management Area Program. Since existing regulations only apply to specific wildlife management areas, new regulations must be filed to establish seasons, bag limits and methods of hunting and taking of wildlife on these new WMAs as well as expanding use opportunities on existing WMAs. Amendments are needed to allow additional opportunity. Because some hunts extend until January 1 it is necessary to re-file these regulations as emergency so they take effect immediately.

Fiscal Impact Statement:

This amendment of Regulation 123-40 will result in increased public hunting opportunities that should generate additional State revenue through license sales. In addition, the local economy should benefit from sales of hunting supplies, food and overnight accommodations. Sales taxes on these items will also directly benefit government.

Filed: November 11, 2009 4:40pm

Document No. 4112
DEPARTMENT OF NATURAL RESOURCES
 CHAPTER 123
 Statutory Authority: 1976 Code Section 50-15-65

123-151. Regulations for Species or Subspecies of Non-game Wildlife

Emergency Situation:

Act 179 (S452) was passed by the SC General Assembly and became law in February, 2008. This act established new alligator management options and specifies that the SC Department of Natural Resources will modify existing programs and create new programs for the management and harvest of alligators. Because there was not sufficient time to promulgate new regulations it was necessary to file emergency regulations that replaced 123-151 with these emergency regulations thus fulfilling the intent of the new law and allowing for the Public Alligator Hunting in 2008. Several modifications have been made to the 2008 emergency regulations that allow new emergency regulations for the 2009 hunt. It is necessary to re-file these emergency regulations because they will expire and products taken under the regulations will become illegal. Final regulations consistent with these emergency regulations will be before the SC General Assembly when they convene in January, 2010.

Text:

123-151. Regulations for Species or Subspecies of Non-game Wildlife.

A. Alligator Harvest

1. The size and number of all alligators to be taken will be specified by the Department on permits provided with harvest tags. A permit holder may only take and/or possess alligators identified by the Department and only in the manner specified by the Department.

2. All who take or attempt to take an alligator must have a copy of the harvest permit along with an unused harvest tag with them while afield.

3. Once an alligator is killed and before it is transported, a harvest tag must be attached and locked within six inches of the tip of the tail. In the event that an alligator harvest tag is defective and is not usable for the purpose intended, or becomes detached from the alligator hide, the Department must be notified immediately. The Department will be responsible for the replacement of defective, but not lost, tags. The alteration of harvest tags is strictly prohibited.

4. Alligator meat may be used by the harvester but cannot be bought, sold or bartered except as provided in this regulation. All packages of meat not to be sold must have a tag with the name of the harvester and the harvest tag number attached.

5. Before shipping or transporting outside of the USA, carcasses or hides must have CITES tags attached. Anyone desiring to ship or transport such items from the country must contact select Department offices for CITES validation and tagging.

6. Any alligator carcass, hide or part that is not tagged or marked as required in this regulation is declared contraband and must be confiscated.

B. Depredation Program

1. Depredation permits for alligator removal will be issued to property owners or control agents. There is no fee for participation in this program.

2. Qualifications and liability of Control Agents:

a. Control agents must possess the experience and ability to handle alligators.

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- b. Control agents must supply all equipment necessary to take alligators.
- c. Control agents assume personal liability for their health, safety and welfare and that of their assistants.
- d. Control agents are not employees of the Department, they are independent contractors.
- e. Applications for selection as control agents will be reviewed by the Department. The number of appointed control agents will be based upon the need as determined by the Department.

3. Operation of Department designated alligator control agents:

- a. Alligators may be skinned only at designated sites and in accordance with specific instructions provided by the Department.
- b. The meat of alligators may be used by the control agents or his/her immediate family and may also be given to others but must not be bought, sold or transferred except as provided in this regulation. All packages of meat not be sold, transferred or bartered must have a tag attached that includes the name of the person who harvested the alligator and the harvest tag number.
- c. Each control agent may be assisted by not more than two assistant control agents approved by the Department, provided that no such assistant shall operate or conduct any alligator trapping or transportation activity except under supervision of the control agent.
- d. Alligator harvest tags issued to control agents are the property of the Department and shall remain the property of the Department.
- e. Designation as an alligator control agent is discretionary with the Department and such designation may be revoked at any time.

C. Private Lands Alligator Program

1. Alligators may be taken from lands that are in the Private Lands Alligator Program. The season for taking alligators under this program is from September 1 until October 15. The Department will establish a quota and issue tags for each specific application. Alligators taken under this program must be at least 4 feet in length.

2. Applications for participating in the Private Lands Alligator Program must be received by the Department not later than August 1st of that year, and the applicant must report all harvested alligators and harvest information to the Department not later than the following December 1st.

3. If the application is approved by the Department for participation in the Private Lands Alligator Program and a permit is issued, alligators may be taken only from that area and only by a licensed hunter. In order to participate in the Private Lands Alligator Program, an alligator control agent as defined in Section B must also be a licensed hunter. Participants in the Private Lands Alligator Program must maintain accurate records for inspection by Department personnel and the records must be made available for immediate inspection at any and all reasonable hours at the request of the Department.

4. All areas identified in the Private Lands Alligator Program and facilities used for processing alligators must be open to Department personnel for inspection to determine compliance with the program and laws and regulations protecting alligators and to allow collection of biological information.

5. During the designated private lands season, alligators may only be taken by firearms, hand-held snares, hand-held harpoons, archery equipment, crossbows, snatch hooks and as otherwise permitted by the Department. If devices other than firearms are used, a line must be securely attached to the hook, arrow or head of the device in such a manner to prevent separation from the hook, arrow or head until the carcass is retrieved. The other end of the line must be held by the hunter or be attached to a stationary or floating object capable of maintaining line above water when an alligator is attached. Rimfire firearms and shotguns are prohibited for taking alligators except that these firearms can be used to dispatch an alligator secured by a line. No alligator may be taken by use of baited hooks or by pole hunting. Pole hunting is defined as the act of taking an alligator from a den with a hook or snagging device of any type secured to the end of a pole and includes any device used to induce an alligator to move from a den prior to taking. All alligators taken under this program must be killed prior to transport off of the property named on the permit.

6. No person may use alligator harvest tags issued for privately-owned habitat on publicly-owned property.

7. A Department-supplied alligator harvest report form must be updated by the applicant or the person taking alligators on the property within 24 hours of the taking of each alligator. Alligator hunters, while on property designated under the Private Lands Alligator Program, may only possess tags for that property. Completed harvest forms must be returned to the Department by December 1st of each year. A participant who does not report is not eligible to participate in the program the following year.

8. Alligator hides, parts or products may be retained and sold only in accordance with this regulation.

D. Alligator Hunting Season

1. The Department may issue a prescribed number of Alligator Hunting Season permits for the harvest of alligators. Those applicants randomly selected shall be issued instructions along with harvest tag(s). Alligators may be taken pursuant to permits from public and private areas where the person has legal access for the taking of alligators. Alligators taken under this program must be at least 4 feet in length. The season for hunting alligators under this program is from 12:00 noon on the 2nd Saturday in September until 12:00 noon on the 2nd Saturday in October and is open in Game Zones 3, 4, 5 & 6. These harvest permits cannot be used on property approved under the Private Lands Alligator Program. The Department may close, extend, delay or reopen the season if biological needs warrant.

2. During the designated season, alligators may only be taken by hand-held snares, hand-help harpoons, archery equipment, crossbows, snatch hooks and as otherwise permitted by the Department. Any device may only be used when a line is securely attached to the hook or head of the device in such a manner as to prevent separation from the hook, arrow or head until the carcass is retrieved. The other end of the line must be held by the hunter or attached to a stationary or floating object capable of maintaining line above water when an alligator is attached. Only a handgun, a bangstick or sharp instrument used to sever the spine may be used for dispatch and only if a restraining line is attached to the alligator. A hand-held snare must be used to hold the alligator boatside or on land before it can be dispatched. Firearms may not be used to take free-swimming or basking alligators. The possession of a rifle or shotgun while taking or attempting to take alligators under this program is prohibited. All alligators taken under this program must be killed prior to transport by boat or vehicle. No alligator may be taken by use of baited hooks or by pole hunting. Pole hunting is defined as the act of taking an alligator from a den with a hook or snagging device of any type secured to the end of a pole and includes any devices used to induce an alligator to move from a den prior to taking.

3. A Department-supplied alligator harvest report form must be updated by the person taking alligators within twenty-four (24) hours of taking each alligator and prior to transporting the alligator carcass to a processing facility. A copy of the alligator harvest report must accompany the alligator hide. Completed harvest forms must be returned to the Department by December 1st of each year.

4. A person who does not report is not eligible to participate in the program the following year.

5. Alligator meat may be retained by the harvester but cannot be bartered or sold. Alligator hides may be retained and sold only in accordance with this regulation.

E. Sale of Alligator Meat

1. The sale or barter of alligator meat taken under the alligator hunting season program is prohibited.

2. Meat taken from alligators harvested under the authority of depredation tags and the private lands program tags may be sold only under the following conditions:

a. Each package must be labeled to indicate the state, the number of pounds of meat enclosed, the date of packaging, the name of harvester, the processor, the State Food Inspection Department's inspection number, and the tag number corresponding to the alligator hide from which the meat was taken.

b. All cartons of alligator meat imported from other states shall bear an official marking from that state's wildlife agency.

c. Persons handling alligator meat for human consumption must comply with the sanitation requirements of all applicable federal, state and local authorities.

d. Those who harvest alligators must maintain accurate records of all alligator meat sales on standard forms supplied by the Department and such records shall be open to inspection by Department personnel.

3. No person may bring any alligator meat into this State, or possess alligator meat unless authorized by this regulation.

4. Alligator meat transported into the State must bear evidence of having been legally taken.

5. Restaurants, canneries, nonfood meat processors and alligator meat wholesalers shall retain all alligator meat purchased in the original packages until the meat is prepared for consumption or processing. Such businesses and/or individual shall detach the original label with the accompanying data from each package when all meat from that carton has been prepared or processed and retain that label for the period of at least six months from the date of sale indicated on the label.

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F. Sale, Barter or Transfer of Alligator Hides and Other Parts

1. Alligator skulls and other parts not discarded must be permanently marked with the alligator harvest tag number under which it was taken. Possession of any part without the tag number is prohibited. Parts that are found may be retained, sold bartered or transferred but the finder must contact the Department to obtain a tag number to permanently tag or mark the part. The parts may be sold, bartered or transferred but records must be kept indicating to whom the parts were sold, bartered or transferred.

2. Hides or alligators taken with Department issued permits may be sold but must be properly tagged and reported as provided in this regulation. Alligator hides and parts transported into this state for sale or processing must bear evidence of having been legally taken.

3. No person shall accept or possess an untagged alligator hide or unmarked or untagged alligator part for any purpose.

G. Sale of Finished Alligator Products

1. Products made from crocodilians may be sold in the State in accordance with the following:

- a. Products made from the American alligator must be visibly labeled American alligator.
- b. Products made from Caiman must be visibly labeled Caiman.
- c. Products made from other crocodilians must be visibly labeled Crocodile.

Statement of Need and Reasonableness:

Action of the 2008 SC General Assembly and changes to existing laws require that existing regulations be replaced. Because the alligator harvest under two of the programs established in the new law begin in September, it is necessary to re-file emergency regulations that will take effect immediately. This will enable the possession of products taken under these emergency regulations and provide time for the SC General Assembly to act on similar permanent regulations that will be before them when they convene in January, 2010.

Fiscal Impact Statement:

This amendment of Regulation 123-151 will result in increased public hunting opportunities which should generate additional State revenue through license sales. In addition, the local economy should benefit from sales of hunting supplies, food and overnight accommodations. Sales taxes on these items will also directly benefit government.

Document No. 4111
DEPARTMENT OF LABOR, LICENSING AND REGULATION
OFFICE OF OCCUPATIONAL SAFETY AND HEALTH
CHAPTER 71
Statutory Authority: 1976 Code Section 41-15-210

Article I, Subarticle 6
Occupational Safety and Health Standards

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

In Subarticle 6 (General Industry and Marine Terminals):

1. Minimum standard for Acetylene shall be 1910.102 as amended in FEDERAL REGISTER, Volume 74, Number 153, pages 40441-40447, dated August 11, 2009.
2. Minimum standard for Personal Protective Equipment shall be 1910.133, 1910.135, 1910.136, 1917.91, 1917.93, 1917.94, and related revisions to 1910.94 and 1910.252 as amended in FEDERAL REGISTER, Volume 74, Number 173, pages 46350-46361, dated September 9, 2009.

Copies of these final regulation changes can be obtained or reviewed at the South Carolina Department of Labor, Licensing and Regulation during normal business hours by contacting the OSHA Standards Office at (803) 896-7682.