

SOUTH CAROLINA STATE REGISTER DISCLAIMER

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SOUTH CAROLINA STATE REGISTER

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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.

2017 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	1/13	2/10	3/10	4/14	5/12	6/9	7/14	8/11	9/8	10/13	11/10	12/8
Publishing Date	1/27	2/24	3/24	4/28	5/26	6/23	7/28	8/25	9/22	10/27	11/24	12/22

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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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
4735			Chapter Revisions	1/15/18	Workers' Compensation Commission
4678			Investigation Procedures	1/18/18	South Carolina Human Affairs Commission
4665			Examples of the Application of Tax to Various Charges Imposed by Hotels, Motels, and Other Facilities	1/19/18	Department of Revenue
4746			Articles 4, 5, 7 and 8 of Chapter 126	5/02/18	Department of Health and Human Services
4740			Minimum Standards for Licensing Hospitals and Institutional General Infirmaries	5/09/18	Department of Health and Envir Control
4732			Method of Operations; Application of Federal Truth in Lending Act; Other Cases - Summary Procedure; Delinquent Notification Filing and Fee Payment; and Filing and Posting Maximum Rate Schedules	5/09/18	Department of Consumer Affairs
Committee Request Withdrawal					
4729			Determination of Rates of Tuition and Fees	Tolled	Commission on Higher Education

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

DOC. No.	SUBJECT	HOUSE COMMITTEE	SENATE COMMITTEE
4735	Chapter Revisions	Regulations and Admin. Procedures	Judiciary
4678	Investigation Procedures	Regulations and Admin. Procedures	Judiciary
4665	Examples of the Application of Tax to Various Charges Imposed by Hotels, Motels, and Other Facilities	Regulations and Admin. Procedures	Finance
4746	Articles 4, 5, 7 and 8 of Chapter 126	Regulations and Admin. Procedures	Medical Affairs
4740	Minimum Standards for Licensing Hospitals and Institutional General Infirmaries		
4732	Method of Operations; Application of Federal Truth in Lending Act; Other Cases - Summary Procedure; Delinquent Notification Filing and Fee Payment; and Filing and Posting Maximum Rate Schedules		
Committee Request Withdrawal			
4729	Determination of Rates of Tuition and Fees	Regulations and Admin. Procedures	Education

Executive Order No. 2017-24

WHEREAS, effective at 2:00 PM on September 7, 2017, the undersigned issued Executive Order 2017-23, ordering a mandatory medical evacuation of healthcare facilities in stated zones within the counties of Charleston, Dorchester, Berkeley, Georgetown, and Horry; and

WHEREAS, the foregoing evacuation order was issued in light of the force and anticipated impact of Hurricane Irma and the resulting threat to the safety, security, and welfare of the residents and patients of coastal healthcare facilities and was deemed necessary for the preservation of life or other emergency mitigation, response, or recovery; and

WHEREAS, after carefully considering the latest weather forecasts and other relevant information, the Department of Health and Environmental Control (“Department”) has determined that the anticipated impact of Hurricane Irma conditions throughout the counties of Charleston, Dorchester, Berkeley, Georgetown, and Horry no longer pose an imminent threat to the life, health, safety or welfare of residents and patients of healthcare facilities.

NOW, THEREFORE, by virtue of the authority vested in me as Governor of the State of South Carolina and pursuant to the Constitution and Laws of this State and the powers conferred upon me therein, I hereby rescind the mandatory medical evacuation order for the counties of Charleston, Dorchester, Berkeley, Georgetown, and Horry, effective at 2:00 PM on September 8, 2017.

FURTHER, nothing in this Order prohibits local officials from restricting access to areas of danger to ensure the safety, security, and welfare of healthcare facility residents, patients, and visitors during the State of Emergency and any recovery period.

FURTHER, all healthcare facilities in the counties of Charleston, Dorchester, Berkeley, Georgetown, and Horry should still monitor the weather and exercise due caution to ensure that safe conditions continue to exist for residents, patients, and visitors.

FURTHER, this Order to rescind does not affect the mandatory medical evacuation of healthcare facilities in Beaufort County (all Zones), Colleton County (Zones A, B), and Jasper County (Zones A, B) as set forth in Executive Order 2017-23. Pursuant to Executive Order 2017-23, healthcare facilities in Beaufort County (all Zones), Colleton County (Zones A, B), and Jasper County (Zones A, B) should have initiated processes to facilitate evacuation prior to Hurricane Irma’s impact or requested an exemption to shelter in place pursuant to the Department’s Critical Data Sheet (CDS).

This Order shall take effect at 2:00 PM on September 8, 2017. Further proclamations and directives deemed necessary to ensure the fullest protection of life and property during this State of Emergency shall be issued orally by me and thereafter reduced to writing within the succeeding 24-hour period.

**GIVEN UNDER MY HAND AND THE GREAT
SEAL OF THE STATE OF SOUTH CAROLINA,
THIS 8th DAY OF SEPTEMBER, 2017.**

**HENRY MCMASTER
Governor**

4 EXECUTIVE ORDERS

Executive Order No. 2017-25

WHEREAS, the National Hurricane Center has advised that Hurricane Irma may impact the State of South Carolina; and

WHEREAS, Hurricane Irma, and the associated wind, heavy rain, localized flooding, and other severe weather, represents a significant threat to the State of South Carolina and requires that the State take timely precautions to protect property, critical infrastructure, communities, and the general safety, security, and welfare of the people of this State; and

WHEREAS, on September 6, 2017, I issued Executive Order No. 2017-20, declaring a State of Emergency due to Hurricane Irma and placing into effect the South Carolina Emergency Operations Plan to provide for the health, safety, and welfare of residents and visitors located in the threatened areas; and

WHEREAS, as the Chief Executive of this State, pursuant to section 25-1-440 of the South Carolina Code of Laws, as amended, I am authorized to direct and compel the evacuation of all or part of the populace from any stricken or threatened area if such action is deemed necessary for the preservation of life or other disaster mitigation, response, or recovery; and

WHEREAS, I have determined that the evacuation of certain barrier islands specified herein is necessary for the preservation of life in and surrounding the threatened areas or for other emergency mitigation, response, or recovery efforts.

NOW, THEREFORE, by virtue of the authority vested in me as Governor of the State of South Carolina and pursuant to the Constitution and Laws of this State and the powers conferred upon me therein, I hereby order the evacuation, effective 10:00 a.m., September 9, 2017, of all persons located in the specified barrier islands in Jasper County (Knowles Island and Tulifinny Island), Beaufort County (Hunting Island, Fripp Island, Hilton Head Island, Harbor Island, and Daufuskie Island), and Colleton County (Edisto Beach), with the exception of those critical or emergency response personnel, as designated by the appropriate municipal, county, or special purpose district officials, necessary to provide essential services during or immediately following the event. All other persons outside of these areas who have safety concerns should voluntarily relocate to areas of safety. Specific details regarding the areas for evacuation are attached to this Executive Order.

Any persons or non-Emergency Management personnel who remain in the evacuation zones, and any medical facilities, nursing home facilities, businesses, or other organizations or entities, who allow persons under their charge to remain in the evacuation zones, thereby become responsible for their own safety and well-being and for the safety and well-being of those under their charge. Any such persons or entities are charged with the knowledge that should they need the assistance of emergency personnel or services, those personnel or services may not be available or capable of coming to their aid.

FURTHER, I hereby direct that specified units of the South Carolina National Guard, at the discretion of the Adjutant General in consultation with the Director of the Emergency Management Division (EMD), may remain on duty to assist civil authorities in these areas, including Emergency Support Functions (ESF) 13 and 16, the South Carolina Department of Public Safety (DPS), and the South Carolina Law Enforcement Division (SLED), taking all reasonable precautions as necessary for the preservation of life and property. The South Carolina National Guard may supplement units as needed. DPS will remain to assist with all traffic control points as assigned and needed. Persons in other areas near the projected path of Hurricane Irma, or in inland areas near the barrier islands identified herein, should take all precautions necessary to ensure their protection from potential high winds, heavy rain, localized flooding, and other severe weather.

This Order is effective immediately. Further proclamations and directives deemed necessary to ensure the fullest protection of life and property during this State of Emergency shall be issued orally by me and thereafter reduced to writing within the succeeding 24-hour period.

GIVEN UNDER MY HAND AND THE GREAT SEAL OF THE STATE OF SOUTH CAROLINA, THIS 8th DAY OF SEPTEMBER, 2017.

HENRY MCMASTER
Governor

Executive Order No. 2017-26

WHEREAS, on September 8, 2017, I issued Executive Order No. 2017-25, ordering the evacuation, effective 10:00 a.m., September 9, 2017, of all persons located on certain specified barrier islands in Jasper County (Knowles Island and Tulifinny Island), Beaufort County (Hunting Island, Fripp Island, Hilton Head Island, Harbor Island, and Daufuskie Island), and Colleton County (Edisto Beach), with the exception of those critical or emergency response personnel, because of the imminent danger posed by Hurricane Irma; and

WHEREAS, the conditions now exist for county authorities to make decisions about the return of persons to Jasper County (Knowles Island and Tulifinny Island), Beaufort County (Hunting Island, Fripp Island, Hilton Head Island, Harbor Island, and Daufuskie Island), and Colleton County (Edisto Beach); and

WHEREAS, despite rescission of the order to evacuate persons located in above areas, these counties may still identify and restrict specific areas to ensure the safety of residents and visitors.

NOW, THEREFORE, by virtue of the authority vested in me as Governor of the State of South Carolina and pursuant to the Constitution and Laws of this State and the powers conferred upon me therein, I hereby rescind the evacuation order for the areas set forth in Executive Order No. 2017-25, effective at 9:15 a.m. on September 12, 2017. Accordingly, all persons may now return to the barrier islands in Jasper County (Knowles Island and Tulifinny Island), Beaufort County (Hunting Island, Fripp Island, Hilton Head Island, Harbor Island, and Daufuskie Island), and Colleton County (Edisto Beach) at the direction of county officials.

FURTHER, nothing in this Order prohibits local officials from establishing a curfew or restricting access to areas of danger and thereby authorizes state officers to enforce local curfews to help ensure the welfare of and safety of residents and visitors during the recovery period.

FURTHER, all residents and visitors traveling in and returning to these counties should exercise due caution to travel safely across roads and bridges and should understand that portions of these areas, including their homes, may be without power.

This Order is effective immediately. Further proclamations and directives deemed necessary to ensure the fullest protection of life and property during this State of Emergency shall be issued orally by me and thereafter reduced to writing within the succeeding 24-hour period.

GIVEN UNDER MY HAND AND THE GREAT SEAL OF THE STATE OF SOUTH CAROLINA, THIS 12th DAY OF SEPTEMBER, 2017.

HENRY MCMASTER
Governor

6 EXECUTIVE ORDERS

Executive Order No. 2017-27

WHEREAS, on September 7, 2017, I issued Executive Order No. 2017-23, ordering a mandatory medical evacuation, effective 2:00 p.m., September 7, 2017, of healthcare facilities in stated zones within several counties; and

WHEREAS, on September 8, 2017, I issued Executive Order No. 2017-24, rescinding the mandatory medical evacuation, effective 2:00 p.m., September 8, 2017, for the counties of Charleston, Dorchester, Berkeley, Georgetown, and Horry; and

WHEREAS, Executive Order No. 2017-24 did not rescind the mandatory medical evacuation of healthcare facilities in Beaufort County (all Zones), Colleton County (Zones A, B), and Jasper County (Zones A, B) as set forth in Executive Order No. 2017-23, and these counties initiated processes to facilitate evacuation prior to Hurricane Irma's impact or requested an exemption to shelter in place pursuant to the Department of Health and Environmental Control's (Department) Critical Data Sheet (CDS); and

WHEREAS, the foregoing decisions were made due to the force of Hurricane Irma and the imminent threat to the safety, security, and welfare of the residents and patients of coastal healthcare facilities and deemed necessary for the preservation of life or other emergency mitigation, response, or recovery; and

WHEREAS, it has been made known to me by the Department that the effects of Hurricane Irma and the conditions throughout the counties of Beaufort, Colleton, and Jasper no longer pose an imminent threat to the life, health, safety, or welfare of patients and residents of these healthcare facilities.

NOW, THEREFORE, by virtue of the authority vested in me as Governor of the State of South Carolina and pursuant to the Constitution and Laws of this State and the powers conferred upon me therein, I hereby rescind the mandatory medical evacuation order for the counties of Beaufort, Colleton, and Jasper, effective 9:15 a.m., September 12, 2017.

FURTHER, nothing in this Order prohibits local officials from restricting access to areas of danger to ensure the welfare and safety of healthcare facility patients, residents, and visitors during the recovery period.

FURTHER, all healthcare facilities in the counties of Beaufort, Colleton, and Jasper should still monitor the weather and exercise due caution to ensure that safe conditions continue to exist for residents, patients, and visitors.

This Order is effective immediately. Further proclamations and directives deemed necessary to ensure the fullest protection of life and property during this State of Emergency shall be issued orally by me and thereafter reduced to writing within the succeeding 24-hour period.

**GIVEN UNDER MY HAND AND THE GREAT
SEAL OF THE STATE OF SOUTH CAROLINA,
THIS 12th DAY OF SEPTEMBER, 2017.**

**HENRY MCMASTER
Governor**

Executive Order No. 2017-28

WHEREAS, on September 6, 2017, I issued Executive Order No. 2017-20, declaring a State of Emergency due to the significant threat posed by Hurricane Irma approaching the State of South Carolina and directing that all prudent precautions be taken and preparations be made at the individual, local, and state levels to protect against the possible effects of Hurricane Irma; and

WHEREAS, on September 8, 2017, I issued Executive Order No. 2017-25, ordering the evacuation, effective 10:00 a.m., September 9, 2017, of all persons located on certain specified barrier islands in Jasper County (Knowles Island and Tulifinny Island), Beaufort County (Hunting Island, Fripp Island, Hilton Head Island, Harbor Island, and Daufuskie Island), and Colleton County (Edisto Beach), with the exception of those critical or emergency response personnel, because of the imminent danger posed by Hurricane Irma; and

WHEREAS, on September 12, 2017, I issued Executive Order No. 2017-26, rescinding the evacuation order, effective 9:15 a.m., September 12, 2017, for the areas set forth in Executive Order No. 2017-25, while also authorizing local and county officials to restrict access to areas identified as dangerous and to make further decisions about the return of persons to areas impacted by Hurricane Irma; and

WHEREAS, as a result of the foregoing Orders and other State actions, the significant threat presented by Hurricane Irma, and the resulting hazardous weather conditions, it became necessary for many banks and savings and loan institutions in this State to close or remain closed from September 6, 2017, through September 12, 2017, or to otherwise cease transacting business on one or more such days; and

WHEREAS, pursuant to section 53-5-70 of the South Carolina Code of Laws, as amended, banks and savings and loan institutions in this State were already prohibited from transacting business on Sunday, September 10, 2017; and

WHEREAS, section 53-5-55 of the South Carolina Code of Laws, as amended, authorizes the Governor to declare additional legal holidays for banks and savings and loan institutions whenever the Governor finds such additional holiday or holidays to be necessary or appropriate; and

WHEREAS, as Governor of the State of South Carolina, I am mindful of the duties and responsibilities vested in me by the Constitution and Laws of this State and have carefully considered the foregoing circumstances.

NOW, THEREFORE, by virtue of the authority vested in me as Governor of the State of South Carolina and pursuant to the Constitution and Laws of this State and the powers conferred upon me therein, I hereby declare that September 6, 7, 8, 9, 11, and 12, 2017, shall be legal holidays for banks and savings and loan institutions in the State of South Carolina that were forced to close or remain closed from September 6, 2017, through September 12, 2017, or to otherwise cease transacting business on one or more such days, due to the foregoing Orders or other State actions, the significant threat presented by Hurricane Irma, or the resulting hazardous weather conditions. This Order is effective immediately.

GIVEN UNDER MY HAND AND THE GREAT SEAL OF THE STATE OF SOUTH CAROLINA, THIS 13th DAY OF SEPTEMBER, 2017.

HENRY MCMASTER
Governor

8 EXECUTIVE ORDERS

Executive Order No. 2017-29

WHEREAS, Hurricane Irma, and the associated wind, heavy rain, localized flooding, and other severe weather, represented a significant threat to the State of South Carolina and required that the State take timely precautions to protect property, critical infrastructure, communities, and the safety, security, and welfare of the people of this State; and

WHEREAS, on September 6, 2017, I issued Executive Order No. 2017-20, declaring a State of Emergency due to the significant threat posed by Hurricane Irma, placing into effect the South Carolina Emergency Operations Plan, and directing that all prudent precautions be taken and preparations be made at the individual, local, and state levels to protect against the possible effects of Hurricane Irma; and

WHEREAS, the heavy rain and localized flooding associated with Hurricane Irma presented a significant risk of overtopping erosion or destruction of dams or reservoirs, which independently posed a serious danger to persons and property, as this State previously experienced in connection with Hurricane Joaquin in 2015 and Hurricane Matthew in 2016; and

WHEREAS, in recognition of the foregoing, on September 7, 2017, I issued Executive Order No. 2017-22, ordering, *inter alia*, all dam and reservoir “Owner[s],” as defined by section 49-11-120(9) of the South Carolina Code of Laws, to evaluate their impoundments and determine if water levels could be safely lowered to accommodate incoming flows and to coordinate releases of water with downstream dam or property owners and directing the Department of Health and Environmental Control (“Department”) to take certain actions to prevent dam and reservoir failures and to employ any and all remedial measures deemed necessary pursuant to the South Carolina Dams and Reservoirs Safety Act, codified as amended at sections 49-11-110 to 49-11-260 of the South Carolina Code of Laws, to protect persons and property in this State; and

WHEREAS, the Department has advised that the effects of Hurricane Irma and the foregoing concerns and conditions no longer pose an imminent threat to persons and property in this State.

NOW, THEREFORE, by virtue of the authority vested in me as Governor of the State of South Carolina and pursuant to the Constitution and Laws of this State and the powers conferred upon me therein, I hereby rescind Executive Order No. 2017-22, effective 10:00 a.m., September 13, 2017. Nothing in this Order prohibits the Department from continuing further monitoring during the recovery period or taking other remedial measures deemed necessary in accordance with the South Carolina Dams and Reservoirs Safety Act to protect persons and property in this State.

This Order is effective immediately. Further proclamations and directives deemed necessary to ensure the fullest protection of life and property during this State of Emergency shall be issued orally by me and thereafter reduced to writing within the succeeding 24-hour period.

**GIVEN UNDER MY HAND AND THE GREAT
SEAL OF THE STATE OF SOUTH CAROLINA,
THIS 13th DAY OF SEPTEMBER, 2017.**

**HENRY MCMASTER
Governor**

Executive Order No. 2017-30

WHEREAS, Florida has been impacted by Hurricane Irma, resulting in disaster, severe flooding, storm surge, and damaging winds, and Florida Governor Rick Scott has issued an Executive Order dated September 4, 2017 declaring a state of emergency in Florida; and

WHEREAS, Florida has requested assistance from South Carolina under the terms of the Emergency Management Assistance Compact (EMAC), as provided in section 25-9-420 of the South Carolina Code of Laws; and

WHEREAS, the South Carolina National Guard is prepared to provide the personnel and equipment necessary to assist the impacted areas and specifically to fulfill Florida's request to assist in response to this disaster pursuant to the Emergency Management Assistance Compact.

NOW, THEREFORE, by virtue of the authority vested in me as Governor of the State of South Carolina and pursuant to the Constitution and Laws of this State and the powers conferred upon me therein, I hereby direct the Adjutant General to place on state duty and utilize the South Carolina National Guard personnel and equipment requested through the Emergency Management Division and in consultation with the Governor's Office, to fulfill the mission in support of the State of Florida. National Guard personnel and equipment deployment and mission requirements should be coordinated through the Emergency Management Division in accordance with the Emergency Management Assistance Compact. This Order shall take effect immediately and shall expire when the emergency situation in Florida is ended, or in thirty (30) days, whichever comes first.

GIVEN UNDER MY HAND AND THE GREAT SEAL OF THE STATE OF SOUTH CAROLINA, THIS 14th DAY OF SEPTEMBER, 2017.

HENRY MCMASTER
Governor

Executive Order No. 2017-31

WHEREAS, there presently exists a vacancy in the office of the Treasurer of Barnwell County due to the resignation of Wendall Gibson, Jr., effective August 31, 2017; and

WHEREAS, in the event of a vacancy in the office of a county treasurer, the undersigned is authorized to appoint a suitable person, who shall be an elector of the county, to serve as county treasurer pursuant to sections 1-3-220(2), 4-11-20(1), and 12-45-20 of the South Carolina Code of Laws, as amended; and

WHEREAS, Megan C. Elkins, residing at 2650 Moore Road, Barnwell, South Carolina 29485, is a fit and proper person to serve as the Treasurer of Barnwell County.

NOW, THEREFORE, by virtue of the authority vested in me as Governor of the State of South Carolina and pursuant to the Constitution and Laws of this State and the powers conferred upon me therein, I hereby appoint Megan C. Elkins to serve as Treasurer of Barnwell County, effective immediately, until the next general election and until her successor shall qualify as provided by law.

GIVEN UNDER MY HAND AND THE GREAT SEAL OF THE STATE OF SOUTH CAROLINA, THIS 18th DAY OF SEPTEMBER, 2017.

HENRY MCMASTER
Governor

10 EXECUTIVE ORDERS

Executive Order No. 2017-32

WHEREAS, on September 6, 2017, I issued Executive Order 2017-20, declaring a State of Emergency as a result of Hurricane Irma approaching the State of South Carolina; and

WHEREAS, as a result of the threat of hazardous weather conditions from Hurricane Irma, several state government offices were closed, delayed, or dismissed early in accordance with county government offices on Friday, September 8, 2017; Monday, September 11, 2017; and Tuesday, September 12, 2017; listed as follows:

Closed - Friday, September 8, 2017: Berkeley, Charleston, Dorchester, and Jasper;
Early Dismissal - Friday, September 8, 2017: Beaufort and Colleton;
Closed - Monday, September 11, 2017: Aiken, Allendale, Bamberg, Barnwell, Beaufort, Berkeley, Calhoun, Charleston, Clarendon, Colleton, Dorchester, Edgefield, Georgetown, Hampton, Jasper, Kershaw, Lee, Lexington, Newberry, Orangeburg, Richland, Saluda, Sumter, and Williamsburg;
Early Dismissal - Monday, September 11, 2017: Abbeville, Anderson, Dillon, Lancaster, Laurens, Marion, Oconee, and Pickens;
Closed – Tuesday, September 12, 2017: Allendale, Barnwell, Beaufort, Charleston, Colleton, Dorchester, Hampton, Jasper, McCormick, Oconee, and Pickens; and
Delayed – Tuesday, September 12, 2017: Abbeville, Anderson, Clarendon, Lancaster, Lexington, Richland, Saluda, and Sumter.

WHEREAS, pursuant to Section 8-11-57 of the South Carolina Code of Laws, the Governor may authorize leave with pay for affected state employees who were absent from work due to a State of Emergency or hazardous conditions.

NOW, THEREFORE, by virtue of the authority vested in me as Governor of the State of South Carolina and pursuant to the Constitution and Laws of this State and the powers conferred upon me therein, I hereby grant leave with pay to state employees absent from work due to the closure, early dismissal, or delayed start as a result of the State of Emergency on Friday, September 8, 2017; Monday, September 11, 2017; and Tuesday, September 12, 2017, as listed more fully above. This Order is effective immediately.

GIVEN UNDER MY HAND AND THE GREAT SEAL OF THE STATE OF SOUTH CAROLINA, THIS 20th DAY OF SEPTEMBER, 2017.

HENRY MCMASTER
Governor

Executive Order No. 2017-33

WHEREAS, Puerto Rico has been impacted by Hurricane Maria, resulting in significant and widespread devastation, and Governor Ricardo Rosselló–Nevarés has issued an Executive Order dated September 17, 2017, declaring a state of emergency throughout the Commonwealth; and

WHEREAS, the Commonwealth of Puerto Rico has requested assistance from the State of South Carolina under the terms of the Emergency Management Assistance Compact, as provided in section 25-9-420 of the South Carolina Code of Laws; and

WHEREAS, the South Carolina National Guard is prepared to provide the personnel and equipment necessary to assist the impacted areas and to fulfill Puerto Rico’s request to assist in response to this disaster pursuant to the terms of the Emergency Management Assistance Compact.

NOW, THEREFORE, by virtue of the authority vested in me as Governor of the State of South Carolina and pursuant to the Constitution and Laws of this State and the powers conferred upon me therein, I hereby direct the Adjutant General to place on state duty and utilize the South Carolina National Guard personnel and equipment requested through the Emergency Management Division, and in consultation with the Governor's Office, to fulfill the mission in support of the Commonwealth of Puerto Rico. National Guard personnel and equipment deployment and mission requirements should be coordinated through the Emergency Management Division in accordance with the Emergency Management Assistance Compact. This Order shall take effect immediately and shall expire when the emergency situation in Puerto Rico is ended or in thirty (30) days, whichever comes first.

GIVEN UNDER MY HAND AND THE GREAT SEAL OF THE STATE OF SOUTH CAROLINA, THIS 27th DAY OF SEPTEMBER, 2017.

HENRY MCMASTER
Governor

Executive Order No. 2017-34

WHEREAS, a vacancy will exist in the office of the Register of Mesne Conveyance for Charleston County due to the resignation of Charlie Lybrand, effective October 20, 2017; and

WHEREAS, in the event of a vacancy in a county office, the undersigned is authorized to appoint a suitable person, who shall be an elector of the county, to serve in such office pursuant to sections 1-3-220(2) and 4-11-20(1) of the South Carolina Code of Laws, as amended; and

WHEREAS, Elaine H. Bozman, residing at 1448 Glencoe Drive, Mount Pleasant, South Carolina 29464, is a fit and proper person to serve as the Register of Mesne Conveyance for Charleston County.

NOW, THEREFORE, by virtue of the authority vested in me as Governor of the State of South Carolina and pursuant to the Constitution and Laws of this State and the powers conferred upon me therein, I hereby appoint Elaine H. Bozman to serve as the Register of Mesne Conveyance for Charleston County, effective October 20, 2017, until the next general election and until her successor shall qualify as provided by law.

GIVEN UNDER MY HAND AND THE GREAT SEAL OF THE STATE OF SOUTH CAROLINA, THIS 27th DAY OF OCTOBER, 2017.

HENRY MCMASTER
Governor

Executive Order No. 2017-35

WHEREAS, Puerto Rico has been impacted by Hurricane Maria, resulting in significant and widespread devastation, and Governor Ricardo Rosselló–Nevares has issued an Executive Order dated September 17, 2017, declaring a state of emergency throughout the Commonwealth; and

WHEREAS, the Commonwealth of Puerto Rico requested assistance from the State of South Carolina under the terms of the Emergency Management Assistance Compact, as provided in section 25-9-420 of the South Carolina Code of Laws; and

12 EXECUTIVE ORDERS

WHEREAS, on September 27, 2017, I issued Executive Order No. 2017-33, ordering the South Carolina National Guard to provide the personnel and equipment necessary to assist the impacted areas and to fulfill Puerto Rico’s request to assist in response to this disaster pursuant to the terms of the Emergency Management Assistance Compact; and

WHEREAS, Executive Order No. 2017-33 expires on October 27, 2017; and

WHEREAS, a state of emergency still exists throughout the Commonwealth of Puerto Rico and Governor Ricardo Rosselló–Nevarés has requested further assistance through December 31, 2017.

NOW, THEREFORE, by virtue of the authority vested in me as Governor of the State of South Carolina and pursuant to the Constitution and Laws of this State and the powers conferred upon me therein, I hereby direct the Adjutant General, in consultation with the Governor’s Office, to continue the deployment of the South Carolina National Guard personnel and equipment requested through the Emergency Management Division to fulfill the mission in support of the Commonwealth of Puerto Rico. National Guard personnel and equipment deployment and mission requirements should still be coordinated through the Emergency Management Division in accordance with the Emergency Management Assistance Compact. This Order shall take effect immediately and shall expire when the emergency situation in Puerto Rico is ended or on December 31, 2017, whichever comes first.

**GIVEN UNDER MY HAND AND THE GREAT
SEAL OF THE STATE OF SOUTH CAROLINA,
THIS 24th DAY OF OCTOBER, 2017.**

**HENRY MCMASTER
Governor**

Executive Order No. 2017-36

WHEREAS, James H. Harrison, a member of the Board of Visitors of The Citadel, the Military College of South Carolina, has been indicted by the State Grand Jury for Misconduct in Office, in violation of section 8-1-80 of the South Carolina Code of Laws; Criminal Conspiracy, in violation of section 16-17-410 of the South Carolina Code of Laws; and Common Law Misconduct in Office; and

WHEREAS, James H. Harrison, as a member of the Board of Visitors of The Citadel, the Military College of South Carolina, is an officer of the State or its political subdivisions; and

WHEREAS, article VI, section 8 of the South Carolina Constitution provides, in relevant part, that “[a]ny officer of the State or its political subdivisions . . . who has been indicted by a grand jury for a crime involving moral turpitude . . . may be suspended by the Governor until he shall have been acquitted”; and

WHEREAS, under South Carolina law, moral turpitude “implies something immoral in itself,” *State v. Horton*, 271 S.C. 413, 414, 248 S.E.2d 263, 263 (1978), and “involves an act of baseness, vileness, or depravity in the social duties which a man owes to his fellow man or society in general, contrary to the accepted and customary rule of right and duty between man and man,” *State v. Major*, 301 S.C. 181, 186, 391 S.E.2d 235, 238 (1990); and

WHEREAS, one or more of the crimes charged in the Indictments constitute “a crime involving moral turpitude”; and

WHEREAS, as Governor of the State of South Carolina, I am mindful of the duties and responsibilities vested in me by the Constitution and Laws of this State.

NOW, THEREFORE, by virtue of the authority vested in me as Governor of the State of South Carolina and pursuant to the Constitution and Laws of this State and the powers conferred upon me therein, I hereby Order that James H. Harrison shall be and hereby is suspended from his office as a member of the Board of Visitors of The Citadel, the Military College of South Carolina, until such time as the above-referenced charges are resolved, at which time further appropriate action will be taken by the undersigned. This action in no manner addresses the guilt or innocence of James H. Harrison and shall not be construed as an expression of any opinion on such question. This Order is effective immediately.

GIVEN UNDER MY HAND AND THE GREAT SEAL OF THE STATE OF SOUTH CAROLINA, THIS 24th DAY OF OCTOBER, 2017.

HENRY MCMASTER
Governor

Executive Order No. 2017-37

WHEREAS, on September 6, 2017, I issued Executive Order No. 2017-20, declaring a State of Emergency as a result of Hurricane Irma approaching the State of South Carolina; and

WHEREAS, as a result of the threat of hazardous weather conditions from Hurricane Irma, several state government offices were closed, delayed, or dismissed early in accordance with county government offices on Friday, September 8, 2017; Monday, September 11, 2017; and Tuesday, September 12, 2017; as listed in Executive Order No. 2017-32;

WHEREAS, the following additional counties should also be identified as dismissing early on September 11, 2017:

Fairfield County, early dismissal at 3:00 PM;
Florence County, early dismissal at 4:00 PM;
McCormick County, early dismissal at 1:00 PM; and

WHEREAS, two counties have provided the following updated information, which differs from the information set forth in Executive Order No. 2017-32:

Lancaster County and Lexington County were listed in Executive Order No. 2017-32 as delayed on September 12, 2017; however, state government offices in both counties started on time and had no delays;

Lancaster County, early dismissal at 4:00 PM on September 12, 2017; and

WHEREAS, pursuant to section 8-11-57 of the South Carolina Code of Laws, the Governor may authorize leave with pay for affected state employees who were absent from work due to a State of Emergency or hazardous conditions.

14 EXECUTIVE ORDERS

NOW, THEREFORE, by virtue of the authority vested in me as Governor of the State of South Carolina and pursuant to the Constitution and Laws of this State and the powers conferred upon me therein, I hereby grant leave with pay to state employees absent from work as listed in Executive Order No. 2017-32 and as provided in the above additions and updates. This Order is effective immediately.

**GIVEN UNDER MY HAND AND THE GREAT
SEAL OF THE STATE OF SOUTH CAROLINA,
THIS 26th DAY OF OCTOBER, 2017.**

**HENRY MCMASTER
Governor**

STATE BOARD OF EDUCATION

NOTICE OF GENERAL PUBLIC INTEREST

43-172. Accounting and Reporting.

The South Carolina Board of Education elected to terminate the promulgation process on Regulation Document No. 4753, Accounting and Reporting.

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 November 24, 2017 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 Nic Gerrald, Certificate of Need Program, 2600 Bull Street, Columbia, SC 29201 at (803) 545-3495.

Affecting Beaufort County**Beaufort County Memorial Hospital d/b/a Beaufort Memorial Hospital**

Development of an elective percutaneous coronary intervention (EPCI) program at a total project cost of \$0.00.

Affecting Charleston County**Trident Medical Center, LLC d/b/a Trident Medical Center**

Expansion of robotic surgical services by purchasing and installing the Globus Medical - Excelsius GPS Robotic Navigation System at a total project cost of \$1,292,630.

Trident Medical Center, LLC d/b/a Trident Medical Center

Development of a freestanding psychiatric hospital and behavioral health unit with the addition of 43 psychiatric bed and the relocation of 17 psychiatric beds from Trident's main campus for a total of 60 beds at a total project cost of \$34,825,000.

Affecting Dorchester County**Trident Medical Center, LLC d/b/a Summerville Medical Center**

Expansion and renovation of the emergency department, pharmacy, lab and dietary departments at a total project cost of \$24,257,056.

Affecting Horry County**Surgery Center of Conway, Inc.**

Construction of an ambulatory surgery facility with 1 operating room specializing in ophthalmic procedures at a total project cost of \$2,870,865.

Affecting Kershaw County**Kershaw Hospital, LLC d/b/a KershawHealth Medical Center**

Development of a 20-bed psychiatric inpatient nursing unit at the existing hospital for a total project cost of \$1,451,966.

16 NOTICES

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 November 24, 2017. "Affected persons" have 30 days from the above date to submit requests for a public hearing to Nic Gerrald, Certificate of Need Program, 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) 545-3495.

Affecting Beaufort County

SJC Oncology Services - South Carolina, LLC d/b/a The Nancy N. and J.C. Cancer & Research Pavilion – Bluffton

Construction of an outpatient radiation oncology center to include the purchase and installation of one linear accelerator at a total project cost of \$10,836,005.

Affecting Charleston County

Medical University Hospital Authority d/b/a MUSC Shawn Jenkins Children's Hospital and Pearl Tourville Women's Pavilion

Conversion of 14 level II bassinets to level III bassinets for a total of 36 level III bassinets at a total project cost of \$1,969,293.

Trident Medical Center, LLC d/b/a Trident Medical Center

Expansion of robotic surgical services by purchasing and installing the Globus Medical - Excelsius GPS Robotic Navigation System at a total project cost of \$1,292,630.

Trident Medical Center, LLC d/b/a Trident Medical Center

Development of a freestanding psychiatric hospital and behavioral health unit with the addition of 43 psychiatric bed and the relocation of 17 psychiatric beds from Trident's main campus for a total of 60 beds at a total project cost of \$34,825,000.

Affecting Dorchester County

Trident Medical Center, LLC d/b/a Summerville Medical Center

Addition of 4 level 3 intensive care bassinets and the conversion of 2 Level II intermediate bassinets to Level III intensive care bassinets at a total project cost of \$1,378,197.

Trident Medical Center, LLC d/b/a Summerville Medical Center

Expansion and renovation of the emergency department, pharmacy, lab and dietary departments at a total project cost of \$24,257,056.

Affecting Florence County

McLeod Regional Medical Center of the Pee Dee, Inc. d/b/a McLeod Regional Medical Center

Addition of 56 general beds for a total of 394 general beds and the addition 5 neonatal intensive care bassinets for a total of 25 neonatal intensive care bassinets at a total project cost of \$2,535,150.

QHG of South Carolina, Inc. d/b/a West Palmetto Emergency Center

Construction of a freestanding emergency department at a total project cost of \$13,237,908.

Affecting Kershaw County**Kershaw Hospital, LLC d/b/a KershawHealth Medical Center**

Development of a 20-bed psychiatric inpatient nursing unit at the existing hospital for a total project cost of \$1,451,966.

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL**NOTICE OF GENERAL PUBLIC INTEREST**

DHEC-Bureau of Land and Waste Management, File # 50955
Allied Chemical Fiber Division Site

**NOTICE OF VOLUNTARY CLEANUP CONTRACT,
CONTRIBUTION PROTECTION, AND COMMENT PERIOD**

PLEASE TAKE NOTICE that the South Carolina Department of Health and Environmental Control (the Department) intends to enter into a Voluntary Cleanup Contract (VCC) with Honeywell International, Inc. (the Responsible Party). The VCC provides that the Responsible Party, with DHEC's oversight, will fund and perform future response actions at the former Allied Chemical Fiber Division facility located in Lexington County, at 4401 St. Andrews Road, Columbia, South Carolina (Site).

Future response actions addressed in the VCC include, but may not be limited to, the Responsible Party funding and performing a Remedial Investigation (RI) to further evaluate the source, nature, and extent of release of hazardous substances, pollutants, or contaminants and, if necessary, a Feasibility Study to evaluate alternatives to clean-up the Site. Further, the Responsible Party will reimburse the Department's past response costs of \$20,392.46 and the Department's future costs of overseeing the work performed by the Responsible Party and other Department response costs pursuant to the VCC.

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

- (1) On-line at <http://www.scdhec.gov/PublicNotices>; or
- (2) By contacting David Wilkie at 803-898-0882 or wilkietd@dhec.sc.gov.

Any comments to the proposed VCC must be submitted in writing, postmarked no later than December 25, 2017 and addressed to: David Wilkie, DHEC-BLWM-SARR, 2600 Bull Street, Columbia, SC 29201.

Upon the successful completion of the VCC, the Responsible Party will receive a covenant not to sue for the work done in completing the response actions specifically covered in the VCC and completed in accordance with the approved work plans and reports. Upon execution of the VCC, the Responsible Party shall be deemed to have resolved its liability to the State in an administrative settlement for purposes of, and to the extent authorized under CERCLA, 42 U.S.C. Sections 9613(f)(2) and 9613(f)(3)(B), and under HWMA, S.C. Code Ann. Section 44-56-200, for the matters addressed in the VCC. Further, to the extent authorized under 42 U.S.C. Section 9613(f)(3)(B), S.C. Code Ann. Section 44-56-200, the Responsible Party may seek contribution from any person who is not a party to this administrative settlement.

18 NOTICES

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

NOTICE OF GENERAL PUBLIC INTEREST

DHEC-Bureau of Land and Waste Management, File # 401136
Blalock Textile Mills Site

NOTICE OF VOLUNTARY CLEANUP CONTRACT, CONTRIBUTION PROTECTION, AND COMMENT PERIOD

PLEASE TAKE NOTICE that the South Carolina Department of Health and Environmental Control (the Department) intends to enter into a Voluntary Cleanup Contract (VCC) with Greenwood Mills, Inc. (the Responsible Party). The VCC provides that the Responsible Party, with DHEC's oversight, will fund and perform future response actions at the Blalock Textile Mills facility located in Laurens County, at 117 Joanna Street, Joanna, South Carolina (Site).

Future response actions addressed in the VCC include, but may not be limited to, the Responsible Party funding and performing a Remedial Investigation (RI) to further evaluate the source, nature, and extent of release of hazardous substances, pollutants, or contaminants and, if necessary, a Feasibility Study to evaluate alternatives to clean-up the Site. Further, the Responsible Party will reimburse the Department's past response costs of \$9,019.77 and the Department's future costs of overseeing the work performed by the Responsible Party and other Department response costs pursuant to the VCC.

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

- (1) On-line at <http://www.scdhec.gov/PublicNotices>; or
- (2) By contacting David Wilkie at 803-898-0882 or wilkietd@dhec.sc.gov.

Any comments to the proposed VCC must be submitted in writing, postmarked no later than December 25, 2017 and addressed to: David Wilkie, DHEC-BLWM-SARR, 2600 Bull Street, Columbia, SC 29201.

Upon the successful completion of the VCC, the Responsible Party will receive a covenant not to sue for the work done in completing the response actions specifically covered in the VCC and completed in accordance with the approved work plans and reports. Upon execution of the VCC, the Responsible Party shall be deemed to have resolved its liability to the State in an administrative settlement for purposes of, and to the extent authorized under CERCLA, 42 U.S.C. Sections 9613(f)(2) and 9613(f)(3)(B), and under HWMA, S.C. Code Ann. Section 44-56-200, for the matters addressed in the VCC. Further, to the extent authorized under 42 U.S.C. Section 9613(f)(3)(B), S.C. Code Ann. Section 44-56-200, the Responsible Party may seek contribution from any person who is not a party to this administrative settlement.

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 December 25, 2017 to:

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

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

Class I

Cardno, Inc.
Attn: David W. Sykes
1812 Lincoln St, Ste 301
Columbia, SC 29201

20 DRAFTING NOTICES

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

Statutory Authority: 1976 Code Section 46-9-40

Notice of Drafting:

The State Crop Pest Commission proposes to update and add language regarding the regulation of nursery plant shipments and clarification of fees for nursery dealers in South Carolina to the extent authorized by the S.C. Code, Title 46, Chapter 9.

Interested parties should submit written comments to Dr. Stephen E. Cole, Director, Regulatory Services, Clemson University, 511 Westinghouse Road, Pendleton, SC 29670. To be considered, comments should be received no later than January 2, 2018, the close of the drafting comment period.

Synopsis:

The proposed amendments will clarify the plant nursery regulations in R.27-160 as they relate to turf growers and turf products.

These proposed regulations will require legislative action.

**DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
CHAPTER 30**

Statutory Authority: 1976 Code Sections 44-1-60, 48-39-50, and 48-39-280(E)

Notice of Drafting:

The South Carolina Department of Health and Environmental Control (“Department”) proposes amending Section F of Coastal Division Regulation 30-14, Administrative Procedures. Interested persons are invited to submit written comments to Mrs. Elizabeth von Kolnitz, Office of Ocean and Coastal Resource Management, S.C. Department of Health and Environmental Control, 1362 McMillan Avenue, Suite 400, Charleston, South Carolina 29405 or via email at Elizabeth.Vonkolnitz@dhec.sc.gov. To be considered, comments must be received no later than 5:00 p.m. on December 27, 2017, the close of the drafting comment period.

Synopsis:

Section F of Regulation 30-14 sets forth procedures for any landowner claiming ownership of affected property to request review of the adopted final or revised setback line, baseline, erosion rate, or all three. Amendments to Section F of Regulation 30-14 will clarify the review process applicable to the revised jurisdictional lines and erosion rates affecting beachfront property.

The Department may also make revisions for grammatical errors, revisions for typographical errors, and other such stylistic changes.

Legislative review is required.

Document No. 4800

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

CHAPTER 61

Statutory Authority: 1976 Code Sections 44-71-10 et seq.

61-78. Standards for Licensing Hospices.

Preamble:

The Department of Health and Environmental Control (“Department”) proposes amending R.61-78, Standards for Licensing Hospices. The proposed amendments incorporate newly passed amendments to the Hospice Licensure Act, S.C. Code Sections 44-71-10 et seq. The proposed regulatory amendments include requirements to register multiple locations and updated requirements for medication disposal to comply with the recent statutory changes. The statutory changes also expand Joint Annual Report requirements to outpatient Hospices, however, existing wording of R.61-78 adequately executes those requirements. General Assembly review is required.

The Department had a Notice of Drafting published in the State Register on June 23, 2017.

Section-by-Section Discussion of Proposed Amendments:

TABLE OF CONTENTS

The table of contents was updated to reflect amended sections.

Section 61-78.100. DEFINITIONS

The definitions of 100.CC Multiple Location, 100.HH Parent Hospice, and 100.PP Primary Office were added. The remaining definitions were updated to reflect the new codification.

Section 61-78.213. Multiple Locations

New Section 213 was added to delineate the requirements for multiple locations. Section 213.A requires hospices to register multiple locations with the Department prior to establishing, operating, maintaining, or representing as such. Section 213.B requires hospices to file an application for the registration of a multiple location. Section 213.C states that the registration of a multiple location is effective until the expiration of the license of the parent hospice.

Section 61-78.214. Exceptions to Licensing Standards (formerly 61-78.213)

Section 214 (formerly 213) was renumbered to adjust the codification.

Section 61-78.401. General

Section 401 was amended to include multiple locations as being subject to monetary penalties, denial, suspension, or revocation for violations of any statute, rule, or regulation.

Section 61-78.1608. Disposition of Medications

Section 1608.B was amended to refer to patients receiving services in hospice facilities only. Section 1608.C was added to require that upon the death of a patient receiving outpatient services, the hospice shall comply with S.C. Code Section 44-71-85. The remaining subsections were renumbered to adjust the codification.

Section 61-78.2106. Utility Rooms

Sections 2106.A and 2106.B were amended to change work station to nurses’ station for clarity and consistency.

Section 61-78.2201. Fire Protection

Section 2201.D was amended to change work station to nurses’ station for clarity and consistency.

22 PROPOSED REGULATIONS

Notice of Public Hearing and Opportunity for Public Comment:

Interested persons may submit comments on the proposed amendments by writing to Gwen C. Thompson by mail at Bureau of Health Facilities Licensing, South Carolina Department of Health and Environmental Control, 2600 Bull Street, Columbia, SC 29201; by fax at (803) 545-4212; or by email at HealthRegComm@dhec.sc.gov. Interested persons may also submit comments electronically on the Public Comments for Health Regulations page at the following address: <http://www.scdhec.gov/Agency/RegulationsAndUpdates/PublicComments/>. To be considered, the Department must receive the comment(s) no later than 5:00 p.m. on December 27, 2017, the close of the public comment period.

Interested persons may also make oral and/or submit written comments on the proposed amendments of R.61-78 at a public hearing to be conducted by the Board of Health and Environmental Control at its regularly-scheduled meeting on February 8, 2018. The meeting will commence at 10:00 a.m. in the Board Room, Third floor, Aycock Building of the Department of Health and Environmental Control; 2600 Bull Street; Columbia, South Carolina 29201. The order of presentation for public hearings will appear in the Board's agenda published by the Department twenty-four (24) hours in advance of the meeting at the following address: <http://www.scdhec.gov/Agency/docs/AGENDA.PDF>. Persons desiring to make comments at the public hearing are asked to limit their statements to five (5) minutes or less and, as a courtesy, may provide written copies of their presentations for the record. Due to admittance procedures at the DHEC Building, all visitors should enter through the Bull Street entrance and register at the front desk.

The DHEC Regulation Development Update (accessible at <http://www.scdhec.gov/Agency/RegulationsAndUpdates/RegulationDevelopmentUpdate/>) provides a summary of the proposed amendments, a link to the proposed amendments, and applicable contact information. Interested persons may also obtain a copy of the proposed amendments by contacting Gwen Thompson at the above mailing address or by email at HealthRegComm@dhec.sc.gov.

Preliminary Fiscal Impact Statement:

As noted in the Fiscal Impact Statement for House Bill 3132 requested by the Senate Medical Affairs committee, the Department estimates an expenditure impact of eighty-three thousand sixty-three dollars (\$83,063) on the General Fund for at least the first year after promulgation of these amendments.

Statement of Need and Reasonableness:

The following is based on an analysis of the factors listed in 1976 Code Sections 1-23-115(C)(1)-(3) and (9)-(11):

DESCRIPTION OF REGULATION: R.61-78, Standards for Licensing Hospices.

Purpose: The purpose of these amendments to R.61-78 is to incorporate recent changes to the Hospice Licensure Act, S.C. Code Sections 44-71-10 et seq., enacted by the General Assembly. These amendments include requirements to register multiple locations and new requirements for medication disposal.

Legal Authority: 1976 Code Sections 44-71-10 et seq.

Plan for Implementation: The DHEC Regulation Development Update (accessible at <http://www.scdhec.gov/Agency/RegulationsAndUpdates/RegulationDevelopmentUpdate/>) provides a summary of the proposed amendment, a link to this Notice of Proposed Regulation, and applicable contact information. Interested persons may also obtain a copy of this Notice of Proposed Regulation by contacting Gwen C. Thompson at the above address or by email at HealthRegComm@dhec.sc.gov.

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

These amendments are necessary to incorporate recent statutory changes to the Hospice Licensure Act. The proposed amendments to R.61-78 enable registration of multiple locations and update medication disposal requirements to the new statutory requirements.

DETERMINATION OF COSTS AND BENEFITS:

As noted in the Fiscal Impact Statement for House Bill 3132 requested by the Senate Medical Affairs committee, the Department estimates an expenditure impact of eighty-three thousand sixty-three dollars (\$83,063) on the General Fund for at least the first year after promulgation of these amendments. Hospice providers will pay a licensure fee of one hundred dollars (\$100) per multiple location, plus fifty dollars (\$50) for each county where the multiple location provides services. Implementation of these amendments benefit the regulated community by executing recent changes to the Hospice Licensure Act.

UNCERTAINTIES OF ESTIMATES:

None.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

The amendments to R.61-78 seek to support the Department's goals relating to protection of public health through the anticipated benefits highlighted above. There is no anticipated effect on the environment.

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

There is no anticipated detrimental effect on the environment. If the proposed amendments are not implemented, the regulation will be maintained in its current form without realizing the benefits of the recently enacted changes to the Hospice Licensure Act.

Statement of Rationale:

The Department of Health and Environmental Control proposes amending R.61-78, Standards for Licensing Hospices. These amendments are necessary to incorporate recent changes to the Hospice Licensure Act, S.C. Code Sections 44-71-10 et seq. The proposed amendments to R.61-78 enable registration of multiple locations and update medication disposal requirements to the new statutory requirements.

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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Document No. 4803
DEPARTMENT OF INSURANCE
CHAPTER 69

Statutory Authority: 1976 Code Sections 1-23-110 et seq., 38-3-110 et seq., and 38-49-20 et seq.

69-1. Adjustment of Claims Under Unusual Circumstances.

Preamble:

The Department is proposing to make changes to Regulation 69-1 to add the temporary licensure of motor vehicle physical damage appraisers in the event of a catastrophe where there are insufficient motor vehicle physical damage appraisers. In its current form, the regulation is limited to the temporary licensure of non-resident adjusters in the event of a catastrophe.

Section-by-Section Discussion

69-1. Adjustment of Claims Under Unusual Circumstances.

1. Adds “appraise automobiles under the physical damage insurance coverage”
2. Adds “or motor vehicle physical damage appraiser”
3. Adds “or motor vehicle physical damage appraiser”

Notice of Drafting was published in the *State Register* on October 27, 2017.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the South Carolina Code Annotated, such a hearing will be held before the Administrative Law Judge beginning at 12:00 p.m. on December 28, 2017, at the Administrative Law Court, 2nd Floor Hearing Room, Edgar A. Brown Building, 1205 Pendleton Street, Columbia, South Carolina. If no qualifying request is received by December 27, 2017, the hearing will be cancelled. Requests for a hearing and written comments should be submitted in writing to Melissa Manning, Associate General Counsel, South Carolina Department of Insurance, 1201 Main Street, Suite 1000, Columbia, South Carolina, 29201. To be considered, all comments or hearing requests must be received no later than 5:00 p.m. on December 27, 2017.

Preliminary Fiscal Impact Statement:

No additional state funding is requested. The Department estimates that no additional costs will be incurred by the state in complying with the proposed amendments to 69-1.

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION: 69-1, Adjustment of Claims Under Unusual Circumstances.

Purpose: This regulation governs the temporary licensure of adjusters in the event of an emergency or catastrophe. In its current form the regulation is limited to the temporary licensure of non-resident adjusters. The Department is proposing to add the temporary licensure of motor vehicle damage appraisers in the event of a catastrophe where there are insufficient motor vehicle physical damage appraisers.

Legal Authority: 1976 Code Sections 1-23-110 et seq., 38-3-110 et seq., and 38-49-20 et seq.

Plan for Implementation: The proposed amendments will take effect upon approval by the S.C. General Assembly and publication in the State Register. This regulation will also be published on the S.C. Legislature website in the S.C. Code of Regulations.

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

The Department is proposing to make changes to Regulation 69-1 to add the temporary licensure of motor vehicle physical damage appraisers in the event of a catastrophe where there are insufficient motor vehicle physical damage appraisers. In its current form, the regulation is limited to the temporary licensure of non-resident adjusters in the event of a catastrophe.

DETERMINATION OF COSTS AND BENEFITS:

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

UNCERTAINTIES OF ESTIMATES:

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

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

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

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

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

Statement of Rationale:

The Department is proposing to make changes to Regulation 69-1 to add the temporary licensure of motor vehicle physical damage appraisers in the event of a catastrophe where there are insufficient motor vehicle physical damage appraisers. In its current form, the regulation is limited to the temporary licensure of non-resident adjusters in the event of a catastrophe.

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.

26 PROPOSED REGULATIONS

Document No. 4804

DEPARTMENT OF INSURANCE

CHAPTER 69

Statutory Authority: 1976 Code Sections 1-23-110 et seq., 38-3-110, and 38-17-530

69-46. Medicare Supplement Insurance.

Preamble:

The South Carolina Department of Insurance proposes amendments to Regulation 69-46 to comply with the Medicare Access and CHIP Reauthorization Act of 2015 (MACRA). This legislation is being modified to prohibit the sale of Medigap policies to newly eligible Medicare beneficiaries. Issuers violating this new prohibition after January 1, 2020 are subject to fines and imprisonment of not more than five (5) years. The amendments to this regulation will be based upon the National Association of Insurance Commissioners (NAIC) Model Regulation which has been drafted to implement these changes. The Notice of Drafting regarding this regulation was published in the *State Register* on September 22, 2017.

Section-by-Section Discussion

Entire Document	Adds language compliant with the NAIC's Model Regulation.
Section 4.F.(1)(e)	Changes TRICARE to CHAMPUS.
Section 9.2	Adds language compliant with the NAIC's Model Regulation.
Section 15.G.	Adds language compliant with the NAIC's Model Regulation.
Section 17.B.(4)	Updated charts compliant with the NAIC's Model Regulation.
Appendix A	Updated charts compliant with the NAIC's Model Regulation.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the South Carolina Code Annotated, such a hearing will be held before the Administrative Law Judge beginning at 2:00 p.m. on December 28, 2017, at the Administrative Law Court, 2nd Floor Hearing Room, Edgar A. Brown Building, 1205 Pendleton Street, Columbia, South Carolina. If no qualifying request is received by December 27, 2017, the hearing will be cancelled. Requests for a hearing and written comments should be submitted in writing to Melissa Manning, Associate General Counsel, South Carolina Department of Insurance, 1201 Main Street, Suite 1000, Columbia, South Carolina, 29201. To be considered, all comments or hearing requests must be received no later than 5:00 p.m. on December 27, 2017.

Preliminary Fiscal Impact Statement:

No additional state funding is requested. The Department estimates that no additional costs will be incurred by the state in complying with the proposed amendments to 69-46.

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION: 69-46, Medicare Supplement Insurance.

Purpose: The purpose of this regulation is to provide for standardization of coverage and simplification of terms and benefits of Medicare supplement policies. This regulation updates the existing regulation so that it complies with the Medicare Access and CHIP Reauthorization Act of 2015 (MACRA).

Legal Authority: 1976 Code Sections 1-23-110 et seq., 38-3-110, and 38-17-530.

Plan for Implementation: The proposed amendments will take effect upon approval by the S.C. General Assembly and publication in the State Register. This regulation will also be published on the S.C. Legislature website in the S.C. Code of Regulations.

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

The amendments to Regulation 69-46 are necessary to comply with the Medicare Access and CHIP Reauthorization Act of 2015 (MACRA). This proposed regulation is based on the NAIC model and is being modified to update the existing regulation based upon the 2015 legislative changes and to prohibit the sale of Medigap policies to newly eligible Medicare beneficiaries.

DETERMINATION OF COSTS AND BENEFITS:

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

UNCERTAINTIES OF ESTIMATES:

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

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

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

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

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

Statement of Rationale:

This proposed regulation is based on the NAIC model and is being modified to update the existing regulation and to prohibit the sale of Medigap policies to newly eligible Medicare beneficiaries.

Text:

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

28 PROPOSED REGULATIONS

Document No. 4805
DEPARTMENT OF INSURANCE
CHAPTER 69

Statutory Authority: 1976 Code Sections 1-23-110 et seq., 38-3-110, and Title V of Pub. Law 102-106, the Gramm-Leach-Bliley Act

69-58. Privacy of Consumer Financial and Health Information.

Preamble:

The South Carolina Department of Insurance proposes to amend Regulation 69-58 to comply with the amendments to the Annual Notice requirements of Article V of the Gramm Leach Bliley Act included in the Fixing America's Surface Transportation Act (FAST Act) and the most recent NAIC model law and regulation. The FAST Act eliminates the annual privacy notice requirements for financial institutions under certain circumstances. The amendments to Regulation 69-58 will comport with the most recent version of the NAIC Privacy of Consumer Financial Information model which incorporates these amendments. The Notice of Drafting regarding this regulation was published on September 22, 2017 in the *State Register*.

Section-by-Section Discussion

Entire Document	Adds language compliant with the NAIC's Model Regulation. Corrects numbering.
Section 2.B.1.	Adds language from NAIC Model Regulation.
Section 3.	Adds reference to Appendix B and language from NAIC Model Regulation.
Section 4.E.(2)(d)(i)	Adds language from NAIC Model Regulation. Corrects numbering.
Section 4.E.(2)(d)(ii)	Corrects numbering.
Section 4.E.2.(e)	Corrects numbering.
Section 4.E.2.(e)(i)	Adds "or a beneficiary".
Section 4.I.(2)(b)(iv) – (v)	Adds language from NAIC Model Regulation.
Section 4.I.(2)(b)(vi)	Rewords language consistent with NAIC Model Regulation.
Sections 4.I.(2)(b)(vi) – (viii)	Corrects numbering.
Section 6(B)	Adds language in regards to FAST Act.
Section 6(C) – (D)	Corrects numbering.
Section 7(A)(3) – (6)	Corrects numbering.
Section 7(A)(9)	Corrects numbering.
Section 7(C)(4)	Corrects numbering.
Section 7(C)(5)	Corrects numbering.
Section 7(D)(3)	Corrects numbering.
Section 7(F)	Adds Federal Model Privacy Form and reference to Appendix B.
Section 9(B)(1)	Corrects numbering.
Section 10	Adds language from NAIC Model Regulation regarding privacy notices to group policyholders.
Section 11	Corrects numbering.
Section 12	Corrects numbering.
Section 12.A.(2)	Corrects numbering.
Section 13	Corrects numbering.
Section 13.A.(1)	Corrects numbering.
Section 13.A.(1)(c)	Corrects numbering.
Section 13.B.(1)	Corrects numbering.
Section 13.B.(2)	Corrects numbering.
Section 13.C.(3)	Corrects numbering.

Section 13.D.	Corrects numbering.
Section 14.	Corrects numbering.
Section 15.	Corrects numbering.
Section 15.A.(1)	Corrects numbering.
Section 15.A.(2)	Corrects numbering.
Section 16.	Corrects numbering.
Section 16.A.	Corrects numbering.
Section 17.	Corrects numbering.
Section 17.A.	Corrects numbering.
Sections 18 – 23	Corrects numbering.
Section 24	Adds language from NAIC model regarding nondiscrimination.
Sections 25 – 27	Corrects numbering.
Appendix A	Adds language from NAIC model.
Appendix B	Adds Federal Model Privacy Form per NAIC model.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the South Carolina Code Annotated, such a will be held before the Administrative Law Judge beginning at 10:00 am on December 28, 2017, at the Administrative Law Court, 2nd Floor Hearing Room, Edgar A. Brown Building, 1205 Pendleton Street, Columbia, South Carolina. If no qualifying request is received by December 27, 2017, the hearing will be cancelled. Requests for a hearing and written comments should be submitted in writing to Melissa Manning, Associate General Counsel, South Carolina Department of Insurance, 1201 Main Street, Suite 1000, Columbia, South Carolina, 29201. To be considered, all comments or hearing requests must be received no later than 5:00 p.m. on December 27, 2017.

Preliminary Fiscal Impact Statement:

No additional state funding is requested. The Department estimates that no additional costs will be incurred by the state in complying with the proposed amendments to 69-58.

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION: 69-58, Privacy of Consumer Financial and Health Information.

Purpose: This regulation governs the treatment of nonpublic personal health information and nonpublic personal financial information about individuals by all licensees of the state insurance department.

Legal Authority: 1976 Code Sections 1-23-110 *et seq.*, 38-3-110, and Title V of Pub. Law 102-106, the Gramm-Leach-Bliley Act.

Plan for Implementation: The proposed amendments will take effect upon approval by the S.C. General Assembly and publication in the State Register. This regulation will also be published on the S.C. Legislature website in the S.C. Code of Regulations.

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

The amendments are necessary to comply with the amendments to the Annual Notice requirements of Article V of the Gramm Leach Bliley Act included in the Fixing America’s Surface Transportation Act (FAST Act). The amendments to Regulation 69-58 will comport with the NAIC Privacy of Consumer Financial Information Model Act with incorporates these amendments.

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DETERMINATION OF COSTS AND BENEFITS:

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

UNCERTAINTIES OF ESTIMATES:

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

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

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

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

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

Statement of Rationale:

The proposed amendments to this regulation are being promulgated to update existing regulations which govern the Annual Notice requirements of Article V of the Gramm Leach Bliley Act included in the Fixing America's Surface Transportation Act (FAST Act). The FAST Act eliminates the annual privacy notice requirement for financial institutions under certain circumstances. The amendments to Regulation 69-58 will comport to the NAIC Privacy of Consumer Financial Information Model Act which incorporates these amendments.

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. 4801

DEPARTMENT OF LABOR, LICENSING AND REGULATION CHAPTER 10

Statutory Authority: 1976 Code Sections 40-1-50, 40-1-70 and 40-67-70

10-41. Board of Examiners in Speech-Language Pathology and Audiology.

Preamble:

The South Carolina Department of Labor, Licensing and Regulation proposes to amend Reg. 10-41 to reduce the fee for reinstatement of a license issued by the Board of Examiners in Speech-Language Pathology and Audiology: for Audiologists and Speech-Language Pathologists, from \$270 to \$210; and for Speech-Language Pathology Assistants, from \$150 to \$90.

Section-by-Section Discussion

- 10-41(A) No change.
- 10-41(A)(1) No change.
- 10-41(A)(2) No change.
- 10-41(A)(3) No change.
- 10-41(A)(4) No change.

- 10-41(B) No change.
- 10-41(B)(1) No change.
- 10-41(B)(2) No change.
- 10-41(B)(3) No change.
- 10-41(B)(4) No change.
- 10-41(C) No change.
- 10-41(C)(1) Change \$270 to \$210.
- 10-41(C)(2) Change \$150 to \$90.
- 10-41(D) No change.
- 10-41(E) No change.
- 10-41(F) No change.
- 10-41(F)(1) No change.
- 10-41(F)(2) No change.
- 10-41(F)(3) No change.

A Notice of Drafting was published in the *State Register* on October 27, 2017.

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 2:00 p.m. on January 5, 2018. Written comments may be directed to Mack Williams, Administrator, Board of Examiners in Speech-Language Pathology and Audiology, South Carolina Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, South Carolina 29211-1289, no later than 5:00 p.m., December 27, 2017. If qualifying requests pursuant to Section 1-23-110(A)(3) are not timely received, the hearing will be canceled.

Preliminary Fiscal Impact Statement:

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

Statement of Need and Reasonableness:

These regulations are amended to reflect a decrease in the reinstatement fee for licensure.

DESCRIPTION OF REGULATION:

Purpose: The Board is amending its regulations to reduce the fee for reinstatement of a license for Audiologists and Speech-Language Pathologists, from \$270 to \$210, and for Speech-Language Pathology Assistants, from \$150 to \$90.

Legal Authority: 1976 Code Sections 40-1-50, 40-1-70 and 40-67-70.

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 regulation and post the revised regulations on the agency’s website.

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

The Board is amending its regulations to reduce the fee for reinstatement of a license for Audiologists and Speech-Language Pathologists, from \$270 to \$210, and for Speech-Language Pathology Assistants, from \$150 to \$90.

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DETERMINATION OF COSTS AND BENEFITS:

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

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning the regulations.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

These regulations will have no effect on the environment.

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

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

Statement of Rationale:

This change will correctly reflect a previous reduction in the renewal fees for licensees in the reinstatement fee assess if renewal does not occur in a timely manner.

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. 4802

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

CHAPTER 71

Statutory Authority: 1976 Code Section 41-15-220 and 29 U.S.C. 667(C)(7)

Chapter 71, Article 1, Subarticle 3. Recording and Reporting Occupational Injuries and Illnesses.

Preamble:

The South Carolina Department of Labor, Licensing and Regulation, Division of Labor, Office of Occupational Safety and Health, proposes to amend Regulation 71, Article I, Subarticle 3 to reflect changes since its promulgation.

Section-by-Section Discussion:

71-300 No change.

71-301(a)(1) Change “three” to “one” in 301(a)(1).

71-301(a)(2) No change.

71-301(b)(1) No change.

71-301(b)(2) Add parentheses around the number 10.

71-301(b)(3) No change.

71-302(a)(1) Add Section 71-341.

71-302(a)(2) No change.

- 71-302(b)(1)-(2) No change.
- 71-302(b)(3) Replace “iv” with “3”.
- 71-303 Move text so that it appears before Non-Mandatory Appendix A to Subpart B – Partially Exempt Industries rather than after that section; also strike-through second Non-Mandatory Appendix A to Subpart B – Partially Exempt Industries and strike-through SIC Code chart.
- 71-304 Strike-through Recordkeeping Forms in title; no other changes.
- 71-305 No changes.
- 71-306 No changes.
- 71-307(a) No changes.
- 71-307(b)(1)-(2) No changes.
- 71-307(b)(3)(i)-(vii) No changes.
- 71-307(b)(3)(viii) Change “and” to “an”.
- 71-307(b)(3)(ix) No change.
- 71-307(b)(4)-(7) No change.
- 71-308(a) No change.
- 71-308(b)(1)-(2) No change.
- 71-308(b)(3) Add “I”.
- 71-308(b)(4) No change.
- 71-309 No change.
- 71-310 No change.
- 71-311 No change.
- 71-329 No change.
- 71-330 No change.
- 71-331 No change.
- 71-332 No change.
- 71-333 No change.
- 71-335(a) No change.
- 71-335(a)(1) Change “an” to “a” and add “work-related”.
- 71-335(a)(2) Change language requiring limited access to injury and illness records to language requiring access to information described in 71-335(b)(1)(iii).
- 71-335(a)(3) Add new section requiring access to injury and illness records for employees and their representatives.
- 71-335(b)(1) No change.
- 71-335(b)(1)(i) Strike through language requiring employer to set up a way for employees to report work-related injuries and illnesses and add new language requiring reasonable procedure for reporting injuries and illnesses promptly and accurately and defining reasonable.
- 71-335(b)(1)(ii) Strike-through requiring employer to tell employee how to report injury and illnesses and add that employer must inform each employee of procedure for reporting work-related injury and illnesses.
- 71-335(b)(1)(iii) Add language that employer is required to inform employee that they have the right to report work-related injuries and illnesses and that employers are prohibited from discharging or discriminating against employees for so reporting.
- 71-335(b)(1)(iv) Add prohibition on employer from discharging or discriminating against employees for reporting work-related injuries or illnesses.
- 71-335(2) No changes.
- 71-336 Strike-through language stating Section 11(c) prohibits employer from discriminating against employee for reporting a work-related injury and protects employee who exercises rights under OSHA Act. Add stricken language with introductory phrase, “In addition to Section 71-335.”
- 71-337 Rename title from “Deviations from recordkeeping requirements” to “State recordkeeping regulations.”
- 71-337(a) Strike-through language regarding how a private sector employer may seek a variance from recordkeeping requirements and replace with language regarding OSHA-approved State plan recordkeeping requirements.
- 71-337(b) Strike-through existing language; add “Implementation”.

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71-337(b)(1) Add language that State plan must have same requirements as Federal OSHA for determining requirements for recording illnesses and injuries.

71-337(b)(2) Add language that State plan may have more stringent requirements or may have supplemental requirements so long as they are approved by Federal OSHA.

71-337(b)(3) Add language establishing injury and illness recording and reporting requirements for State and local government employees.

71-337(b)(4) Add language that State plan state may not issue variance to private sector employer and must recognize all variances issued by Federal OSHA.

71-337(b)(5) Add language requiring Federal OSHA approval of variance to state or local government employer.

71-339 Add new subpart before section, entitled Subpart E Reporting Fatality, Injury and Illness Information to the Government.

71-339(a)(1) Change U.S. Department of Labor to Division of the South Carolina Department of Labor, Licensing and Regulation, Columbia, South Carolina 29211.

71-339(a)(2)(3) No change.

71-339(b)(1) Strike-through OSHA and replace with Area; strike-through “if the OSHA Office is closed” and replace with “you can’t talk to a person at the Area Office”; add “by either”; strike-through listed phone numbers and provide other phone numbers.

71-339(b)(2)-(4) No change.

71-339(b)(5) Strike-through compliance officer and add Area Office director.

71-339(b)(6) No change.

71-339(b)(7) Strike-through prior language and add new language concerning employer’s failure to learn right away that a reportable fatality, in-patient hospitalization, amputation or loss of an eye occurred was work-related.

71-339(b)(8)-(11) No change.

71-340 No change.

71-341 Add new section entitled “Electronic submission of injury and illness records to OSHA.

71-341(a)(1)-(3) Add new language establishing basic requirements.

71-341(b)(1)-(9) Add new language establishing implementation.

71-341(c) Add new language for reporting date requirements; also add Appendix A to Subpart E of Subarticle 3 – Designated Industries for Section 71-341(a)(2) and NAICS chart.

71-342 No change.

71-343 No change.

71-344 No change.

71-346 No change.

A Notice of Drafting was published in the *State Register* on October 27, 2017.

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 January 5, 2018. Written comments may be directed to Gwendolyn Thomas, South Carolina Occupational Safety and Health Administration, Technical Support Office, South Carolina Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, South Carolina 29211-1329, no later than 5:00 p.m. on December 27, 2017. If qualifying requests pursuant to Section 1-23-110(A)(3) are 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:

DESCRIPTION OF REGULATION:

Purpose: Amend the Occupational Injury and Illness Recording and Reporting regulation (S.C. Code of Regulations Chapter 71, Article 1, Subarticle 3) by clarifying what is recognized and required by SC OSHA.

Legal Authority: 1976 Code Section 41-15-220 and 29 U.S.C. 667(C)(7).

Plan for Implementation: The revised regulations will take effect upon approval by the General Assembly and upon publication in the State Register. The Department will post the revised regulation on the agency's website.

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

The South Carolina Department of Labor, Licensing and Regulation, Division of Labor, Office of Occupational Safety and Health, operates an Occupational Safety and Health plan approved by the United States Department of Labor. As a requirement of that approval, the Department is required to have recordkeeping regulations that produce records and statistical data that are identical to those promulgated by the United States Department of Labor. The proposed regulation will revise the Occupational Injury and Illness Recording and Reporting regulation (S.C. Code of Regulations Chapter 71, Article 1, Subarticle 3) to update sections of the regulation and Appendix A to Subpart E of the regulation. The appendix contains a list of designated industries that are required to routinely submit information from the injury and illness records to OSHA. The proposed regulation will also revise the requirements for employee involvement in the record keeping system. The regulation prohibits the employer from discriminating against an employee for reporting a work-related fatality, injury, or illness.

DETERMINATION OF COSTS AND BENEFITS:

No additional costs will result from these regulations.

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.

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:

There were no scientific or technical bases relied upon in developing the regulation.

Text:

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

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Document No. 4799

DEPARTMENT OF NATURAL RESOURCES

CHAPTER 123

Statutory Authority: 1976 Code Sections 50-1-200, 50-1-220, 50-3-100, 50-9-650, 50-11-10, 50-11-65, 50-11-96, 50-11-105, 50-11-310, 50-11-315, 50-11-320, 50-11-350, 50-11-365, 50-11-390, 50-11-410, 50-11-430, 50-11-500, 50-11-520, 50-11-525, 50-11-530, 50-11-580, 50-11-854, 50-11-2200 and 50-11-2210

123-40. Wildlife Management Area Regulations.

123-51. Turkey Hunting Rules and Seasons.

123-52. Either-Sex Days and Antlerless Deer Limits for Private Lands in Game Zones 1-4.

123-53. Bear Hunting Rules and Seasons.

Preamble:

The South Carolina Department of Natural Resources is proposing to amend the existing regulations that set seasons, bag limits and methods of hunting and taking of wildlife. The following is a section-by-section summary of the proposed changes and additions:

123-40. Wildlife Management Area Regulations.

A. Game Zone 1

1. Other WMAs

(a)(i) delete either-sex

(d)(i) establishes Still Gun Hunt for Bear and bag limit as specified in statute.

(d)(ii) delete

(d)(iii) delete

(e)(i) establishes Special Party Dog Hunt for bear and bag limit as specified in statute.

(e)(ii) delete

(e)(iii) delete

(e)(iv) delete

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

(a)(i) delete either-sex

B. Game Zone 2

1. Other WMAs

(a)(i) delete either-sex

2. Keowee WMA

(c)(i) delete either-sex

3. Draper WMA

(b)(i) delete either-sex

4. Fant's Grove WMA

(b)(i) delete either-sex

5. Rock Hill Blackjacks Heritage Preserve WMA

(a)(i) delete either-sex

6. Belfast WMA

(c)(i) delete either-sex

7. Broad River Waterfowl Management Area

(a)(i) delete either-sex

10. Liberty Hill WMA

(b)(i) delete either-sex

12. Delta South WMA

(a)(i) delete either-sex

13. Forty Acre Rock HP WMA

(a)(i) delete either-sex

- C. Game Zone 3
 - 1. Other WMAs
 - (a)(i) delete either-sex
 - 2. Crackerneck WMA and Ecological Reserve
 - (e) Expands scouting season to include month of May. Specifies hunting hours for raccoon hunts.
 - 3. Aiken Gopher Tortoise Heritage Preserve WMA
 - (a)(i) delete either-sex
 - 4. Ditch Pond Heritage Preserve WMA
 - (a)(i) delete either-sex
 - 5. Henderson Heritage Preserve WMA
 - (a)(i) delete either-sex
 - 6. Francis Marion National Forest
 - (a) delete either-sex
 - (d) Hellhole WMA
 - (i)(1) delete either-sex
 - (e) Waterhorn WMA
 - (i)(1) delete either-sex
 - (f) Wambaw WMA
 - (i)(1) delete either-sex
 - (iii)(2)(a) delete either-sex
 - (iv)(1) modifies the date of the youth deer hunt day with dogs.
 - (v)(2) delete either-sex
 - (g) Northampton WMA
 - (i)(1) delete either-sex
 - (iii)(2)(a) delete either-sex
 - (h) Santee WMA
 - (i)(1) delete either-sex
 - (iii)(2)(a) delete either-sex
 - 7. Moultrie
 - (d) North Dike WMA
 - (ii)(2) delete either-sex
 - (e) Porcher and Hall WMAs
 - (i)(1) delete either-sex
 - (f) Cross Station Site
 - (i)(2) delete either-sex
 - 8. Santee Cooper WMA
 - (c)(i) delete either-sex
 - 10. Bear Island WMA
 - (b)(i) delete either-sex
 - 11. Donnelley WMA
 - (b)(i) delete either-sex
 - 12. Hatchery WMA
 - (a)(i) delete either-sex
 - 13. Bonneau Ferry WMA
 - (b)(i)(1) delete either-sex
 - (c)(i)(1) delete either-sex
 - 14. Santee Coastal Reserve WMA
 - (a)(i) delete either-sex
 - 15. Dungannon Heritage Preserve WMA
 - (a)(i) delete either-sex
 - 16. Edisto River WMA
 - (a)(i) delete either-sex
 - 18. Palachucola WMA

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- (b)(i) delete either-sex
- 19. St. Helena Heritage Preserve WMA
 - (b)(i) delete either-sex
- 20. Tillman Sand Ridge Heritage Preserve WMA
 - (a)(i) delete either-sex
- 21. Victoria Bluff Heritage Preserve WMA
 - (a)(i) delete either-sex
- 22. Hamilton Ridge WMA
 - (b)(i) delete either-sex
- 23. Old Island Heritage Preserve WMA
 - (a)(i) delete either-sex
- 24. Botany Bay Heritage Preserve WMA
 - (b)(i) delete either-sex
- 26. Wateree River Heritage Preserve WMA
 - (b)(i) delete either-sex
- 27. Add South Fenwick Island
 - (a) Provides allowance for deer hunting and camping on South Fenwick Island by permit. Provides for closure of property during deer hunts.
 - (b)(i) Establishes dates for Archery Deer Hunts on South Fenwick Island
- D. Game Zone 4
 - 1. Other WMAs
 - (a)(i) delete either-sex
 - 2. Marsh WMA
 - (c)(i) delete either-sex
 - 3. Sand Hills State Forest WMA
 - (b)(i) delete either-sex
 - 4. McBee WMA
 - (a)(i) delete either-sex
 - 5. Pee Dee Station Site WMA
 - (b)(i) delete either-sex
 - 6. Woodbury WMA
 - (c)(i) delete either-sex
 - 7. Little Pee Dee Complex WMA
 - (b)(i) delete either-sex
 - (d)(i) expands the still deer season.
 - (i) adds bear season
 - (i)(i) sets bear season as October 17-30
 - 8. Great Pee Dee Heritage Preserve WMA
 - (c)(i) delete either-sex
 - 9. Longleaf Pine Heritage Preserve WMA
 - (a)(i) delete either-sex
 - 10. Manchester State Forest WMA
 - (b)(i) delete either-sex
 - 12. Hickory Top WMA
 - (b)(i) delete either-sex
 - 13. Oak Lea WMA
 - (b)(i) delete either-sex
 - 14. Santee Dam WMA
 - (a)(i) delete either-sex
 - 15. Wee Tee WMA
 - (a)(i) delete either-sex
 - (g) adds bear season
 - (g)(i) sets dates of bear season as October 17-30

- 16. Santee Delta WMA
 - (a)(i) delete either-sex
- 17. Samworth WMA
 - (a)(i) delete either-sex
- 18. Cartwheel Bay Heritage Preserve WMA
 - (a)(i) expands the still deer season. Delete either-sex
 - (c) adds bear season
 - (c)(i) sets dates of bear season as October 17-30
- 19. Lewis Ocean Bay Heritage Preserve WMA
 - (b)(i) delete either-sex
 - (d)(i) expands the still deer season.
 - (f) adds bear season
 - (f)(i) sets dates of bear season as October 17-30
- 20. Waccamaw River Heritage Preserve WMA
 - (a)(i) delete either-sex
 - (c)(i) - expands the still deer season.
 - (g) adds bear season
 - (g)(i) sets dates of bear season as October 17-30
- 21. Liberty Hill WMA
 - (b)(i) delete either-sex

General Regulations

- 2.10. Allows for the release of pen raised quail and pigeons on Public Bird Dog Training Areas.
- 2.17. Establishes season for hunting beavers on WMA lands as October 1 through March 1.
- 4.3. Expands opportunity for man drives for deer on WMA lands.
- 4.4. Changes title of regulation to more accurately describe content.
 - (c) Clarifies use of deer tags during archery only and primitive weapons only seasons for deer.
- 4.5. Eliminates wording no longer required since passage of Act Number 257 of 2016.
- 4.6. Capitalizes Antlerless Deer Tag as proper noun for consistency.
- 4.7. Clarifies tagging requirement for deer.
- 5.2. Specifies time period for bird dog training on Public Bird Dog Training Areas.

Add Section 12 – Public Bird Dog Training Areas

- 12.1. Provides for establishment of Public Bird Dog Training Areas and establishes requirement of a valid hunting license and WMA permit when training bird dogs on these lands.
- 12.2. Prohibits take of game while training bird dogs on Public Bird Dog Training Areas except during lawful seasons for such game.
- 12.3. Provides firearms restrictions on Public Bird Dog Training Areas.
- 12.4. Requires participants on Public Bird Dog Training Areas to wear visible color clothing.

123-51. Turkey Hunting Rules and Seasons

- E. Changes title of regulation to more accurately describe content.
 - 1. Provides more specific language on date for youth turkey hunting day on WMAs
 - (a) Provides more specific language daily bag limit for youth turkey hunting day on WMAs
 - (b) Defines youth turkey hunter
 - 2. (e) Clarifies tagging requirement for turkeys.

123-52. Changes title of section to more accurately describe content.

- 4. Clarifies use of Date Specific Antlerless Deer Tags during archery only and primitive weapons seasons for deer.
- 7. Clarifies tagging requirement for harvested deer.

123-53. Bear Hunting Rules and Seasons

- 1. Eliminates requirement for special draw hunt, establishes open areas and season for bear hunting.
- 2. Specifies weapons legal for bear hunting on private lands.
- 3. Specifies weapons legal for bear hunting on WMA lands.
- 4. Establishes reporting requirement for harvested bears
- 5. Clarifies tagging requirement for harvested bears

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6. Establishes quota for bear harvest outside of Game Zone 1 and provides for closure of the bear season outside of game zone 1 when the quota is reached.

A Notice of Drafting for this regulation was published on October 27, 2017 in the *South Carolina State Register*, Volume 41, Issue No. 10.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such hearing will be conducted at 1000 Assembly Street on January 2, 2018 at 10:00 am in Room 335, Third Floor, Rembert C. Dennis Building. Written comments may be directed to Emily Cope, Wildlife & Freshwater Fisheries Division, Department of Natural Resources, Post Office Box 167, Columbia, SC 29202, no later than December 27, 2017.

Preliminary Fiscal Impact Statement:

The amendment of Regulations 123-40, 123-51, 123-52 and 123-53 will result in increased public hunting opportunities which should generate additional State revenue through license sales. In addition, local economies should benefit from sales of hunting supplies, food and overnight accommodations. Sales taxes on these items will also directly benefit government.

Statement of Need and Reasonableness:

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

DESCRIPTION OF THE REGULATION:

Purpose: These regulations amend Regulations 123-40, 123-51, 123-52 and 123-53 in order to set seasons, bag limits and methods of hunting and taking of wildlife on an additional Wildlife Management Area and amend bear hunting regulations to provide for seasons, bag limit, quota, tagging requirement, and reporting requirements.

Legal Authority: Under Sections 50-11-2200 and 50-11-2210 of the S.C. Code of Laws, the Department of Natural Resources has jurisdiction over all Wildlife Management Areas to protect, preserve, operate, maintain and regulate use, as well as to establish open and closed seasons, bag limits, and methods of taking wildlife. Under Section 50-11-525, the Department of Natural Resources is authorized to establish seasons, dates, areas, bag limits, and other restrictions for hunting turkeys on all Wildlife Management Areas. Under Section 50-11-96 of the S.C. Code of Laws, the Department of Natural Resources is authorized to promulgate regulations to implement and regulate the provisions of this section.

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

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

Periodically, additional lands are made available to the public through the Wildlife Management Area Program. Since existing regulations only apply to specific wildlife management areas, new regulations must be filed to establish seasons, bag limits and methods of hunting and taking of wildlife on these new WMAs as well as expanding use opportunities on existing WMAs. Likewise, statutory changes occasionally require changes in regulations to ensure conformity and consistency between statutes and regulations.

DETERMINATION OF COSTS AND BENEFITS:

Implementation of the proposed regulation will not require any additional costs to the state or to the sporting community. There are no significant new costs imposed by the addition of new WMAs since the funding of leasing WMAs is provided through the existing WMA permit program. Clarification of existing regulations under appropriate authority will improve enforcement ability and therefore reduce staff time in handling prosecution of offenses. This amendment of these regulations will result in increased public hunting opportunities that should generate additional State revenue through license sales. In addition, the local economy should benefit from sales of hunting supplies, food and overnight accommodations. Sales taxes on these items will also directly benefit government.

UNCERTAINTIES OF ESTIMATES:

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

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

The promulgation of this regulation will not have any negative impacts on public health or the environment.

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

No detrimental impact on public health or the environment will occur if this proposed regulation is not implemented. Failure to implement this regulation will prevent positive benefits to public.

Statement of Rationale:

Rationale for the formulation of these regulations is based on over 70 years of experience by SCDNR in managing wildlife populations and establishing public hunting areas. New areas are evaluated on location, size, current wildlife presence, access and recreation use potential. Contractual agreements with the landowners provide guidelines for the use and management of the property. Wildlife Management Area agreements are on file with the Wildlife Management Section of the Department of Natural Resources, Room 267, Dennis Building, 1000 Assembly Street, Columbia.

Text:

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