

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.

2013 PUBLICATION SCHEDULE

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

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

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

REPRODUCING OFFICIAL DOCUMENTS

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

PUBLIC INSPECTION OF DOCUMENTS

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

ADOPTION, AMENDMENT AND REPEAL OF REGULATIONS

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

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

EMERGENCY REGULATIONS

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

REGULATIONS PROMULGATED TO COMPLY WITH FEDERAL LAW

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

EFFECTIVE DATE OF REGULATIONS

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

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

SUBSCRIPTIONS

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REGULATIONS SUBMITTED TO GENERAL ASSEMBLY 1

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

DOC. NO.	RAT. NO.	FINAL ISSUE	SUBJECT	EXP. DATE	AGENCY
4210			Licensed Midwives	5/08/13	Department of Health and Envir Control
4259			South Carolina Immunization Registry	5/08/13	Department of Health and Envir Control
4261			Graduation Requirements	5/08/13	State Board of Education
4285			Transfers and Withdrawals	5/08/13	State Board of Education
4283			Oral Argument	5/08/13	Workers' Compensation Commission
4286			Mediation	5/08/13	Workers' Compensation Commission
4237			Definitions	5/08/13	LLR-Panel for Dietetics
4168			Perpetual Care Cemetery Board	5/08/13	Perpetual Care Cemetery Board
4290			Seasons, Limits, Methods of Take and Special Use Restrictions on Wildlife Management Areas	5/08/13	Department of Natural Resources
4282			Requirements of Licensure for Chiropractors	5/08/13	Board of Chiropractic Examiners
4288			Standards for Licensing In-Home Care Providers	5/08/13	Department of Health and Envir Control
4311			Sign Requirements for Petitions to Close Road	5/08/13	Department of Transportation
4294			Defined Program, Grades 9-12	5/08/13	State Board of Education
4312			Specific Information Service Signing	5/08/13	Department of Transportation
4303			Buildings and Grounds-Cleaning Program	5/08/13	State Board of Education
4304			Buildings and Grounds. Defined Minimum Program for South Carolina School District	5/08/13	State Board of Education
4305			Building and Grounds-Heating and Lighting	5/08/13	State Board of Education
4306			Buildings and Grounds Management-Fire Prevention	5/08/13	State Board of Education
4307			Facility Specifications	5/08/13	State Board of Education
4310			Project Plans and Specifications	5/08/13	State Board of Education
4309			Procedures and Standards for Review of Charter School Applications	5/08/13	State Board of Education
4226			Duties and Responsibilities of Department; Modular Buildings Construction	5/08/13	Building Codes Council
4243			Board Authorized to Make Investigations and Deny, Suspend or Revoke Licenses	5/08/13	Manufactured Housing Board
4297			Seasons, Limits, Methods of Take and Special Use Restrictions on Wildlife Management Areas	5/08/13	Department of Natural Resources
4301			Notification and Fees Summary Procedures - Licensing, Adjustment of Dollar Amounts, Filing and Posting Maximum Rate Schedules, and "Lemon Law" Records and Arbitration	5/08/13	Department of Consumer Affairs
4302			Organization, Other Cases - Summary Procedure, Place of Hearings, Case Numbers and Titles, Form and Size of Papers, Filing and Service, Procedure, Contents of Formal Complaint, Answers, Pleadings and Action, Investigative Cases, Hearings, Evidence, and Close of Hearing	5/08/13	Department of Consumer Affairs
4296			Controlled Substances	5/09/13	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.php>

DOC. No.	SUBJECT	HOUSE COMMITTEE	SENATE COMMITTEE
4210	Licensed Midwives	Medical, Military, Pub & Mun Affairs	Medical Affairs
4259	South Carolina Immunization Registry	Medical, Military, Pub & Mun Affairs	Medical Affairs
4261	Graduation Requirements	Education and Public Works	Education
4285	Transfers and Withdrawals	Education and Public Works	Education
4283	Oral Argument	Labor, Commerce and Industry	Judiciary
4286	Mediation	Labor, Commerce and Industry	Judiciary
4237	Definitions	Medical, Military, Pub & Mun Affairs	Medical Affairs
4168	Perpetual Care Cemetery Board	Labor, Commerce and Industry	Labor, Commerce and Industry
4290	Seasons, Limits, Methods of Take and Special Use Restrictions on Wildlife Management Areas	Agriculture and Natural Resources	Fish, Game and Forestry
4282	Requirements of Licensure for Chiropractors	Medical, Military, Pub & Mun Affairs	Medical Affairs
4288	Standards for Licensing In-Home Care Providers	Medical, Military, Pub & Mun Affairs	Medical Affairs
4311	Sign Requirements for Petitions to Close Road	Education and Public Works	Transportation
4294	Defined Program, Grades 9-12	Education and Public Works	Education
4312	Specific Information Service Signing	Education and Public Works	Transportation
4303	Buildings and Grounds-Cleaning Program	Education and Public Works	Education
4304	Buildings and Grounds. Defined Minimum Program for South Carolina School District	Education and Public Works	Education
4305	Building and Grounds-Heating and Lighting	Education and Public Works	Education
4306	Buildings and Grounds Management-Fire Prevention	Education and Public Works	Education
4307	Facility Specifications	Education and Public Works	Education
4310	Project Plans and Specifications	Education and Public Works	Education
4309	Procedures and Standards for Review of Charter School Applications	Education and Public Works	Education
4226	Duties and Responsibilities of Department; Modular Buildings Construction	Labor, Commerce and Industry	Labor, Commerce and Industry
4243	Board Authorized to Make Investigations and Deny, Suspend or Revoke Licenses	Labor, Commerce and Industry	Labor, Commerce and Industry
4297	Seasons, Limits, Methods of Take and Special Use Restrictions on Wildlife Management Areas	Agriculture and Natural Resources	Fish, Game and Forestry
4301	Notification and Fees Summary Procedures - Licensing, Adjustment of Dollar Amounts, Filing and Posting Maximum Rate Schedules, and "Lemon Law" Records and Arbitration	Labor, Commerce and Industry	Banking and Insurance
4302	Organization, Other Cases - Summary Procedure, Place of Hearings, Case Numbers and Titles, Form and Size of Papers, Filing and Service, Procedure, Contents of Formal Complaint, Answers, Pleadings and Action, Investigative Cases, Hearings, Evidence, and Close of Hearing	Labor, Commerce and Industry	Banking and Insurance
4296	Controlled Substances	Medical, Military, Pub & Mun Affairs	Medical Affairs

Executive Order No. 2012-15

WHEREAS, United States Senator James Warren “Jim” DeMint announced his resignation on December 6, 2012, effective January 2, 2013, creating a vacancy in the representation of South Carolina in the United States Senate; and

WHEREAS, the Seventeenth Amendment to the Constitution of the United States of America provides, “When vacancies happen in the representation of any State in the Senate, the executive authority of such State shall issue writs of election to fill such vacancies: *Provided*, That the legislature of any State may empower the executive thereof to make temporary appointments until the people fill the vacancies by election as the legislature may direct[;]” and

WHEREAS, Section 7-19-20 of the South Carolina Code of Laws provides in case of a vacancy in the office of United States Senator due to resignation, “the Governor may fill the place by appointment which shall be for the period of time intervening between the date of such appointment and January third following the next succeeding general election”; and

WHEREAS, the next general election in the State of South Carolina will be held in November of 2014, two years prior to the expiration of Senator DeMint’s term; and

WHEREAS, being mindful of my solemn duty as governor, I shall fill the vacancy created by Senator DeMint’s resignation with a qualified individual who will serve our State and Nation in similar manner and distinction as his predecessor.

NOW, THEREFORE, by virtue of such authority vested in me by the laws of the State of South Carolina and the United States of America, I hereby appoint Timothy Eugene “Tim” Scott to the United States Senate, who shall serve in this office from January 2, 2013 until January 3, 2015.

This Order shall take effect January 2, 2013.

**GIVEN UNDER MY HAND AND THE GREAT
SEAL OF THE STATE OF SOUTH CAROLINA,
THIS 17th DAY OF DECEMBER 2012.**

**NIKKI R. HALEY
Governor**

4 EXECUTIVE ORDERS

Executive Order No. 2013-01

WHEREAS, Senator James Warren “Jim” DeMint resigned from the office of U.S. Senator effective January 1, 2013, at 11:59 p.m.; and

WHEREAS, on January 2, 2013, U.S. Congressman Timothy Eugene “Tim” Scott resigned his seat in the United States House of Representatives to accept, by gubernatorial appointment, the United States Senate seat vacated by Senator DeMint; and

WHEREAS, there exists a vacancy in the First Congressional District seat in the State of South Carolina for the duration of the unexpired term ending in January of 2015; and

WHEREAS, Article I, Section 2 of the Constitution of the United States of America provides, “When vacancies happen in the Representation of any State, the Executive Authority thereof shall issue Writs of Election to fill such Vacancies[;]” and

WHEREAS, I, Nikki R. Haley, Governor of the State of South Carolina, am directed, as the Executive Authority of the State, to issue a Writ of Election ordering a special election to fill a vacancy in the representation of South Carolina in the United States House of Representatives; and

WHEREAS, Section 7-13-190 of the South Carolina Code of Laws sets forth the special election process to fill a vacancy occurring by reason of the resignation by U.S. Congressman Scott for the First Congressional District seat; and

NOW, THEREFORE, by virtue of such authority vested in me by the laws of the State of South Carolina and the United States of America, I hereby order the State Election Commission to hold a special election to fill the vacancy in the office of the First Congressional District and follow the schedule provided in Section 7-13-190 of the South Carolina Code of Laws.

This Order is effective immediately.

**GIVEN UNDER MY HAND AND THE GREAT
SEAL OF THE STATE OF SOUTH CAROLINA,
THIS 2ND DAY OF JANUARY, 2013.**

**NIKKI R. HALEY
Governor**

DEPARTMENT OF CONSUMER AFFAIRS**NOTICE OF GENERAL PUBLIC INTEREST**

28-400. Mortgage Loan Broker Certificate of Registration

The South Carolina Department of Consumer Affairs elected to terminate the amendment process on Regulation Document No. 4300, relating to Mortgage Loan Broker Certificate of Registration.

DEPARTMENT OF CONSUMER AFFAIRS**NOTICE OF GENERAL PUBLIC INTEREST**

28-200. Pawnbroker Certificate of Authority

The South Carolina Department of Consumer Affairs elected to terminate the amendment process on Regulation Document No. 4315, relating to Pawnbroker Certificate of Authority.

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL**NOTICE OF GENERAL PUBLIC INTEREST****NOTICE OF FINAL AMENDMENT TO AIR QUALITY STATE IMPLEMENTATION PLAN**

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

Synopsis:

The Department has amended the State Implementation Plan (SIP) to meet obligations of the United States Environmental Protection Agency (EPA) under Section 169A of the Clean Air Act (CAA). Specifically, Section 169A provides for a national goal for visibility to include the prevention and remediation of pollution, which contributes to the visible impairment of Class I areas (areas of great scenic importance) throughout the country, including many well-known national parks and wilderness areas.

As a result, in 1980, the EPA promulgated regulations to address visibility impairment that is “reasonably attributable” to one or a small group of sources located across a broad geographic area (this impairment is referred to as regional haze). However, the EPA deferred action on regional haze regulations until monitoring, modeling, and scientific knowledge about the relationship between pollutants and visibility effects improved. In 1993, at the recommendation of the National Academy of Science (NAS) report, the EPA began conducting research into control technologies available for taking regulatory action to improve and protect visibility in Class I areas. On July 31, 1997, the EPA published proposed amendments to the 1980 regulations to set forth a program to address regional haze (62 FR 41138). On July 1, 1999, and July 6, 2005, the EPA promulgated two rules known as the “Regional Haze Regulation (Regional Haze Rule),” and the “Regional Haze Regulations and Guidelines for Best Available Retrofit Technology (BART) Determinations,” (also referred to as the BART Rule) respectively. The Regional Haze Rule was published in the *Federal Register* on July 1, 1999 (64 FR 35714). This rule calls for States to establish goals and strategies for improving visibility in all of the country’s 156 Class I national parks and wilderness areas. Cape Romain, South Carolina is one such Class I area. The EPA is requiring all states areas to revise their SIPs to reduce emissions of sulfur dioxide (SO₂), oxides of nitrogen (NO_x), and particulate matter--especially fine particulate matter (PM_{2.5})--all of which contribute to regional haze and affect Class 1 areas.

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The BART Rule was published in the Federal Register on July 6, 2005 (70 FR 39104). The CAA requires that any “major stationary source” that has the potential to emit 250 tons or more of a visibility-impairing air pollutant that was put in place between August 7, 1962, and August 7, 1977, and whose operations fall within one or more of the 26 specifically listed source categories would comprise a BART-eligible source and must undergo a BART analysis for controlling emissions. States must address BART in their regional haze SIPs.

The EPA established a schedule for states to submit their SIPs. South Carolina submitted its SIP under the Regional Haze Rule to EPA on December 17, 2007. The EPA published a limited approval of this plan on June 28, 2012 (77 FR 38509).

The Regional Haze Rule requirements at 40 CFR 51.308(g) also require periodic reports evaluating progress towards the reasonable progress goals established in the SIP in five year intervals. Absent federal guidance on these submissions, but in order to meet the required deadline, South Carolina prepared a draft periodic update for the Cape Romain Wilderness area. This draft was prepared in accordance with the requirements of the Regional Haze Rule which requires States to consult with the Federal Land Management agencies at least 60 days prior to holding any public hearing on a SIP or SIP revision (40 CFR 51.308(i)). This consultation period began on July 27, 2012, and concluded September 25, 2012. Comments that were received were taken into consideration, and where appropriate, revisions were made to address these concerns. The Department published a notice of intent to amend the SIP and an announcement of a 30-day comment period and public hearing in the *State Register* on October 26, 2012. In this Notice, the Department solicited comments on the analysis, documentation, and a proposed negative declaration. A pre-hearing SIP package was submitted to the EPA on October 30, 2012.

In the aforementioned Notice, the Department provided the public with the opportunity to request a public hearing on the proposed SIP amendment. A public hearing was scheduled for Monday, December 3, 2012, at 1 p.m. in the Wallace Room (3141), 2600 Bull Street, Columbia, South Carolina. However, pursuant to 40 CFR 51.102 (2011), the Department did not receive a request for a hearing by the close of the comment period (November 26, 2012). Therefore, the Department cancelled the hearing, notifying the public at: http://www.scdhec.gov/environment/baq/Regulation-SIPManagement/public_hearings.asp.

Written comments were received during the public comment period and those deemed significant by the Department were used to improve the SIP amendment. However, based on the initial analysis outlined in the periodic update, on December 28, 2012, the Department submitted a negative declaration to EPA specifying that its Regional Haze SIP is sufficient in meeting the requirements outlined in the Regional Haze Rule and that no additional controls are necessary as detailed in this, the first five year progress report. To access the negative declaration and final SIP amendment/periodic update, please visit the Department’s website at: http://www.scdhec.gov/environment/baq/Regulation-SIPManagement/regional_haze.asp.

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

NOTICE OF GENERAL PUBLIC INTEREST

In accordance with Section 44-7-200(D), Code of Laws of South Carolina, the public is hereby notified that a Certificate of Need application has been accepted for filing and publication January 25, 2013, 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. Paula J. Bracey, Division of Planning and Certification of Need, 2600 Bull St., Columbia, SC 29201 at (803) 545-4200.

Affecting Lexington County

Construction of a third (3rd) vault to add a third (3rd) linear accelerator to the existing Radiation Medicine Department. The linear accelerator will provide conventional radiation therapy in addition to stereotactic body radiotherapy and radiosurgery
Lexington Medical Center
West Columbia, South Carolina
Project Cost: \$7,947,858

Affecting Richland County

Renovation of existing space for the purchase and installation of a Single Photon Emission Computed Tomography (SPEC/CT) scanner that will replace a sixty-four (64) slice Computed Tomography (CT) scanner; Renovation of existing space for the purchase and installation of a two hundred and fifty-six (256) slice Computed Tomography (CT) scanner, which will be located in the Emergency Department (ED)
Palmetto Health Baptist
Columbia, South Carolina
Project Cost: \$3,558,726

Renovation of existing space at 5 Medical Park to convert OR #27 and an adjacent storage area into one large hybrid OR, and the purchase of angiography imaging equipment
Palmetto Health Richland
Columbia, South Carolina
Project Cost: \$4,607,784

Affecting Spartanburg County

Addition of sixteen (16) community nursing home beds, and the conversion of eleven (11) institutional nursing home beds to community beds for a total of sixty (60) community nursing home beds that will not participate in the Medicaid (Title XIX) Program
EmeriCare Skylyn Place LLC, d/b/a Emeritus at Skylyn Health Care Center
Spartanburg, South Carolina
Project Cost: \$2,977,800

In accordance with Section 44-7-210(A), Code of Laws of South Carolina, and S.C. DHEC Regulation 61-15, the public and affected persons are hereby notified that for the following projects, applications have been deemed complete, and the review cycle has begun. A proposed decision will be made as early as 30 days, but no later than 120 days, from January 25, 2013. "Affected persons" have 30 days from the above date to submit

8 NOTICES

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. If a public hearing is timely requested, the Department's decision will be made after the public hearing, but no later than 150 days from the above date. For further information call (803) 545-4200.

Affecting Beaufort County

Provision of emergency Percutaneous Coronary Intervention (PCI) or Primary PCI services
Beaufort County Memorial Hospital d/b/a Beaufort Memorial Hospital
Beaufort, South Carolina
Project Cost: \$300,000

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

NOTICE OF GENERAL PUBLIC INTEREST

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

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

Pursuant to Section IV.B.1., the Department is required to place a list of those contractors requesting certification on public notice and accept comments from the public for a period of thirty (30) days. If you wish to provide comments regarding the companies and/or individuals listed below, please submit your comments in writing, no later than February 25, 2013 to:

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

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

Class I

PSI Engineers & Consultants, PLLC.
Attn: Freda Porter, Ph.D.
PO Box 1359
Pembroke, NC 28372

STATE ATHLETIC COMMISSION

CHAPTER 20

Statutory Authority: 1976 Code Sections 40-1-70 and 40-81-70

Notice of Drafting:

The South Carolina Athletic Commission proposes to amend Regulations 20-1.1 through 20-26.1 in conformance with its practice act. Interested persons may submit comments to Administrator, State Athletic Commission, Post Office Box 11329, Columbia, S.C. 29211-1329.

Synopsis:

The South Carolina Athletic Commission proposes to amend Regulations 20-1.1 through 20-26.1.

Legislative review of these amendments is required.

STATE ATHLETIC COMMISSION

CHAPTER 20

Statutory Authority: 1976 Code Sections 40-1-70 and 40-81-70

Notice of Drafting:

The South Carolina Athletic Commission proposes to amend Regulations 20-27.01 through 20-27.23 in conformance with its practice act. Interested persons may submit comments to Administrator, State Athletic Commission, Post Office Box 11329, Columbia, S.C. 29211-1329.

Synopsis:

The South Carolina Athletic Commission proposes to amend Regulations 20-27.01 through 20-27.23.

Legislative review of these amendments is required.

SOUTH CAROLINA CRIMINAL JUSTICE ACADEMY

CHAPTER 38

Statutory Authority: 1976 Code Sections 23-23-10 et seq.

Notice of Drafting:

The South Carolina Criminal Justice Academy proposes to draft that address law enforcement officer training and certification, specifically with regard to adjudication of misconduct allegations. Interested persons may submit comments to Mrs. Brandy A. Duncan, Chief General Counsel, 5400 Broad River Road, Columbia, South Carolina 29212. To be considered, comments must be received no later than 5:00 p.m. on February 25, 2013, the close of the drafting comment period.

Synopsis:

S.C. Code §23-23-80 authorizes the Law Enforcement Training Council to make regulations necessary for the administration of S.C. Code §23-23-10 et seq.

The proposed additions to the regulations will formalize the agency level contested case hearing process, including a probable cause determination by the Director, requests for contested case hearing, failure to

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request a contested case hearing, docketing, discovery, hearing format and requirements; failure to appear at contested case hearing, final decision by the Law Enforcement Training Council, sanctions, recusal of Council members and/or Director, and right to be represented by counsel.

Legislative review of this proposal will be required.

SOUTH CAROLINA CRIMINAL JUSTICE ACADEMY CHAPTER 38

Statutory Authority: 1976 Code Sections 23-23-10 et seq.

Notice of Drafting:

The South Carolina Criminal Justice Academy proposes to draft that address law enforcement officer training and certification, specifically with regard to adjudication of misconduct allegations. Interested persons may submit comments to Mrs. Brandy A. Duncan, Chief General Counsel, 5400 Broad River Road, Columbia, South Carolina 29212. To be considered, comments must be received no later than 5:00 p.m. on February 25, 2013, the close of the drafting comment period.

Synopsis:

S.C. Code §23-23-80 authorizes the Law Enforcement Training Council to make regulations necessary for the administration of S.C. Code §23-23-10 et seq.

The proposed additions to the regulations will allow for reporting of misconduct by law enforcement officers to the National Decertification Index and on the CJA website once a case is finalized (no more appeals pending or possible).

Legislative review of this proposal will be required.

SOUTH CAROLINA CRIMINAL JUSTICE ACADEMY CHAPTER 38

Statutory Authority: 1976 Code Section 23-47-20(C)(15)

Notice of Drafting:

The South Carolina Criminal Justice Academy proposes to draft regulations that address E-911 officer training and certification. Interested persons may submit comments to Mrs. Brandy A. Duncan, Chief General Counsel, 5400 Broad River Road, Columbia, South Carolina 29212. To be considered, comments must be received no later than 5:00 p.m. on February 25, 2013, the close of the drafting comment period.

Synopsis:

S.C. Code §23-47-20(C)(15) authorizes the Law Enforcement Training Council to make regulations necessary for the training of telecommunication operators or dispatchers.

The proposed addition to the regulation will allow E-911 operators 1 year to attend training at the Academy, which is consistent with S.C. Code §23-23-40 which allows 1 year to attend training for law enforcement officers.

Legislative review of this proposal will be required.

SOUTH CAROLINA CRIMINAL JUSTICE ACADEMY

CHAPTER 38

Statutory Authority: 1976 Code Section 23-47-20(C)(15)

Notice of Drafting:

The South Carolina Criminal Justice Academy proposes to draft regulations that address E-911 officer training and certification. Interested persons may submit comments to Mrs. Brandy A. Duncan, Chief General Counsel, 5400 Broad River Road, Columbia, South Carolina 29212. To be considered, comments must be received no later than 5:00 p.m. on February 25, 2013, the close of the drafting comment period.

Synopsis:

S.C. Code §23-47-20(C)(15) authorizes the Law Enforcement Training Council to make regulations necessary for the training of telecommunication operators or dispatchers.

The proposed additions to the regulations will add a section to make E-911 operators' process for application for issuance or re-issuance of certification comparable to S.C. Reg. 38-002.

Legislative review of this proposal will be required.

SOUTH CAROLINA CRIMINAL JUSTICE ACADEMY

CHAPTER 38

Statutory Authority: 1976 Code Sections 23-23-10 et seq.

Notice of Drafting:

The South Carolina Criminal Justice Academy proposes to draft changes to Regulation 38-002 that addresses law enforcement officer training and certification. Interested persons may submit comments to Mrs. Brandy A. Duncan, Chief General Counsel, 5400 Broad River Road, Columbia, South Carolina 29212. To be considered, comments must be received no later than 5:00 p.m. on February 25, 2013, the close of the drafting comment period.

Synopsis:

S.C. Code §23-23-80 authorizes the Law Enforcement Training Council to make regulations necessary for the administration of S.C. Code §23-23-10 et seq.

The proposed a complete rewrite of this section to take into account recent U.S. Supreme Court decisions, federal law changes, and state law changes.

Legislative review of this proposal will be required.

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SOUTH CAROLINA CRIMINAL JUSTICE ACADEMY CHAPTER 38

Statutory Authority: 1976 Code Sections 23-23-10 et seq.

Notice of Drafting:

The South Carolina Criminal Justice Academy proposes to draft changes to regulation 38-014 that addresses law enforcement officer training and certification. Interested persons may submit comments to Mrs. Brandy A. Duncan, Chief General Counsel, 5400 Broad River Road, Columbia, South Carolina 29212. To be considered, comments must be received no later than 5:00 p.m. on February 25, 2013, the close of the drafting comment period.

Synopsis:

S.C. Code §23-23-80 authorizes the Law Enforcement Training Council to make regulations necessary for the administration of S.C. Code §23-23-10 et seq.

The proposed changes to the regulations will add clarifying language to regulations and decrease the amount of documentation that will be required to be submitted to the Academy for lesson plan approval.

Legislative review of this proposal will be required.

SOUTH CAROLINA CRIMINAL JUSTICE ACADEMY CHAPTER 38

Statutory Authority: 1976 Code Sections 23-23-10 et seq.

Notice of Drafting:

The South Carolina Criminal Justice Academy proposes to draft changes to regulation 38-025 that addresses law enforcement officer training and certification. Interested persons may submit comments to Mrs. Brandy A. Duncan, Chief General Counsel, 5400 Broad River Road, Columbia, South Carolina 29212. To be considered, comments must be received no later than 5:00 p.m. on February 25, 2013, the close of the drafting comment period.

Synopsis:

S.C. Code §23-23-80 authorizes the Law Enforcement Training Council to make regulations necessary for the administration of S.C. Code §23-23-10 et seq.

The proposed changes to the regulations will clarify the meaning of the regulation.

Legislative review of this proposal will be required.

**SOUTH CAROLINA CRIMINAL JUSTICE ACADEMY
CHAPTER 38**

Statutory Authority: 1976 Code Sections 23-23-10 et seq.

Notice of Drafting:

The South Carolina Criminal Justice Academy proposes to draft that address law enforcement officer training and certification, specifically with regard to adjudication of misconduct allegations. Interested persons may submit comments to Mrs. Brandy A. Duncan, Chief General Counsel, 5400 Broad River Road, Columbia, South Carolina 29212. To be considered, comments must be received no later than 5:00 p.m. on February 25, 2013, the close of the drafting comment period.

Synopsis:

S.C. Code §23-23-80 authorizes the Law Enforcement Training Council to make regulations necessary for the administration of S.C. Code §23-23-10 et seq.

The proposed additions to the regulations will allow for assignment of costs for agency level contested case hearings.

Legislative review of this proposal will be required.

**SOUTH CAROLINA CRIMINAL JUSTICE ACADEMY
CHAPTER 38**

Statutory Authority: 1976 Code Section 23-47-20(C)(15)

Notice of Drafting:

The South Carolina Criminal Justice Academy proposes to draft regulations that address E-911 officer training and certification. Interested persons may submit comments to Mrs. Brandy A. Duncan, Chief General Counsel, 5400 Broad River Road, Columbia, South Carolina 29212. To be considered, comments must be received no later than 5:00 p.m. on February 25, 2013, the close of the drafting comment period.

Synopsis:

S.C. Code §23-47-20(C)(15) authorizes the Law Enforcement Training Council to make regulations necessary for the training of telecommunication operators or dispatchers.

The proposed addition to the regulation will define the authority of the Director.

Legislative review of this proposal will be required.

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SOUTH CAROLINA CRIMINAL JUSTICE ACADEMY CHAPTER 38

Statutory Authority: 1976 Code Section 23-47-20(C)(15)

Notice of Drafting:

The South Carolina Criminal Justice Academy proposes to draft changes to regulation 38-063 that address E-911 officer training and certification. Interested persons may submit comments to Mrs. Brandy A. Duncan, Chief General Counsel, 5400 Broad River Road, Columbia, South Carolina 29212. To be considered, comments must be received no later than 5:00 p.m. on February 25, 2013, the close of the drafting comment period.

Synopsis:

S.C. Code §23-47-20(C)(15) authorizes the Law Enforcement Training Council to make regulations necessary for the training of telecommunication operators or dispatchers.

The proposed changes to the regulation will entirely rewrite this section to ensure it is consistent with S.C. Reg. 38-008.

Legislative review of this proposal will be required.

SOUTH CAROLINA CRIMINAL JUSTICE ACADEMY CHAPTER 38

Statutory Authority: 1976 Code Section 23-47-20(C)(15)

Notice of Drafting:

The South Carolina Criminal Justice Academy proposes to draft regulations that address E-911 officer training and certification. Interested persons may submit comments to Mrs. Brandy A. Duncan, Chief General Counsel, 5400 Broad River Road, Columbia, South Carolina 29212. To be considered, comments must be received no later than 5:00 p.m. on February 25, 2013, the close of the drafting comment period.

Synopsis:

S.C. Code §23-47-20(C)(15) authorizes the Law Enforcement Training Council to make regulations necessary for the training of telecommunication operators or dispatchers.

The proposed additions to the regulations will clarify when certification takes place.

Legislative review of this proposal will be required.

**SOUTH CAROLINA CRIMINAL JUSTICE ACADEMY
CHAPTER 38**

Statutory Authority: 1976 Code Sections 23-23-10 et seq.

Notice of Drafting:

The South Carolina Criminal Justice Academy proposes to draft changes to regulation 38-013 that addresses law enforcement officer training and certification. Interested persons may submit comments to Mrs. Brandy A. Duncan, Chief General Counsel, 5400 Broad River Road, Columbia, South Carolina 29212. To be considered, comments must be received no later than 5:00 p.m. on February 25, 2013, the close of the drafting comment period.

Synopsis:

S.C. Code §23-23-80 authorizes the Law Enforcement Training Council to make regulations necessary for the administration of S.C. Code §23-23-10 et seq.

The proposed changes to the regulations will add consistency within this regulation itself and clarify the amount of continuing education requirements required for re-certification.

Legislative review of this proposal will be required.

**SOUTH CAROLINA CRIMINAL JUSTICE ACADEMY
CHAPTER 38**

Statutory Authority: 1976 Code Section 23-47-20(C)(15)

Notice of Drafting:

The South Carolina Criminal Justice Academy proposes to draft regulation 38-060 that address E-911 officer training and certification. Interested persons may submit comments to Mrs. Brandy A. Duncan, Chief General Counsel, 5400 Broad River Road, Columbia, South Carolina 29212. To be considered, comments must be received no later than 5:00 p.m. on February 25, 2013, the close of the drafting comment period.

Synopsis:

S.C. Code §23-47-20(C)(15) authorizes the Law Enforcement Training Council to make regulations necessary for the training of telecommunication operators or dispatchers.

The proposed changes to the regulation will clarify the definition of “operator.”

Legislative review of this proposal will be required.

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SOUTH CAROLINA CRIMINAL JUSTICE ACADEMY CHAPTER 38

Statutory Authority: 1976 Code Sections 23-23-10 et seq.

Notice of Drafting:

The South Carolina Criminal Justice Academy proposes to draft changes to regulation 38-027 that addresses law enforcement officer training and certification. Interested persons may submit comments to Mrs. Brandy A. Duncan, Chief General Counsel, 5400 Broad River Road, Columbia, South Carolina 29212. To be considered, comments must be received no later than 5:00 p.m. on February 25, 2013, the close of the drafting comment period.

Synopsis:

S.C. Code §23-23-80 authorizes the Law Enforcement Training Council to make regulations necessary for the administration of S.C. Code §23-23-10 et seq.

The proposed changes to the regulations will clarify the meaning of the regulation.

Legislative review of this proposal will be required.

SOUTH CAROLINA CRIMINAL JUSTICE ACADEMY CHAPTER 38

Statutory Authority: 1976 Code Sections 23-23-10 et seq.

Notice of Drafting:

The South Carolina Criminal Justice Academy proposes to draft changes to regulation 38-008 that addresses law enforcement officer training and certification. Interested persons may submit comments to Mrs. Brandy A. Duncan, Chief General Counsel, 5400 Broad River Road, Columbia, South Carolina 29212. To be considered, comments must be received no later than 5:00 p.m. on February 25, 2013, the close of the drafting comment period.

Synopsis:

S.C. Code §23-23-80 authorizes the Law Enforcement Training Council to make regulations necessary for the administration of S.C. Code §23-23-10 et seq.

The proposed changes to the regulations will remove section C “Military Training” in its entirety.

Legislative review of this proposal will be required.

**SOUTH CAROLINA CRIMINAL JUSTICE ACADEMY
CHAPTER 38**

Statutory Authority: 1976 Code Sections 23-23-10 et seq.

Notice of Drafting:

The South Carolina Criminal Justice Academy proposes to draft changes to regulation 38-008 that addresses law enforcement officer training and certification. Interested persons may submit comments to Mrs. Brandy A. Duncan, Chief General Counsel, 5400 Broad River Road, Columbia, South Carolina 29212. To be considered, comments must be received no later than 5:00 p.m. on February 25, 2013, the close of the drafting comment period.

Synopsis:

S.C. Code §23-23-80 authorizes the Law Enforcement Training Council to make regulations necessary for the administration of S.C. Code §23-23-10 et seq.

The proposed changes to the regulations will add some clarifying language to subsections 2 and 3.

Legislative review of this proposal will be required.

**SOUTH CAROLINA CRIMINAL JUSTICE ACADEMY
CHAPTER 38**

Statutory Authority: 1976 Code Sections 23-23-10 et seq.

Notice of Drafting:

The South Carolina Criminal Justice Academy proposes to draft changes to regulation 38-015(C) that addresses law enforcement officer training and certification. Interested persons may submit comments to Mrs. Brandy A. Duncan, Chief General Counsel, 5400 Broad River Road, Columbia, South Carolina 29212. To be considered, comments must be received no later than 5:00 p.m. on February 25, 2013, the close of the drafting comment period.

Synopsis:

S.C. Code §23-23-80 authorizes the Law Enforcement Training Council to make regulations necessary for the administration of S.C. Code §23-23-10 et seq.

The proposed changes to the regulations will clarify the regulation.

Legislative review of this proposal will be required.

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SOUTH CAROLINA CRIMINAL JUSTICE ACADEMY CHAPTER 38

Statutory Authority: 1976 Code Sections 23-23-10 et seq.

Notice of Drafting:

The South Carolina Criminal Justice Academy proposes to draft changes to regulation 38-015(B) that addresses law enforcement officer training and certification. Interested persons may submit comments to Mrs. Brandy A. Duncan, Chief General Counsel, 5400 Broad River Road, Columbia, South Carolina 29212. To be considered, comments must be received no later than 5:00 p.m. on February 25, 2013, the close of the drafting comment period.

Synopsis:

S.C. Code §23-23-80 authorizes the Law Enforcement Training Council to make regulations necessary for the administration of S.C. Code §23-23-10 et seq.

The proposed changes to the regulations will remove unnecessary language from the regulation.

Legislative review of this proposal will be required.

SOUTH CAROLINA CRIMINAL JUSTICE ACADEMY CHAPTER 38

Statutory Authority: 1976 Code Sections 23-23-10 et seq.

Notice of Drafting:

The South Carolina Criminal Justice Academy proposes to draft changes to regulation 38-015(A) that addresses law enforcement officer training and certification. Interested persons may submit comments to Mrs. Brandy A. Duncan, Chief General Counsel, 5400 Broad River Road, Columbia, South Carolina 29212. To be considered, comments must be received no later than 5:00 p.m. on February 25, 2013, the close of the drafting comment period.

Synopsis:

S.C. Code §23-23-80 authorizes the Law Enforcement Training Council to make regulations necessary for the administration of S.C. Code §23-23-10 et seq.

The proposed changes to the regulations will take federal law into consideration when granting an extension of a certification renewal date and provide officers with enough time to fully use the time allowed to return to their law enforcement employer after a deployment without compromising their law enforcement certification.

Legislative review of this proposal will be required.

**SOUTH CAROLINA CRIMINAL JUSTICE ACADEMY
CHAPTER 38**

Statutory Authority: 1976 Code Sections 23-23-10 et seq.

Notice of Drafting:

The South Carolina Criminal Justice Academy proposes to draft changes to regulation 38-005 that addresses law enforcement officer training and certification. Interested persons may submit comments to Mrs. Brandy A. Duncan, Chief General Counsel, 5400 Broad River Road, Columbia, South Carolina 29212. To be considered, comments must be received no later than 5:00 p.m. on February 25, 2013, the close of the drafting comment period.

Synopsis:

S.C. Code §23-23-80 authorizes the Law Enforcement Training Council to make regulations necessary for the administration of S.C. Code §23-23-10 et seq.

The proposed changes to the regulations will bring firearms continuing education in line with emergency vehicle operations continuing education training by requiring all law enforcement officers to qualify with their issued firearm annually.

Legislative review of this proposal will be required.

**SOUTH CAROLINA CRIMINAL JUSTICE ACADEMY
CHAPTER 38**

Statutory Authority: 1976 Code Sections 23-23-10 et seq.

Notice of Drafting:

The South Carolina Criminal Justice Academy proposes to draft changes to regulation 38-022 that addresses law enforcement officer training and certification. Interested persons may submit comments to Mrs. Brandy A. Duncan, Chief General Counsel, 5400 Broad River Road, Columbia, South Carolina 29212. To be considered, comments must be received no later than 5:00 p.m. on February 25, 2013, the close of the drafting comment period.

Synopsis:

S.C. Code §23-23-80 authorizes the Law Enforcement Training Council to make regulations necessary for the administration of S.C. Code §23-23-10 et seq.

The proposed changes to the regulations will clarify the meaning of the regulation.

Legislative review of this proposal will be required.

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SOUTH CAROLINA CRIMINAL JUSTICE ACADEMY CHAPTER 38

Statutory Authority: 1976 Code Sections 23-23-10 et seq.

Notice of Drafting:

The South Carolina Criminal Justice Academy proposes to draft changes to regulation 38-021 that addresses law enforcement officer training and certification. Interested persons may submit comments to Mrs. Brandy A. Duncan, Chief General Counsel, 5400 Broad River Road, Columbia, South Carolina 29212. To be considered, comments must be received no later than 5:00 p.m. on February 25, 2013, the close of the drafting comment period.

Synopsis:

S.C. Code §23-23-80 authorizes the Law Enforcement Training Council to make regulations necessary for the administration of S.C. Code §23-23-10 et seq.

The proposed changes to the regulations will remove unnecessary language from the regulation.

Legislative review of this proposal will be required.

SOUTH CAROLINA CRIMINAL JUSTICE ACADEMY CHAPTER 38

Statutory Authority: 1976 Code Sections 23-23-10 et seq.

Notice of Drafting:

The South Carolina Criminal Justice Academy proposes to delete section B of regulation 38-021. Interested persons may submit comments to Mrs. Brandy A. Duncan, Chief General Counsel, 5400 Broad River Road, Columbia, South Carolina 29212. To be considered, comments must be received no later than 5:00 p.m. on February 25, 2013, the close of the drafting comment period.

Synopsis:

S.C. Code §23-23-80 authorizes the Law Enforcement Training Council to make regulations necessary for the administration of S.C. Code §23-23-10 et seq. S.C. Reg. 38-021(B) addresses “grandfathering” for officers holding a valid certification as of the last effective dates of these regulations and required emergency vehicle training within 180 days of the last effective date of these regulations. As the last effective date was in 2003, this section is no longer needed.

The proposed change will delete section B of regulation 38-021.

Legislative review of this proposal will be required.

SOUTH CAROLINA CRIMINAL JUSTICE ACADEMY
CHAPTER 38

Statutory Authority: 1976 Code Sections 23-23-10 et seq. and 23-47-20(C)(15)

Notice of Drafting:

The South Carolina Criminal Justice Academy proposes to draft changes to regulations that address law enforcement officer and E-911 officer training and certification. Interested persons may submit comments to Mrs. Brandy A. Duncan, Chief General Counsel, 5400 Broad River Road, Columbia, South Carolina 29212. To be considered, comments must be received no later than 5:00 p.m. on February 25, 2013, the close of the drafting comment period.

Synopsis:

The General Assembly passed Act 317 and Act 335 (South Carolina Code §23-23-10 et seq.) separating the South Carolina Criminal Justice Academy from the Department of Public Safety. S.C. Code §23-23-10 et seq. requires the Criminal Justice Academy to train, certify, and evaluate eligibility for certification of candidates for law enforcement certification in the state of South Carolina. S.C. Code 23-47-20(C)(15) requires telecommunication operators or dispatchers to be trained and certified by the Law Enforcement Training Council (Criminal Justice Academy). The Act allows the Criminal Justice Academy to promulgate regulations as are necessary for the administration of Act 317.

The proposed changes to the regulations will address inconsistencies between S.C. Code §23-23-10 et seq., S.C. Code §23-47-20(C)(15), and the current regulations.

Legislative review of this proposal will be required.

SOUTH CAROLINA CRIMINAL JUSTICE ACADEMY
CHAPTER 38

Statutory Authority: 1976 Code Sections 23-23-10 et seq. and 23-47-20(C)(15)

Notice of Drafting:

The South Carolina Criminal Justice Academy proposes to fully renumber and reorganize regulations 38-001 through 38-065. Interested persons may submit comments to Mrs. Brandy A. Duncan, Chief General Counsel, 5400 Broad River Road, Columbia, South Carolina 29212. To be considered, comments must be received no later than 5:00 p.m. on February 25, 2013, the close of the drafting comment period.

Synopsis:

S.C. Code §23-23-80 authorizes the Law Enforcement Training Council to make regulations necessary for the administration of S.C. Code §23-23-10 et seq. S.C. code §23-47-20(C)(15) authorizes the Law Enforcement Training Council to promulgate regulations necessary for the training of telecommunication operators or dispatchers. The regulations are currently housed in Chapter 38 South Carolina Department of Public Safety. The General Assembly passed Act 317 and Act 335 (South Carolina Code §23-23-10 et seq.) separating the South Carolina Criminal Justice Academy from the Department of Public Safety. The Act

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allows the Criminal Justice Academy to promulgate regulations as are necessary for the administration of Act 317. As part of this separation, the regulations must be moved to a new chapter titled "Law Enforcement Training Council." Additionally, for ease of use, the regulations order should be reorganized.

The proposed changes to the regulations will remove the regulations from Chapter 38, renumber them and place them in a new chapter titled "Law Enforcement Training Council." The proposed changes to the regulations will also be reorganized to make them easier to use.

Legislative review of this proposal will be required.

SOUTH CAROLINA CRIMINAL JUSTICE ACADEMY

CHAPTER 38

Statutory Authority: 1976 Code Sections 23-23-10 et seq.

Notice of Drafting:

The South Carolina Criminal Justice Academy proposes to draft changes to regulations 38-009, 38-017, 38-018, 38-004, 38-016, 38-019, 38-020, 38-021 that address law enforcement officer training and certification. Interested persons may submit comments to Mrs. Brandy A. Duncan, Chief General Counsel, 5400 Broad River Road, Columbia, South Carolina 29212. To be considered, comments must be received no later than 5:00 p.m. on February 25, 2013, the close of the drafting comment period.

Synopsis:

S.C. Code §23-23-80 authorizes the Law Enforcement Training Council to make regulations necessary for the administration of S.C. Code §23-23-10 et seq.

The proposed changes to the regulations will rewrite the regulations in their entirety to ensure that denial, withdrawal, and/or restriction of law enforcement certification is done in a universally consistent manner, including the processes by which such cases would be handled.

Legislative review of this proposal will be required.

SOUTH CAROLINA CRIMINAL JUSTICE ACADEMY

CHAPTER 38

Statutory Authority: 1976 Code Section 23-47-20(C)(15)

Notice of Drafting:

The South Carolina Criminal Justice Academy proposes to draft regulations that address E-911 officer training and certification. Interested persons may submit comments to Mrs. Brandy A. Duncan, Chief General Counsel, 5400 Broad River Road, Columbia, South Carolina 29212. To be considered, comments must be received no later than 5:00 p.m. on February 25, 2013, the close of the drafting comment period.

Synopsis:

S.C. Code §23-47-20(C)(15) authorizes the Law Enforcement Training Council to make regulations necessary for the training of telecommunication operators or dispatchers.

The proposed additions to the regulations will add several sections regarding notification of separation of E-911 operators from employment, investigation of allegations of misconduct, denial, withdrawal, and/or

restriction of certification of E-911 certification for misconduct, and notification of any such denial, withdrawal, and/or restriction. These additions would make the E-911 process comparable to the law enforcement officer process with the exception that the definition of misconduct will be more limited for E-911 operators.

Legislative review of this proposal will be required.

**SOUTH CAROLINA CRIMINAL JUSTICE ACADEMY
CHAPTER 38**

Statutory Authority: 1976 Code Sections 23-23-10 et seq.

Notice of Drafting:

The South Carolina Criminal Justice Academy proposes to draft changes to regulation 38-003 that addresses law enforcement officer training and certification to the Council and Academy that a candidate is of good character and has not engaged in misconduct. Interested persons may submit comments to Mrs. Brandy A. Duncan, Chief General Counsel, 5400 Broad River Road, Columbia, South Carolina 29212. To be considered, comments must be received no later than 5:00 p.m. on February 25, 2013, the close of the drafting comment period.

Synopsis:

S.C. Code §23-23-80 authorizes the Law Enforcement Training Council to make regulations necessary for the administration of S.C. Code §23-23-10 et seq.

The proposed changes to the regulations will address the Council having the final decision regarding a finding of good character and a finding that a candidate has not engaged in misconduct.

Legislative review of this proposal will be required.

**SOUTH CAROLINA CRIMINAL JUSTICE ACADEMY
CHAPTER 38**

Statutory Authority: 1976 Code Section 23-47-20(C)(15)

Notice of Drafting:

The South Carolina Criminal Justice Academy proposes to draft regulations that address E-911 officer training and certification. Interested persons may submit comments to Mrs. Brandy A. Duncan, Chief General Counsel, 5400 Broad River Road, Columbia, South Carolina 29212. To be considered, comments must be received no later than 5:00 p.m. on February 25, 2013, the close of the drafting comment period.

Synopsis:

S.C. Code §23-47-20(C)(15) authorizes the Law Enforcement Training Council to make regulations necessary for the training of telecommunication operators or dispatchers.

The proposed addition to the regulation will require E-911 operators to be person's of good character, which is consistent with S.C. Reg. 38-003 for law enforcement officers.

Legislative review of this proposal will be required.

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SOUTH CAROLINA CRIMINAL JUSTICE ACADEMY CHAPTER 38

Statutory Authority: 1976 Code Section 23-47-20(C)(15)

Notice of Drafting:

The South Carolina Criminal Justice Academy proposes to draft changes to regulation 38-064 that address E-911 officer training and certification. Interested persons may submit comments to Mrs. Brandy A. Duncan, Chief General Counsel, 5400 Broad River Road, Columbia, South Carolina 29212. To be considered, comments must be received no later than 5:00 p.m. on February 25, 2013, the close of the drafting comment period.

Synopsis:

S.C. Code §23-47-20(C)(15) authorizes the Law Enforcement Training Council to make regulations necessary for the training of telecommunication operators or dispatchers.

The proposed changes to the regulation will clarify what must be provided to the Academy when enrolling candidates for training and/or certification.

Legislative review of this proposal will be required.

SOUTH CAROLINA CRIMINAL JUSTICE ACADEMY CHAPTER 38

Statutory Authority: 1976 Code Sections 23-23-10 et seq.

Notice of Drafting:

The South Carolina Criminal Justice Academy proposes to draft changes to regulation 38-011 that addresses law enforcement officer training and certification with regard to traffic radar. Interested persons may submit comments to Mrs. Brandy A. Duncan, Chief General Counsel, 5400 Broad River Road, Columbia, South Carolina 29212. To be considered, comments must be received no later than 5:00 p.m. on February 25, 2013, the close of the drafting comment period.

Synopsis:

S.C. Code §23-23-80 authorizes the Law Enforcement Training Council to make regulations necessary for the administration of S.C. Code §23-23-10 et seq. S.C. Reg. 38-011 currently only addresses radar training and does not address other forms of speed measurement device training.

The proposed changes to the regulations will address other forms of speed measurement device training.

Legislative review of this proposal will be required.

**SOUTH CAROLINA CRIMINAL JUSTICE ACADEMY
CHAPTER 38**

Statutory Authority: 1976 Code Sections 23-23-10 et seq.

Notice of Drafting:

The South Carolina Criminal Justice Academy proposes to draft changes to regulation 38-007 that addresses law enforcement officer training and certification. Interested persons may submit comments to Mrs. Brandy A. Duncan, Chief General Counsel, 5400 Broad River Road, Columbia, South Carolina 29212. To be considered, comments must be received no later than 5:00 p.m. on February 25, 2013, the close of the drafting comment period.

Synopsis:

S.C. Code §23-23-80 authorizes the Law Enforcement Training Council to make regulations necessary for the administration of S.C. Code §23-23-10 et seq.

The proposed changes to the regulations will remove the word “jailers” from the regulation.

Legislative review of this proposal will be required.

**SOUTH CAROLINA CRIMINAL JUSTICE ACADEMY
CHAPTER 38**

Statutory Authority: 1976 Code Section 23-47-20(C)(15)

Notice of Drafting:

The South Carolina Criminal Justice Academy proposes to draft changes to regulation 38-062 that address E-911 officer training and certification. Interested persons may submit comments to Mrs. Brandy A. Duncan, Chief General Counsel, 5400 Broad River Road, Columbia, South Carolina 29212. To be considered, comments must be received no later than 5:00 p.m. on February 25, 2013, the close of the drafting comment period.

Synopsis:

S.C. Code §23-47-20(C)(15) authorizes the Law Enforcement Training Council to make regulations necessary for the training of telecommunication operators or dispatchers.

The proposed changes to the regulation will change the term “emergency services dispatcher” to “operator.”

Legislative review of this proposal will be required.

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STATE BOARD OF NURSING

CHAPTER 91

Statutory Authority: 1976 Code Sections 40-1-70, 40-33-10(E) and(I)

Notice of Drafting:

The South Carolina Board of Nursing proposes to amend Regulation 91-2 in conformance with its practice act and the Nurse Licensure Compact Administrators. Interested persons may submit comments to Nancy Murphy, Administrator, State Board of Nursing, Post Office Box 12367, Columbia, S.C. 29211-2367.

Synopsis:

The South Carolina Board of Nursing proposes to amend Regulation 91-2.

Legislative review of this amendment is required.

Document No. 4334

BOARD OF ARCHITECTURAL EXAMINERS

CHAPTER 11

Statutory Authority: 1976 Code Sections 40-1-70 and 40-3-60

- 11-2. Officers
- 11-3. Meetings
- 11-5. Applications and Fees
- 11-8. Renewals
- 11-8.1. Continuing Education

Preamble:

To satisfy the requirements of licensure in the field of architecture, Regulations 11-2 through 11-3, 11-5, and 11-8 through 11-8.1 must be updated in conformance with the current Board of Architectural Examiners Practice Act.

Section-by-Section Discussion:

11-2. Officers.

Adds comma where needed and updates language for clarity.

11-3. Meetings.

Updates language for clarity.

11-5. Applications and Fees.

- A. Adds credit card for application fee payment options.
- B. Deletes fee ranges and states specific fees.

11-8. Renewals.

- A.-B. No changes.
- C. Adds “of Registration” to Lapsed Certificates; changes reinstated and reinstate to renewed and renew; amends time period to comply with statute; adds requirement of 24 continuing education hours.
- D. New subsection addressing Lapsed Certificates of Authorization.

11-8.1. Continuing Education.

- A. No changes.
- B.(1) Deletes “or reciprocity”.
- B.(2) Rewords exemption for registrants on active military duty; registrants may be exempt from some or all of the continuing education requirements.
- B.(3) Adds hardship cases may be considered upon submittal of documentation acceptable to the Board.
- B.(4) Rewords emeritus status exemption and adds statutory reference.
- C.(1) Changes 24 continuing education hours each biennial licensure period to 12 hours each calendar year; changes language to “health, safety and welfare” to agree with National Council of Architectural Registration Boards (NCARB) language; adds sentence that carry-over of hours within the licensing period is allowed, but not into the next biennial licensure period.

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C.(2) Changes language from “the preceding period” to “the two calendar years preceding the calendar year in which the license is set to expire”; clarifies language to agree with NCARB standards; deletes the last sentence.

C.(3) No changes.

C.(4) Changes time limit from 180 to 45 calendar days for registrant to substantiate claim of disallowed continuing education credit or earn other continuing education credit.

D. Rewords for clarity; adds time limit of 30 days for compliance with audit and verification requests.

The Notice of Drafting was published in the *State Register* on December 28, 2012.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such a hearing will be conducted at the Administrative Law Court at 10:00 a.m. on March 1, 2013. Written comments may be directed to Jan Simpson, Administrator, South Carolina Board of Architectural Examiners, Department of Labor, Licensing, and Regulation, Post Office Box 11419, Columbia, South Carolina 29211-1419, or by email to ARCHELP@llr.sc.gov, no later than 5:00 p.m., February 25, 2013. If a qualifying request pursuant to Section 1-23-110(A)(3) is not timely received, the hearing will be canceled.

Preliminary Fiscal Impact Statement:

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

Statement of Need and Reasonableness:

These regulations are amended in conformance with the Architects Practice Act. Reg. 11-2 and Reg. 11-3 are edited to remove typographical errors. Reg. 11-5 is amended to comply with S.C. Code Ann. §40-3-50(B), which states “fees for examination, licensure, renewal, and other assessments must be established by the board in regulation.” The fees are currently expressed in a fee range. S.C. Code Ann. §40-3-240(A) provides for application fees and S.C. Code Ann. §40-3-250(A) provides for renewal fees. S.C. Code Ann. §40-3-250(B) specifically references the penalty late fees in Reg. 11-5 (B)(1)(d) and (B)(2)(c). S.C. Code Ann. §40-3-270(A) references that certificate of authorization applicants must pay an application fee. Reg. 11-8 and Reg. 11-8.1 update language to conform to National Council of Architectural Registration Boards (NCARB) standards, simplifying continuing education requirements while maintaining compliance with statutes. S.C. Code Ann. §40-3-250 provides that renewal requirements will be promulgated in regulation.

DESCRIPTION OF REGULATION:

Purpose: The board is updating the regulations to conform to the practice act.

Legal Authority: 1976 Code Sections 40-1-70 and 40-3-60.

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

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

The proposed regulations will prevent conflict between existing regulations and the practice act.

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 board'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 Board of Architectural Examiners Practice Act.

Text:

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

Document No. 4335

BOARD OF COSMETOLOGY

CHAPTER 35

Statutory Authority: 1976 Code Sections 40-1-70, 40-13-60 and 40-13-80

35-6. Administrative Citations and Penalties

Preamble:

To satisfy the requirements of licensure in the field of cosmetology, Regulations 35-6 must be added in conformance with the current Board of Cosmetology Practice Act and to provide for the issuance of administrative citations and penalties to salons and individuals.

Section-by-Section Discussion:

35-6. Administrative Citations and Penalties.

New section; adds citation authority.

The Notice of Drafting was published in the *State Register* on October 26, 2012.

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Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such a hearing will be conducted at the Administrative Law Court at 10:00 am on March 13, 2013. Written comments may be directed to Tracey McCarley, Administrator, South Carolina Board of Cosmetology, Department of Labor, Licensing, and Regulation, Post Office Box 11329, Columbia, South Carolina 29211-1329, no later than 5:00 p.m., February 25, 2013. If a qualifying request pursuant to Section 1-23-110(A)(3) is not timely received, the hearing will be canceled.

Preliminary Fiscal Impact Statement:

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

Statement of Need and Reasonableness:

This regulation is added in conformance with the Cosmetology Practice Act and to provide for the issuance of administrative citations and penalties to salons and individuals in accordance with S.C. Code Ann. §§40-13-60, 40-13-80, 40-13-110(B) and (C), and 40-13-180. The penalty per violation may not exceed five hundred dollars as per S.C. Code Ann. §40-13-110(B).

DESCRIPTION OF REGULATION:

Purpose: The board is adding the regulation to conform to the practice act and provide for the issuance of administrative citations and penalties to salons and individuals.

Legal Authority: 1976 Code Sections 40-1-70, 40-13-60, and 40-13-80.

Plan for Implementation: The added regulation will take effect upon approval by the General Assembly and upon publication in the State Register. LLR will notify licensees of the added regulation and post the added regulation 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 regulation will prevent conflict between existing regulations and newer legislation.

DETERMINATION OF COSTS AND BENEFITS:

There is no cost incurred by the state.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning the regulation.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

This regulation will have no detrimental effect on the environment. This regulation contributes to the board'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 this regulation is not implemented.

Statement of Rationale:

This regulation is added in conformance with the current Board of Cosmetology Practice Act and to provide for the issuance of administrative citations and penalties to salons and individuals.

Text:

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

Document No. 4336

BOARD OF COSMETOLOGY

CHAPTER 35

Statutory Authority: 1976 Code Sections 40-1-70 and 40-13-60

35-1. Application for Approval to Operate Schools of Cosmetology, Nail Technology, or Esthetics

35-2. School of Cosmetology Building Requirements

35-3. Minimum Curriculum for a School of Cosmetology, Nail Technology, or Esthetics

35-4. Instructor Qualifications; Applications

35-5. Examinations; Reexaminations

35-7. Cosmetology School Classifications and Transcripts

35-8. Instructor Endorsement

35-10. General Rules for the Operation of Cosmetology Schools

35-13. Out of State Applicants

35-23. Continuing Education Requirements; Expired Licenses

35-24. Continuing Education Programs

Preamble:

To satisfy the requirements of licensure in the field of cosmetology, Regulations 35-1 through 35-5, 35-8, 35-10, 35-13, 35-23 and 35-24 must be amended, and Regulation 35-7 must be added in conformance with the current Board of Cosmetology Practice Act.

Section-by-Section Discussion:

35-1. Application for Approval to Operate Schools of Cosmetology, Nail Technology, or Esthetics.

(A) No changes.

(1) Adds “and contact information for the owners or partners” after “if a corporation”.

(2) Changes mailing to physical address and adds sentence that if mailing address is different from the physical address that both addresses must be provided to the board.

(3) No changes.

(4) Adds that other information includes compliance with the rules and regulations of the board regarding bonds related to teach out agreements.

(B)-(F) No changes.

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(G) Deletes “License Issued” in subsection title.

(1)-(4) No changes.

(5) Adds numerals for clarity and consistency.

(6) Deletes \$50,000 bond and adds “as set forth in the statute, and student pro rata based on enrollment and tuition.”

(7) New subsection; adds that list of proposed school rules must be submitted for board approval.

(8) Renumbers (7); adds that final inspection is to be conducted by a board member and board representative.

(H) Changes plant or operation to location and adds that no student hours will be valid if location or ownership changes without prior board approval.

(1)-(3) No changes.

(4) Adds numeral for clarity and consistency.

(5) No changes.

35-2. School of Cosmetology Building Requirements.

(A) Lowercases words where needed; adds sentence about the use of potentially misleading or deceptive statements as cause for disciplinary action.

(B) Lowercases cosmetology; spells out numerals for clarity and consistency. Adds (11) for sharps container.

(C) Adds numerals for clarity and consistency.

(D) Lowercases words where needed; spells out numerals for clarity and consistency.

(E) Lowercases esthetics; spells out numerals for clarity and consistency.

(F) Lowercases words where needed; spells out numerals for clarity and consistency.

(G) New section about general equipment needed for a cosmetology school.

35-3. Minimum Curriculum for a School of Cosmetology, Nail Technology, or Esthetics.

(A)(1)(a) Changes “sterilization” to “disinfection.”

(A)(1)(b)-(2)(g) No changes.

(A)(2)(h) Adds “and Hair Removal”; changes hour requirement from 30 hours to 40 hours

(A)(3) No changes.

(A)(4) Deletes in its entirety.

(A)(5) Renumbers for clarity.

(B)(1)(a) No changes.

(1)(b) Adds Disinfection.

(2) No changes.

(3)(a)-(c) No changes.

(3)(d)(ii) Deletes in its entirety; renumbers subsequent subsections for clarity.

(3)(e)-(6) No changes.

(C) No changes.

(D) New subsection; adds public school secondary education curriculum, which includes academic hours.

35-4. Instructor Qualifications; Applications.

(A)(1)-(2) No changes.

(3) Adds numeral for clarity and consistency.

(4)-(5) No changes.

(6) Deletes “or” at end of the series.

(7) New subsection; adds courses to take upon failing any part of the examination more than twice.

(8) Renumbers; adds numeral for clarity and consistency.

(B) No changes.

(C) Adds numerals for clarity and consistency.

(D)(1)-(2) No changes.

(3) changes sterilization to disinfection.

(4)-(5) No changes.

(E)(1) No changes.

(2) Adds sentence regarding enrollment applications.

(3)-(4) No changes.

(5) New subsection requiring schools to notify board within 30 days when a student instructor drops from the program.

35-5. Examinations; Reexaminations.

(A) New subsection requiring applicants to show English language proficiency via testing to prevent unlawful use of hazardous chemicals.

(A)-(G) Renumbers as (B)-(H); adds numerals for clarity and consistency; adds “or board approved provider” after “board” as appropriate; rewords for clarity.

(I) New subsection requiring applicant to submit photo identification with initial application.

(J) New subsection requiring hours and course of study to take upon failing any part of the examination more than twice.

35-7. Cosmetology School Classifications and Transcripts.

New section; adds provisions for the classification of schools such as secondary, post-secondary, public and private schools to maintain consistency with federal education funding guidelines. Section (4) clarifies the board’s position on foreign cosmetology transcripts.

35-8. Instructor Endorsement.

Changes section title from Reciprocity to Endorsement.

(1) Deletes “or” at end of the series.

(2) Adds numeral for clarity and consistency; add sentence about applicant instructor requirement to have passed a nationally endorsed examination.

(3) New subsection adding that applicant instructor must successfully complete a methods of teaching class.

35-10. General Rules for the Operation of Cosmetology Schools.

(A)(1)-(2) No changes.

(3)(a) Rewords for clarity.

(3)(b)-(c) No changes.

(3)(d) New subsection requiring that a signed certified transcript be provided to any student who withdraws for any reason.

(4) New subsection requiring an inspection of each school by the board or its school inspector.

(5) New subsection requiring that the inspection shall include current enrollments as well as dropped/withdrawal files for the previous 12 months.

(B)(1)(a)-(b) No changes.

(2) No changes.

(3) Adds numerals for clarity and consistency.

(4) Rewords for clarity; changes 10 working days to 21 calendar days.

(C)(1)-(3) No changes.

(4) Adds numerals for clarity and consistency.

(5)(a)-(b) Adds numerals for clarity and consistency; rewords for clarity.

(5)(c)-(6) No changes.

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- (D)(1) Adds numerals for clarity and consistency.
- (2) Adds nail technology and esthetics.
- (E) Deletes "Credit" in subsection title.
- (1) Adds that school may not operate or offer classes as well as given credit for hours until schools are properly licensed.
- (2) Adds numerals for clarity and consistency.
- (3) Adds that the instructor must be in attendance at the event for obtaining credit for hours.
- (4) No changes.
- (5)(a) Changes "will" to "may" as discretionary language.
- (b) No changes.
- (6) Changes "shall" to "may" as discretionary language.
- (7) Adds numeral for clarity and consistency; rewords for clarity.
- (F)(1) No changes.
- (2)(a)-(c) Adds hours of instruction required for students.
- (3) No changes.
- (4) Rewords for clarity.
- (5) Deletes in its entirety.
- (G) No changes.
- (H)(1) No changes.
- (2) Adds numeral for clarity and consistency; adds basic limit for student enrollment.
- (3) No changes.
- (4) Adds language to ensure that school does not operate solely as a salon or spa.
- (5) Adds language to ensure that school notifies board and students upon planning to close and send all transcripts to the board for all paid hours.
- (I)-(J) No changes.
- (K) Rewords and deletes subsection numbers for clarity.

35-13. Out of State Applicants.

- (A) Adds subsection numeral; adds that endorsement applicant may be issued a license after establishing residency within SC or a bordering state and if he or she has passed an examination in English recognized by the National Interstate Council.
- (B) New subsection; adds that endorsement cosmetology applicant may receive credit of 300 hours for every 6 months of proven work experience, not to exceed 600 hours.
- (C) New subsection; adds that endorsement nail technology applicant may receive credit of 60 hours for every 6 months of proven work experience, not to exceed 120 hours.
- (D) New subsection; adds that endorsement esthetics applicant may receive credit of 90 hours for every 6 months of proven work experience, not to exceed 180 hours.

35-23. Continuing Education Requirements; Expired Licenses.

- (A) Rewords for clarity and in keeping with biennial licensure; adds \$50 late penalty for continuing education hours not received within the biennial licensure period.
- (B) Rewords for clarity.
- (C)(1) Changes from 4 to 3 years per statute; adds that the theory examination must be retaken in compliance with statute.
- (2) No changes.
- (D) Lowercases board for consistency; changes 12 to 24 and rewords for biennial licensure.
- (E) Rewords for clarity.

35-24. Continuing Education Programs.

- (A)(1)(a) Rewords for clarity.
- (b) No changes.
- (c) Adds “or associations” and changes “October 15” to “the published board date”; adds the board must publish the date for continuing education submissions by its May meeting.
- (B) Adds numeral for clarity and consistency.
- (C)(1) No changes.
- (2) Rewords for clarity.
- (3)-(7) No changes.
- (8) Adds numerals for clarity and consistency; adds that one form of identification may be a professional license.
- (D)(1) No changes.
- (2) No changes.
- (3) Rewords for clarity.
- (4) No changes.
- (E)(1) No changes.
- (2) Adds that forms shall be mailed within 14 days.
- (3)-(5) No changes.
- (6) New subsection; adds that all courses must be recorded by video, made available to the board, and kept on-site for two years following the program by the provider.
- (F)(1)-(4)(a) No changes.
- (4)(b) Lowercases for consistency.
- (4)(c)-(5) No changes.
- (G) No changes.
- (H) New subsection; adds board members may submit monitored classes as continuing education.
- (I) New subsection; adds online continuing education may amount to only ½ of the total required hours per renewal period.
- (J) New subsection; adds sanctions for providers or associations of continuing education that do not comply with board requirements.

The Notice of Drafting was published in the *State Register* on October 26, 2012.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such a hearing will be conducted at the Administrative Law Court at 10:00 am on March 13, 2013. Written comments may be directed to Tracey McCarley, Administrator, South Carolina Board of Cosmetology, Department of Labor, Licensing, and Regulation, Post Office Box 11329, Columbia, South Carolina 29211-1329, no later than 5:00 p.m., February 25, 2013. If a qualifying request pursuant to Section 1-23-110(A)(3) is not timely received, the hearing will be canceled.

Preliminary Fiscal Impact Statement:

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

Statement of Need and Reasonableness:

These regulations are amended in conformance with the Cosmetology Practice Act and in compliance with S.C. Code Ann. §40-13-60. Reg. 35-1 is edited to clarify existing language and to conform to bond requirements for cosmetology schools in accordance with S.C. Code Ann. §40-13-340(A). Reg. 35-2 is in compliance with S.C. Code Ann. §40-13-340(C), which requires a cosmetology school owner to have adequate

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school facilities and equipment. Reg. 35-3 and Reg. 35-4 are in compliance with S.C. Code Ann. §40-13-310, which requires minimum curriculum for schools and qualifications for instructors. Curricula in Reg. 35-3 have been edited in conformance with current cosmetology school programs and training, including the addition of curriculum for students in public school cosmetology programs. Reg. 35-5 clarifies the requirements in S.C. Code Ann. §40-13-240(B) regarding “practical demonstrations and written tests on subjects the board determines to be necessary.” Reg. 35-7 is added in accordance with the school requirements of S.C. Code Ann. §§40-13-60, 40-13-230, 40-13-290, and 40-13-340, and to maintain compliance with federal Title IV requirements for postsecondary education funding, and to clarify the board’s non-acceptance of foreign cosmetology school transcripts. Reg. 35-8 clarifies the provisions for licensure by endorsement to instructors in compliance with S.C. Code Ann. §§40-13-270 and 40-13-310. Reg. 35-10 addresses the general rules for the operation of cosmetology schools in accordance with S.C. Code Ann. §§40-13-290 and 40-13-340, and adds language to protect students, ensure that a cosmetology school does not operate in conjunction with a salon or spa per S.C. Code Ann. §40-13-260, or as a salon operated for profit per S.C. Code Ann. §40-13-290(A). Reg. 35-13 provides for licensure for out-of-state applicants by endorsement in compliance with S.C. Code Ann. §40-13-270. Reg. 35-23 and Reg. 35-24 provide for continuing education per S.C. Code Ann. §§40-13-250(A) and (D) and 40-13-60, and has been edited to for clarity of board standards and penalties regarding continuing education submissions.

DESCRIPTION OF REGULATION:

Purpose: The board is amending the regulations to conform to the practice act.

Legal Authority: 1976 Code Sections 40-1-70 and 40-13-60.

Plan for Implementation: The amended regulations will take effect upon approval by the General Assembly and upon publication in the State Register. LLR will notify licensees of the amended regulations and post the 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 will prevent conflict between existing regulations and newer legislation.

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 detrimental effect on the environment. These regulations contribute to the board’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 amended in conformance with the current Board of Cosmetology Practice Act.

Text:

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

Document No. 4337

BOARD OF COSMETOLOGY

CHAPTER 35

Statutory Authority: 1976 Code Sections 40-1-70 and 40-13-60

35-15. Licensure of Cosmetology, Nail Technology, and Esthetic Salons

35-16. Salon Equipment Requirements

35-20. Sanitary and Safety Rules for Salons and Schools

35-22. Civil Penalties

35-26. Minimum Requirements for Crossover Between Licensed Cosmetologists and Master Hair Care Specialists

Preamble:

To satisfy the requirements of licensure in the field of cosmetology, Regulations 35-15, 35-16, 35-20, and Regulation 35-26 must be updated, and Regulation 35-22 must be added, in conformance with the current Board of Cosmetology Practice Act.

Section-by-Section Discussion:

35-15. Licensure of Cosmetology, Nail Technology, and Esthetic Salons.

(A)(1) Rewords definition of salon.

(A)(2) Adds numeral for clarity and consistency and changes working to business days.

(A)(3) Adds sentence stating that the salon manager is the licensed responsible party and must be licensed by the board.

(A)(4)-(5) No substantive changes.

(B)(1) Changes 90 days to 30 days.

(B)(2)-(B)(3) No substantive changes.

(C)(1) Changes 10 working days to 30 calendar days.

(C)(2) Adds that no mobile salons are permitted.

(C)(3) New section; requires that all licenses shall be current and posted in public view, licenses are not valid without a current photo attached, and licenses must be original documents.

(D)(1) No substantive change.

(D)(2) Changes twenty to ten for days required for request for a change in salon location to be submitted to the board.

(E)-(G) No substantive changes.

(H) New section regarding lost or stolen licenses; one duplicate may be issued. Additional replacements require board or board designee approval.

35-16. Salon Equipment Requirements.

(A) No substantive change.

(A)(1) Adds written numeral for clarity and consistency.

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- (A)(2) No substantive change.
- (B)(1)-(7) Lowercases capitalized words for clarity and consistency.
- (B)(8) Adds “Sharp’s container”.

35-20. Sanitary and Safety Rules for Salons and Schools.

- (A)(1) No substantive change.
- (A)(2) Changes “authorized representatives” to “board approved representative.”
- (A)(3)-(4) No substantive changes.
- (A)(5) Adds numeral for clarity and consistency.
- (B)(1)-(F) No substantive changes.
- (G) Changes section title from Personal Cleanliness to Cleanliness and Personal Hygiene
- (G)(1) Deletes in its entirety; renumbers rest of section for clarity; changes “cleansing solution” to “hand sanitizer”.
- (H)-(J) Changes “Instruments” to “Implements” throughout; clarifies language.
- (H)(1) Adds “covered” before “waste receptacle”.
- (I)(1)(a) Adds “dry” as a direction after “clean with soap”.
- (I)(1)(b) Deletes “or tuberculocidal” before “activity.”
- (I)(2) Adds “dry” and changes “place” to “container”.
- (I)(3)(b) Adds that disinfectant shall be changed whenever visible debris is present or as manufacturer mandates.
- (J)(1)(b) Deletes “or tuberculocidal” before “activity.”
- (J)(2) Changes “place” to “container”.
- (K)(1) No substantive changes.
- (K)(2) Adds that cosmetic pencils must be sharpened after each use.
- (L)(1) No substantive change.
- (L)(2) Changes “detergent” to “approved disinfectant”.
- (L)(3) Adds “or fresh linens” after “examination paper”.
- (M)(1) Changes subsection title to Used towels to be stored in a separate receptacle until properly laundered and disinfected; lowercases capitalized words for clarity; changes “sanitized” to “disinfected”.
- (M)(2)-(3) No substantive changes.
- (N) Adds that licensees and students must properly label in English all bottles and containers in use in a school or a salon.
- (O) No substantive changes.
- (P) New section; adds substances or products that licensees may not use in the performance of cosmetology services.

35-22. Civil Penalties.

- (A) New section; adds civil penalty for violation of regulation.
- (B) New section; adds board assessment process for civil penalties.

35-26. Minimum Requirements for Crossover Between Licensed Cosmetologists and Master Hair Care Specialists.

- (A) No substantive change.
- (B)(1)-(3) Adds numerals for clarity and consistency.
- (B)(4)-(5) No substantive changes.

The Notice of Drafting was published in the *State Register* on October 26, 2012.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such a hearing will be conducted at the Administrative Law Court at 10:00 a.m. on March 13, 2013. Written comments may be directed to Tracey McCarley, Administrator, South Carolina Board of Cosmetology,

Department of Labor, Licensing, and Regulation, Post Office Box 11329, Columbia, South Carolina 29211-1329, no later than 5:00 p.m., February 25, 2013. If a qualifying request pursuant to Section 1-23-110(A)(3) is not timely received, the hearing will be canceled.

Preliminary Fiscal Impact Statement:

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

Statement of Need and Reasonableness:

These regulations are amended in conformance with the Cosmetology Practice Act and in compliance with S.C. Code Ann. §40-13-60. Reg. 35-15 provides for licensure of salons as under S.C. Code Ann. §40-13-300, and clarifies the language to be consistent with the definition of a salon in §40-13-20(1). Reg. 35-16 provides for salon equipment requirements as provided for in S.C. Code Ann. §40-13-290. Reg. 35-20 gives sanitary and safety rules for salons and schools in accordance with S.C. Code Ann. §§40-13-60 and 40-13-290. Reg. 35-22 adds civil penalties for violation of regulation in compliance with §§40-13-110(B) and (C) and 40-13-180. Reg. 35-26 provides for crossover between licensed cosmetologists and master hair care specialists and is edited for clarity. These regulations have been reviewed by the Department of Health and Environmental Control in compliance with S.C. Code Ann. §40-13-60.

DESCRIPTION OF REGULATION:

Purpose: The board is updating the regulations to conform to the practice act.

Legal Authority: 1976 Code Sections 40-1-70 and 40-13-60.

Plan for Implementation: The revised regulations will take effect upon approval by the General Assembly and upon publication in the State Register. LLR will notify 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 will prevent conflict between existing regulations and newer legislation.

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 detrimental effect on the environment. These regulations contribute to the board's function of protecting public health in the state of South Carolina.

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

There will be detrimental effect on the environment and public health of this State if these regulations are not implemented. These regulations prevent blood exposure and parasite infestation. Failure to implement these regulations may result in the spread of infectious disease.

Statement of Rationale:

These regulations are updated in conformance with the current Board of Cosmetology Practice Act.

Text:

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

Document No. 4338

MANUFACTURED HOUSING BOARD

CHAPTER 79

Statutory Authority: 1976 Code Sections 40-1-70 and 40-29-200(B)(1)

79-4. Financial Responsibility

Preamble:

To satisfy the requirements of licensure for manufactured home builders and salespersons, Regulation 79-4 must be updated in conformance with the current Manufactured Housing Board Practice Act.

Section-by-Section Discussion:

79-4. Financial Responsibility.

(1)(a)-(3)(b) No changes.

(3)(c) Adds that applicants in the licensure classification of retail dealer are required to report a minimum net worth of \$150,000 for both the retail dealer and the principal.

(3)(d)-(4)(b) No changes.

The Notice of Drafting was published in the *State Register* on December 28, 2012.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such a hearing will be conducted at the Administrative Law Court at 10:00 a.m. on March 13, 2013. Written comments may be directed to Gary Wiggins, Administrator, South Carolina Manufactured Housing Board, Department of Labor, Licensing, and Regulation, Post Office Box 11329, Columbia, South Carolina 29211-1329, no later than 5:00 p.m., February 25, 2013. If a qualifying request pursuant to Section 1-23-110(A)(3) is not timely received, the hearing will be canceled.

Preliminary Fiscal Impact Statement:

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

Statement of Need and Reasonableness:

This regulation is amended in conformance with the Manufactured Housing Practice Act. In Reg. 79-4 (3)(c), applicants in the licensure classification of retail dealer are now required to report a minimum net worth of \$150,000 for both the retail dealer and the principal. Reg. 79-4 details the financial responsibility required of applicants for licensure in the manufactured housing business. See S. C. Code Ann. § 40-29-200(B)(1).

DESCRIPTION OF REGULATION:

Purpose: The board is updating the regulation to conform to the practice act.

Legal Authority: 1976 Code Sections 40-1-70 and 40-29-200(B)(1).

Plan for Implementation: The revised regulation will take effect upon approval by the General Assembly and upon publication in the State Register. LLR will notify licensees of the revised regulation and post the revised regulation 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 regulation will prevent conflict between existing regulations and the practice act.

DETERMINATION OF COSTS AND BENEFITS:

There is no cost incurred by the state.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning the regulation.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

This regulation will have no effect on the environment. This regulation contributes to the board'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 this regulation is not implemented.

Statement of Rationale:

This regulation is updated in conformance with the current Manufactured Housing Practice Act.

Text:

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

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Filed: December 21, 2012 10:56am

Document No. 4331
DEPARTMENT OF NATURAL RESOURCES
CHAPTER 123

Statutory Authority: 1976 Code Sections 50-1-200, 50-1-220, 50-11-10, 50-11-2200 and 50-11-2210

123-40. Wildlife Management Area Regulations

Emergency Situation:

This emergency regulation amends and supersedes South Carolina Department of Natural Resources Regulation Number 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 Category II waterfowl areas are on designated days, it is necessary to file this regulation as emergency in order to implement special mobility impaired waterfowl hunts on two Category II waterfowl areas.

Text:

123-40. Wildlife Management Area Regulations.

1.1 The following regulation amends South Carolina Department of Natural Resources regulation Number 123-40.

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

10.16 Category II Designated Waterfowl Areas include Biedler Impoundment, Carr Creek (bounded by Samworth WMA), Little Carr Creek (bounded by Samworth WMA), Lake Cunningham, Russell Creek, Monticello Reservoir, Parr Reservoir, Duncan Creek, Dunaway, Dungannon, Enoree River, Moultrie, Hatchery, Hickory Top, Hickory Top Greentree Reservoir, Lancaster Reservoir, Turtle Island, Little Pee Dee River Complex (including Ervin Dargan, Horace Tilghman), Great Pee Dee River, Potato Creek Hatchery, Sampson Island Unit (Bear Island), Tyger River, Marsh, Wee Tee, Woodbury, Ditch Pond, Waccamaw River Heritage Preserve and 40 Acre Rock Waterfowl Management Areas. Hunting on Category II Designated Waterfowl Areas is in accordance with scheduled dates and times.

DESIGNATED WATERFOWL AREAS

Area	Open dates inclusive	Bag Limits
Enoree River	Sat. AM only during regular season. <u>Except for special mobility impaired hunts.</u>	Federal Limits
Tyger River	Sat. AM only during regular season. <u>Except for special mobility impaired hunts.</u>	Federal Limits

Statement of Need and Reasonableness:

Periodically, additional special hunts are instituted through the Wildlife Management Area Program. Since existing regulations specify seasons, it is necessary to file regulations to allow special hunts on specific properties. Because these special hunts will occur in November, it is necessary to file this regulation as emergency so it will 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: January 7, 2013 12:24pm

Document No. 4333
DEPARTMENT OF NATURAL RESOURCES
 CHAPTER 123
 Statutory Authority: 1976 Code Section 50-13-2011

123-210. Term and Conditions for the Public's Use of Lakes and Ponds Leased by the Department of Natural Resources

Emergency Situation:

The statute under which existing regulations were established for lakes and ponds leased by the Department of Natural Resources has been repealed resulting in the existing regulations no longer carrying the force of law. Emergency regulations need to be established under the new statute 50-13-2011 to provide resource protection and use regulation for the lakes and ponds leased by the Department of Natural Resources for the purpose of providing public fishing.

Text:

123-210. Term and Conditions for the Public's Use of Lakes and Ponds Leased by the Department of Natural Resources.

A. Under the statutory authority provided to the Department of Natural Resources (the department) through 1976 Code Section 50-13-201,1 the department may establish terms and conditions under which the public may use the lakes and ponds it leases pursuant to the provisions of Article 3, Chapter 23, Title 1 (the Administrative Procedures Act).

B. Regulations defining the terms and conditions for public use of lakes and ponds leased by the department are as follows:

- a. Lake Ashwood in Lee County
 - i. A valid South Carolina fishing license is required for all persons 16 years of age or older.
 - ii. The lake is open from one-half hour before official sunrise until one-half hour after official sunset seven days a week.
 - iii. Fishing is allowed with only rod and reels or poles. The statewide limit on the number of these devices applies.

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iv. Daily fish limits are 20 bream, 3 catfish, and 3 largemouth bass. Statewide limits apply for all other fish species.

v. Vehicles are restricted to roads and designated access areas only.

vi. Trails are for walking or fishing access only; no ATV's, motorized vehicles, or horses allowed on these trails.

vii. Pets must be on leashes or under the control of their owner at all times.

viii. Boats are allowed, but may only be propelled by paddle, electric trolling motors or outboard motors rated at 10 horsepower or less.

ix. All boats must meet U.S. Coast Guard requirements for operation and equipment.

x. The following activities are prohibited:

1. Snagging of fish or the use of any nongame fish device
2. Swimming
3. Loitering
4. Hunting
5. Camping
6. Trapping
7. Loud noise or loud music
8. Fireworks
9. Fires (allowed in grill or designated areas only)
10. Alcoholic beverages
11. Possession or discharging of firearms

b. Dargan's Pond in Darlington County

i. A valid South Carolina fishing license is required for all persons 16 years of age or older.

ii. The lake is open on Wednesdays and Saturdays only (March 1 – September 30), from one-half hour before official sunrise to one-half hour after official sunset.

iii. Fishing is allowed with only rod and reels or poles. The statewide limit on the number of these devices applies.

iv. Daily fish limits are 20 bream, 3 catfish, and 3 largemouth bass 16 inches or longer. Fishermen are allowed to keep 2 bass under the 16" minimum. Statewide limits apply for all other fish species.

v. Vehicles and pedestrians are restricted to roads and designated access areas only.

vi. Trails are for walking or fishing access only; no ATV's, motorized vehicles, or horses allowed on these trails.

vii. Pets must be on leashes or under the control of their owner at all times.

viii. Boats are allowed, but may only be propelled by paddle or electric trolling motors.

ix. All boats must meet U.S. Coast Guard requirements for operation and equipment

x. The following activities are prohibited:

1. Snagging of fish or the use of any nongame fish device
2. Swimming
3. Loitering
4. Hunting
5. Camping
6. Trapping
7. Loud noise or loud music
8. Fireworks
9. Fires (allowed in designated areas only)
10. Alcoholic beverages
11. Possession or discharging of firearms

c. Lake Edwin Johnson in Spartanburg County

i. A valid South Carolina fishing license is required for all persons 16 years of age or older.

ii. The lake is open one-half hour before official sunrise until one-half hour after official sunset seven days a week.

iii. Fishing is allowed with only rod and reels or poles. The statewide limit on the number of these devices applies.

iv. Daily fish limits are 15 bream, 3 catfish, and 3 largemouth bass 15 inches or longer. Statewide limits apply for all other fish species.

v. Vehicles are restricted to roads and designated access areas only.

vi. Trails are for walking or fishing access only; no ATV's, motorized vehicles, or horses allowed on these trails.

vii. Pets must be on leashes or under the control of their owner at all times.

viii. No minnows allowed for bait.

ix. Boats are allowed, but may only be propelled by paddle or electric trolling motors.

x. All boats must meet U.S. Coast Guard requirements for operation and equipment

xi. The following activities are prohibited:

1. Snagging of fish or the use of any nongame fish device
2. Swimming
3. Loitering
4. Hunting
5. Camping
6. Trapping
7. Loud noise or loud music
8. Fireworks
9. Fires (allowed in grill or designated areas only)
10. Alcoholic beverages
11. Possession or discharging of firearms

d. Jonesville Reservoir in Union County

i. A valid South Carolina fishing license is required for all persons 16 years of age or older.

ii. The lake is open on Monday, Wednesday, and Saturday only, from one-half hour before official sunrise to one-half hour after official sunset.

iii. Fishing is allowed with only rod and reels or poles. The statewide limit on the number of these devices applies.

iv. Daily fish limits are 10 bream, 3 catfish, and 3 largemouth bass. Statewide limits apply for all other fish species.

v. Vehicles are restricted to roads and designated access areas only.

vi. Trails are for walking or fishing access only; no ATV's, motorized vehicles, or horses allowed on these trails.

vii. Pets must be on leashes or under the control of their owner at all times.

viii. No minnows allowed for bait.

ix. Boats are allowed, but may only be propelled by paddle or electric trolling motors.

x. All boats must meet U.S. Coast Guard requirements for operation and equipment

xi. The following activities are prohibited:

1. Snagging of fish or the use of any nongame fish device
2. Swimming
3. Loitering
4. Hunting
5. Camping
6. Trapping
7. Loud noise or loud music
8. Fireworks
9. Fires (allowed in grill or designated areas only)
10. Alcoholic beverages
11. Possession or discharging of firearms

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e. Lancaster Reservoir in Lancaster County

- i. A valid South Carolina fishing license is required for all persons 16 years of age or older
- ii. The lake is open on Thursday and Saturday from one-half hour before official sunrise to one-half hour after official sunset.
- iii. Fishing is allowed with only rod and reels or poles. The statewide limit on the number of these devices applies.
- iv. Daily fish limits are 20 bream, 3 catfish, 2 largemouth bass 16 inches or longer and 30 crappie. Statewide limits apply for all other fish species.
- v. Vehicles are restricted to roads and designated access areas only.
- vi. Trails are for walking or fishing access only; no ATV's, motorized vehicles, or horses allowed on these trails.
- vii. Pets must be on leashes or under the control of their owner at all times.
- viii. No minnows allowed for bait.
- ix. Boats are allowed, but may only be propelled by paddle or electric trolling motors.
- x. All boats must meet U.S. Coast Guard requirements for operation and equipment
- xi. The following activities are prohibited:
 1. Snagging of fish or the use of any nongame fish device
 2. Swimming
 3. Loitering
 4. Hunting (except in the designated waterfowl area)
 5. Camping
 6. Trapping
 7. Loud noise or loud music
 8. Fireworks
 9. Fires (allowed in designated areas only)
 10. Alcoholic beverages
 11. Possession or discharging of firearms

f. Lake Oliphant in Chester County

- i. A valid South Carolina fishing license is required for all persons 16 years of age or older.
- ii. The lake is open on Mondays, Wednesdays, and Saturdays, from one-half hour before sunrise to one-half hour after official sunset.
- iii. Fishing is allowed with only rod and reels or poles. The statewide limit on the number of these devices applies.
- iv. Daily fish limits are 20 bream, 3 largemouth bass 14 inches or longer and 3 catfish per day. Statewide limits apply for all other fish species.
- v. Vehicles are restricted to roads and designated access areas only.
- vi. Trails are for walking or fishing access only; no ATV's, motorized vehicles, or horses allowed on these trails.
- vii. Pets must be on leashes or under the control of their owner at all times.
- viii. No minnows allowed for bait.
- ix. Boats are allowed, but may only be propelled by paddle or electric trolling motors.
- x. All boats must meet U.S. Coast Guard requirements for operation and equipment
- xi. The following activities are prohibited:
 1. Snagging of fish or the use of any nongame fish device
 2. Swimming
 3. Loitering
 4. Hunting
 5. Camping
 6. Trapping
 7. Loud noise or loud music
 8. Fireworks
 9. Fires (allowed in grill or designated areas only)

- 10. Alcoholic beverages
- 11. Possession or discharging of firearms

g. Star Fort Pond in Greenwood County

- i. A valid South Carolina fishing license is required for all persons 16 years of age or older.
- ii. The lake is open to fishing (April 1st – November 1st) on Wednesday, Friday, and Saturday, from one-half hour before official sunrise to one-half hour after official sunset.
- iii. Fishing is allowed with only rod and reels or poles. The statewide limit on the number of these devices applies.
- iv. Daily fish limits are 20 bream, 3 catfish, and 3 largemouth bass 12 inches or longer. Statewide limits apply for all other fish species.
- v. Vehicles are restricted to roads and designated access areas only.
- vi. Trails are for walking or fishing access only; no ATV's, motorized vehicles, or horses allowed on these trails.
- vii. Pets must be on leashes or under the control of their owner at all times.
- viii. No minnows allowed for bait.
- ix. Boats are allowed, but may only be propelled by paddle or electric trolling motors.
- x. All boats must meet U.S. Coast Guard requirements for operation and equipment
- xi. The following activities are prohibited:
 - 1. Snagging of fish or the use of any nongame fish device
 - 2. Swimming
 - 3. Loitering
 - 4. Hunting
 - 5. Camping
 - 6. Trapping
 - 7. Loud noise or loud music
 - 8. Fireworks
 - 9. Fires (allowed in designated areas only)
 - 10. Alcoholic beverages
 - 11. Possession or discharging of firearms

h. Sunrise Lake in Lancaster County

- i. A valid South Carolina fishing license is required for all persons 16 years of age or older.
- ii. The lake is open to fishing on Monday, Wednesday, and Saturday, from one-half hour before official sunrise to one-half hour after official sunset.
- iii. Fishing is allowed with only rod and reels or poles. The statewide limit on the number of these devices applies.
- iv. Daily fish limits are 20 bream, 3 catfish, and 2 largemouth bass 16 inches or longer. Statewide limits apply for all other fish species.
- v. Vehicles are restricted to roads and designated access areas only.
- vi. Trails are for walking or fishing access only; no ATV's, motorized vehicles, or horses allowed on these trails.
- vii. Pets must be on leashes or under the control of their owner at all times.
- viii. No minnows allowed for bait.
- ix. Boats are allowed, but may only be propelled by paddle or electric trolling motors.
- x. All boats must meet U.S. Coast Guard requirements for operation and equipment
- xi. Entry to this property is allowed from Boyd Faile Road only.
- xii. The following activities are prohibited:
 - 1. Snagging of fish or the use of any nongame fish device
 - 2. Swimming
 - 3. Loitering
 - 4. Hunting
 - 5. Camping

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6. Trapping
7. Loud noise or loud music
8. Fireworks
9. Fires (allowed in designated areas only)
10. Alcoholic beverages
11. Possession or discharging of firearms

Statement of Need and Reasonableness:

The repeal of 1976 Code Section 50-13-2020 has rendered the existing regulations defining the terms and conditions for the public's use of lakes and ponds leased by the department unenforceable. It is critical to establish regulations to defining the terms and conditions for public use to insure protection of the natural resources and facilities associated with these lakes and ponds.

Fiscal Impact Statement:

Establishment of these regulations will not result in any additional costs to the State. The State and local communities will continue to benefit economically from the activities of the public accessing and utilizing the lakes and ponds for recreational fishing and outdoor recreation.

Filed: January 7, 2013 12:24pm

Document No. 4332
DEPARTMENT OF NATURAL RESOURCES
CHAPTER 123
Statutory Authority: 1976 Code Section 50-13-2011

123-209. Term and Conditions for the Public's Use of Lakes and Ponds Owned by the Department of Natural Resources

Emergency Situation:

The statute under which existing regulations were established for lakes and ponds owned by the Department of Natural Resources has been repealed resulting in the existing regulations no longer carrying the force of law. Emergency regulations need to be established under the new statute 50-13-2011 to provide resource protection and use regulation for the lakes and ponds owned by the Department of Natural Resources for the purpose of providing public fishing.

Text:

123-209. Term and Conditions for the Public's Use of Lakes and Ponds Owned by the Department of Natural Resources.

A. Under the statutory authority provided to the Department of Natural Resources (the department) through 1976 Code Section 50-13-2011, the department may establish terms and conditions under which the public may use the lakes and ponds it leases pursuant to the provisions of Article 3, Chapter 23, Title 1 (the Administrative Procedures Act).

B. Pursuant to the conditions provided in 1976 Code Section 50-11-2200 prohibiting certain acts and conduct on department owned lands, regulations defining the terms and conditions for public use of lakes and ponds owned by the department are as follows:

- a. Draper WMA State Lakes in York County
 - i. Fishing is allowed from one-half hour before official sunrise to one-half hour after official sunset, every day except Tuesday. The ponds are closed to fishing on Tuesday's.
 - ii. Fishing is allowed with only rod and reels or poles. The statewide limit on the number of these devices applies.
 - iii. No minnows allowed for bait.
 - iv. Combined daily fish limits from all ponds are 3 largemouth bass 14 inches or longer, 15 bream, and 3 catfish. Statewide limits apply for all other fish species.
 - v. Trails are for walking or fishing access only; no ATV's, motorized vehicles, or horses allowed on these trails.
 - vi. Pets must be on leashes or under the control of their owner at all times.
 - vii.No boats are allowed in ponds.
- b. Lake Cherokee in Cherokee County
 - i. The lake is open to fishing 24 hours a day. The lake is open for other allowed purposes from one-half hour before official sunrise until one-half hour after official sunset.
 - ii. Fishing is allowed with only Rod and Reels or Poles. The statewide limit on the number of these devices applies.
 - iii. Daily fish limits are 20 bream, 3 largemouth bass 15inches or longer and 3 catfish. Statewide limits apply for all other fish species.
 - iv. Vehicles are restricted to roads and designated access areas only.
 - v. Trails are for walking or fishing access only; no ATV's, motorized vehicles, or horses allowed on these trails.
 - vi. Pets must be on leashes or under the control of their owner at all times.
 - vii. Boats are allowed, but may only be propelled by paddle or electric trolling motors.
- c. Lake Edgar Brown in Barnwell County
 - i. The lake is open to fishing 24 hours a day. The lake is open for other allowed purposes from one-half hour before official sunrise until one-half hour after official sunset.
 - ii. Fishing is allowed with only rod and reels or poles. The statewide limit on the number of these devices applies.
 - iii. Daily fish limits are 20 bream, 3 catfish, and 3 largemouth bass 16 inches or longer. Statewide limits apply for all other fish species.
 - iv. Vehicles are restricted to roads and designated access areas only. No motorized vehicles of any type allowed on dikes.
 - v. Trails are for walking or fishing access only; no ATV's, motorized vehicles, or horses allowed on these trails.
 - vi. All Pets must be on leashes or under the control of their owner at all times.
 - vii. Boats are allowed, but may only be propelled by paddle or electric trolling motors. Outboard motors rated at 10 horsepower or less are allowed north of Wellington Road.
- d. Lake George Warren in Hampton County
 - i. The lake is open to fishing 24 hours a day. The lake is open for other allowed purposes from one-half hour before official sunrise until one-half hour after official sunset.
 - ii. Fishing is allowed with only rod and reels or poles. The statewide limit on the number of these devices applies.
 - iii. Daily fish limits are 20 bream, 3 catfish, and 3 largemouth bass. Statewide limits apply for all other fish species.
 - iv. Vehicles are restricted to roads and designated access areas only.
 - v. Trails are for walking or fishing access only; no ATV's, motorized vehicles, or horses allowed on these trails.
 - vi. Pets must be on leashes or under the control of their owner at all times.

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vii. Boats are allowed, but may only be propelled by paddle, electric trolling motors or outboard motors rated at 10 horsepower or less.

e. Lake John D. Long in Union County

i. The lake is open from one-half hour before official sunrise until one-half hour after official sunset.

ii. Fishing is allowed with only rod and reels or poles. The statewide limit on the number of these devices applies.

iii. Daily fish limits are 10 bream, 3 catfish, and 3 largemouth bass. Statewide limits apply for all other fish species.

iv. Vehicles are restricted to roads and designated access areas only.

v. Trails are for walking or fishing access only; no ATV's, motorized vehicles, or horses allowed on these trails.

vi. Pets must be on leashes or under the control of their owner at all times.

vii. No minnows allowed for bait.

viii. Boats are allowed, but may only be propelled by paddle or electric trolling motors.

f. Mountain Lakes in Chester County

i. The lakes are open for fishing on Tuesday, Thursday, Saturday, and Sunday from one-half hour before official sunrise to one-half hour after official sunset.

ii. Fishing is allowed with only rod and reels or poles. The statewide limit on the number of these devices applies.

iii. Daily fish limits are 10 bream, 3 catfish, and 1 largemouth bass 16 inches or longer. Statewide limits apply for all other fish species.

iv. Vehicles are restricted to roads and designated access areas only.

v. Trails are for walking or fishing access only; no ATV's, motorized vehicles, or horses allowed on these trails.

vi. Pets must be on leashes or under the control of their owner at all times.

vii. No minnows allowed for bait.

viii. Boats are allowed, but may only be propelled by paddle or electric trolling motors.

g. Lake Paul Wallace in Marlboro County

i. The lake is open to fishing 24 hours a day. The lake is open for other allowed purposes from one-half hour before official sunrise until one-half hour after official sunset.

ii. Fishing is allowed with only Rod and Reels or Poles. The statewide limit on the number of these devices applies.

iii. Daily limits are 20 bream and 3 catfish. No harvesting of largemouth bass (Catch and Release only). Statewide limits apply for all other fish species.

iv. No minnows allowed for bait.

v. Vehicles are restricted to roads and designated access areas only.

vi. Trails are for walking or fishing access only, no ATV's, motorized vehicles, or horses allowed on these trails.

vii. Pets must be on leashes or under the control of their owner at all times.

viii. Lake may be closed for special use activities, with a DNR written permit.

ix. Lake Wallace Fishing Side (East of the earthen dike that separates the two lake portions)

1. Boats are allowed, but may only be propelled by paddle, electric trolling motors or outboard motors rated at 10 horsepower or less.

x. Lake Wallace Boating Side (West of the earthen dike which separates the two lake portions)

1. Boats and water skiing are allowed and must follow a counter-clockwise route of travel.

2. Jet Ski or personnel watercraft are allowed but not within 200 feet of boats.

3. All other South Carolina watercraft rules and regulations apply.

h. Lake Thicketty in Cherokee County

i. The lake is open to fishing 24 hours a day. The lake is open for other allowed purposes from one-half hour before official sunrise until one-half hour after official sunset.

ii. Fishing is allowed with only Rod and Reels or Poles. The statewide limit on the number of these devices applies.

iii. Daily fish limits are 20 bream, 3 largemouth bass and 3 catfish. Statewide limits apply for all other fish species.

iv. Vehicles are restricted to roads and designated access areas only.

v. Trails are for walking or fishing access only, no ATV's, motorized vehicles, or horses allowed on these trails.

vi. Pets must be on leashes or under the control of their owner at all times.

vii. Boats are allowed, but may only be propelled by paddle, electric trolling motors or outboard motors rated at 6 horsepower or less.

i. Webb Center Lakes in Hampton County

i. The lakes are open for fishing Monday through Saturday from one-half hour before official sunrise until one-half hour after official sunset except for Monday afternoons, Tuesday mornings, Friday afternoon, and Saturday morning during scheduled deer hunts (October 1 – January 1).

ii. Fishing is allowed with only Rod and Reels or Poles. The state wide limit on the number of these devices applies.

iii. Daily fish limits are 30 bream and 10 largemouth bass. Statewide limits apply for all other fish species.

iv. Vehicles are restricted to roads and designated access areas only.

v. Trails are for walking or fishing access only, no ATV's, motorized vehicles, or horses allowed on these trails.

vi. Pets must be on leashes or under the control of their owner at all times.

vii. No minnows allowed for bait.

viii. Boats are allowed, but may only be propelled by paddle or electric trolling motors.

Statement of Need and Reasonableness:

The repeal of 1976 Code Section 50-13-2020 has rendered the existing regulations defining the terms and conditions for the public's use of lakes and ponds owned by the department unenforceable. It is critical to establish regulations to defining the terms and conditions for public use to insure protection of the natural resources and facilities associated with these lakes and ponds.

Fiscal Impact Statement:

Establishment of these regulations will not result in any additional costs to the State. The State and local communities will continue to benefit economically from the activities of the public accessing and utilizing the lakes and ponds for recreational fishing and outdoor recreation.