

SOUTH CAROLINA STATE REGISTER DISCLAIMER

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SOUTH CAROLINA STATE REGISTER

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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.

2010 PUBLICATION SCHEDULE

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

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

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

REPRODUCING OFFICIAL DOCUMENTS

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

PUBLIC INSPECTION OF DOCUMENTS

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

ADOPTION, AMENDMENT AND REPEAL OF REGULATIONS

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

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

EMERGENCY REGULATIONS

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

REGULATIONS PROMULGATED TO COMPLY WITH FEDERAL LAW

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

EFFECTIVE DATE OF REGULATIONS

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

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

SUBSCRIPTIONS

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

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In order by General Assembly review expiration date
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South Carolina General Assembly Home Page: <http://www.scstatehouse.gov/regnsrch.htm>

| DOC. NO. | RAT. NO. | FINAL ISSUE | SUBJECT | EXP. DATE | AGENCY |
|---------------------|-----------------|------------------------|----------------------------------|----------------------|--|
| 4126 | | | South Carolina Pesticide Control | 5/11/11 | Clemson University-State Crop Pest Comm. |

2 COMMITTEE LIST OF REGULATIONS SUBMITTED TO GENERAL ASSEMBLY

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

| DOC. No. | SUBJECT | HOUSE COMMITTEE | SENATE COMMITTEE |
|---------------------|----------------------------------|------------------------|-------------------------|
| 4126 | South Carolina Pesticide Control | | |

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

NOTICE

NOTICE OF CANCELLATION AND RESCHEDULING OF PUBLIC HEARING

State Register Document 4130
Proposed Amendments to Regulation 61-62, Regulation 61-86.1,
and the State Implementation Plan

The Department of Health and Environmental Control issued a Notice of Proposed Regulation and Opportunity for Public Comment to revise Regulation 61-62, Air Pollution Control Regulations and Standards, Regulation 61-86.1, Standards of Performance for Asbestos Projects, and the State Implementation Plan (SIP), in the State Register on June 25, 2010, identified as Document 4130. The Notice published in the State Register proposed to amend Regulation 61-62 to correct typographical errors, update definitions, provide clarification, simplify the permit process, and delete or update obsolete requirements to ensure that we are efficiently and effectively meeting our goals of promoting and protecting the public health and the environment. The Notice also proposed to amend R. 61-86.1, Standards of Performance for Asbestos Projects, to revise Section XX.A.4 and add Section XX.J.3 to change the required frequency of building inspections for industrial manufacturing and electrical generating facilities from 3 years to 5 years.

The aforementioned Notice (Document 4130) scheduled a Staff Informational Forum and public comment write-in period that closed July 26, 2010, and a Public Hearing before the DHEC Board of Health and Environmental Control on October 14, 2010. Due to regulatory conflicts, the Public Hearing originally scheduled for October 14, 2010, in Document 4130, has been rescheduled as follows:

The Public Hearing to be conducted by the Board for this proposed regulation has been rescheduled for November 10, 2010. The hearing will be held at the regularly scheduled Board meeting on November 10, 2010, in the Board Room of the Commissioner's Suite, Third Floor, Aycock Building of the Department of Health and Environmental Control, 2600 Bull St., Columbia, SC. Please use the Bull Street entrance to the building if you plan to attend.

The Board meeting commences at 10:00 a.m. at which time the Board will consider items on its agenda in the order presented. The order of presentation for public hearing on November 10, 2010, will be noticed in the Board's agenda to be published by the Department 24 hours in advance of the meeting on the Department's website at <http://www.scdhec.gov/administration/board.htm>. Interested persons are invited to make oral or written comments on the proposed regulation at the public hearing. Persons desiring to make oral comments at the hearing are asked to limit their statements to five minutes and, as a courtesy, are asked to provide written copies of their presentations for the record. Any comments made at the public hearing will be given consideration in formulating the final version of the regulations.

Copies of the proposed regulation for public notice and comment may be obtained by contacting Andrew O. Hollis at the South Carolina Department of Health and Environmental Control, Bureau of Air Quality, 2600 Bull Street, Columbia, SC 29201, by calling (803) 898-4196; or by emailing hollisao@dhec.sc.gov. A copy may also be obtained on the Department's Regulatory Information Internet Site at <http://www.scdhec.gov/administration/regs/> in its DHEC Regulation Development Update. To access this document, click on the Air category, then scan down for this proposed amendment.

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DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

NOTICE

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 September 24, 2010, for the following project(s). After the application is deemed complete, affected persons will be notified that the review cycle has begun. For further information, please contact Mrs. Sarah "Sallie" C. Harrell, Division of Planning and Certification of Need, 2600 Bull St., Columbia, SC 29201 at (803) 545-4200.

Affecting Jasper County

Conversion of ten (10) existing rehabilitation beds to ten (10) general acute care beds
Coastal Carolina Medical Center, Inc. d/b/a Coastal Carolina Hospital
Hardeeville, South Carolina
Project Cost: \$100,000

Affecting Richland County

Construction of a freestanding ambulatory surgical facility (ASF) with two (2) licensed endoscopy rooms restricted to gastroenterology procedures only
Palmetto Endoscopy Suite, LLC
Columbia, South Carolina
Project Cost: \$986,735

Affecting Sumter County

Conversion of twenty-eight (28) of the existing forty-four (44) institutional beds to community nursing home beds; the twenty-eight community beds will not participate in the Medicaid (Title XIX) Program
Covenant Place Nursing Center
Sumter, South Carolina
Project Cost: \$7,000

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 no earlier than 30 days, but no later than 120 days, from September 24, 2010. "Affected persons" have 30 days from the above date to submit comments or requests for a public hearing to Mr. Les W. Shelton, Division of Planning and Certification of Need, 2600 Bull Street, Columbia, S.C. 29201. If a public hearing is timely requested, the Department's decision will be made after the public hearing, but no later than 150 days from the above date. For further information call (803) 545-4200.

Affecting Charleston County

Purchase and installation of a sixteen (16) slice Computer Tomography (CT) scanner to be located on the second floor of the Roper St. Francis West Ashley Cancer Center
Charleston Hematology & Oncology Associates, PA
Charleston, South Carolina
Project Cost: \$684,425

Affecting Laurens County

Construction of a three-story addition to the hospital to replace the emergency department, maternity unit, and pharmacy department without any change to licensed bed capacity

Laurens County Hospital

Clinton, South Carolina

Project Cost: \$17,987,695

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

NOTICE

NOTICE OF CANCELLATION AND RESCHEDULING OF PUBLIC HEARING

State Register Document 4132
Proposed Amendment of R.61-30,
Environmental Protection Fees

The Department of Health and Environmental Control published a Notice of Proposed Regulation and Opportunity for Public Comment in the State Register on June 25, 2010, identified as Document 4132, to revise R.61-30, Environmental Protection Fees. The proposed amendments in Document 4132 increase fees for Specific Radioactive Material Licenses. The aforementioned Notice (Document No. 4132) scheduled a Staff Informational Forum and write-in public comment period that closed July 26, 2010, and gave notice of a Public Hearing before the Department's Board for September 9, 2010.

The Public Hearing originally scheduled for September 9, 2010, was cancelled and has been rescheduled before the Department's Board for Wednesday, November 10, 2010. The hearing will be held at the regularly scheduled Board meeting on November 10, 2010, in the Board Room of the Commissioner's Suite, Third Floor, Aycock Building, of the Department of Health and Environmental Control, 2600 Bull St., Columbia, SC. Please use the Bull Street entrance to the building if you plan to attend.

The Board meeting commences at 10:00 a.m. at which time the Board will consider items on its agenda in the order presented. The order of presentation for public hearing will be noticed in the Board's agenda to be published by the Department 24 hours in advance of the meeting at <http://www.scdhec.gov/administration/board.htm>. Interested persons are invited to make oral or written comments on the proposed regulation at the public hearing. Persons desiring to make oral comments at the hearing are asked to limit their statements to five minutes and, as a courtesy, are asked to provide written copies of their presentations for the record. Any comments made at the public hearing will be given consideration in formulating the final version of the regulations.

Copies of the proposed regulations for public notice and comment may be obtained by contacting James Peterson at South Carolina Department of Health and Environmental Control, Bureau of Radiological Health, 2600 Bull Street, Columbia, SC 29201, or by calling (803) 545-4400. Also, electronic copies may be obtained from the Department's Regulatory information internet website in its DHEC Regulation Development Update at <http://www.scdhec.gov/regulatory.htm>. (Click on the Update, then the Radiological Health category, and scan down for this proposed amendment).

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DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

NOTICE

NOTICE OF CANCELLATION AND RESCHEDULING OF PUBLIC HEARING

State Register Document 4133
Proposed Amendment of R.61-63,
Radioactive Materials, Title A

The Department of Health and Environmental Control published a Notice of Proposed Regulation and Opportunity for Public Comment in the State Register on June 25, 2010, identified as Document 4133, to revise R.61-63, Radioactive Materials, Title A. The proposed amendments in Document 4133 include minor corrections and clarifications in Parts II and IV, requirements for medical use of radioactive material. They also provide changes to Part II for exemptions from licensing, General Licenses, and licensing and reporting requirements. Medical Use, Part IV, is further revised to provide clarification for Authorized User requirements. The proposed changes will comply with 10 CFR Parts 30, 31, 32, and 35, Final Rules, published in the Federal Register on October 29, 2007, December 17, 2007, and September 28, 2009. The aforementioned Notice (Document No. 4133) scheduled a Staff Informational Forum and write-in public comment period that closed July 26, 2010, and gave notice of a Public Hearing before the Department's Board for September 9, 2010.

The Public Hearing originally scheduled for September 9, 2010, was cancelled and has been rescheduled before the Department's Board for Wednesday, November 10, 2010. The hearing will be held at the regularly scheduled Board meeting on November 10, 2010, in the Board Room of the Commissioner's Suite, Third Floor, Aycock Building, of the Department of Health and Environmental Control, 2600 Bull St., Columbia, SC. Please use the Bull Street entrance to the building if you plan to attend.

The Board meeting commences at 10:00 a.m. at which time the Board will consider items on its agenda in the order presented. The order of presentation for public hearing will be noticed in the Board's agenda to be published by the Department 24 hours in advance of the meeting at <http://www.scdhec.gov/administration/board.htm>. Interested persons are invited to make oral or written comments on the proposed regulation at the public hearing. Persons desiring to make oral comments at the hearing are asked to limit their statements to five minutes and, as a courtesy, are asked to provide written copies of their presentations for the record. Any comments made at the public hearing will be given consideration in formulating the final version of the regulations.

Copies of the proposed regulations for public notice and comment may be obtained by contacting James Peterson at South Carolina Department of Health and Environmental Control, Bureau of Radiological Health, 2600 Bull Street, Columbia, SC 29201, or by calling (803) 545-4400. Also, electronic copies may be obtained from the Department's Regulatory information internet website in its DHEC Regulation Development Update at <http://www.scdhec.gov/regulatory.htm>. (Click on the Update, then the Radiological Health category, and scan down for this proposed amendment).

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL**NOTICE****NOTICE OF CANCELLATION AND RESCHEDULING OF PUBLIC HEARING**

State Register Document 4136
Proposed Amendment of R.61-84,
Standards for Licensing Community Residential Care Facilities

The Department of Health and Environmental Control published a Notice of Proposed Regulation and Opportunity for Public Comment in the State Register on July 23, 2010, identified as Document 4136, to revise R.61-84, Standards for Licensing Community Residential Care Facilities. The proposed amendments in Document 4136 relate to increasing licensing fees and updating the current regulation regarding structural standards, i.e., sprinkler systems, etc. The aforementioned Notice (Document No. 4136) scheduled a Staff Informational Forum and write-in public comment period that closed August 26, 2010, and gave notice of a Public Hearing before the Department's Board for October 14, 2010.

Due to time needed for the Department to evaluate the comments received during the public comment period, the Public Hearing originally scheduled for October 14, 2010, has been cancelled and rescheduled before the Department's Board for Wednesday, November 10, 2010. The hearing will be held at the regularly scheduled Board meeting on November 10, 2010, in the Board Room of the Commissioner's Suite, Third Floor, Aycock Building, of the Department of Health and Environmental Control, 2600 Bull St., Columbia, SC. Please use the Bull Street entrance to the building if you plan to attend.

The Board meeting commences at 10:00 a.m. at which time the Board will consider items on its agenda in the order presented. The order of presentation for public hearing will be noticed in the Board's agenda to be published by the Department 24 hours in advance of the meeting at <http://www.scdhec.gov/administration/board.htm>. Interested persons are invited to make oral or written comments on the proposed regulation at the public hearing. Persons desiring to make oral comments at the hearing are asked to limit their statements to five minutes and, as a courtesy, are asked to provide written copies of their presentations for the record. Any comments made at the public hearing will be given consideration in formulating the final version of the regulations.

Copies of the proposed regulation revision for public notice and comment may be obtained by contacting Nancy Maertens, Director, Division of Health Licensing, S.C. Department of Health and Environmental Control, 2600 Bull Street, Columbia, SC 29201. An electronic copy may also be obtained on the Department's Regulatory Information Internet Site in its DHEC Regulation Development Update at <http://www.scdhec.gov/regulatory.htm>. (Click on the Update, then the Health Licensing category, and scan down for this proposed amendment.)

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

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

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

8 NOTICES

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 October 25, 2010 to:

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

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

Class I

Oneida Travel Integrated Enterprises, Inc.
Attn: Nova Clite
1033 N. Mayfair Rd, Ste 200
Milwaukee, WI 53226

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

NOTICE

NOTICE OF CANCELLATION AND RESCHEDULING OF PUBLIC HEARING

State Register Document 4129
Proposed Amendment of R.61-9,
Water Pollution Control Permits

The Department of Health and Environmental Control published a Notice of Proposed Regulation and Opportunity for Public Comment in the State Register on June 25, 2010, identified as Document 4129, to revise R.61-9, Water Pollution Control Permits. The proposed amendments in Document 4129 relate to adopting federal rules related to standards for certain cooling water intake structures regulated under the federal Clean Water Act. The aforementioned Notice (Document 4129) gave notice of a write-in public comment period that closed July 29, 2010, and notice of a Public Hearing before the Department's Board for September 9, 2010.

The public hearing originally scheduled for September 9, 2010, was cancelled and has been rescheduled before the Department's Board for Wednesday, November 10, 2010. The hearing will be held at the regularly scheduled Board meeting on November 10, 2010, in the Board Room of the Commissioner's Suite, Third Floor, Aycock Building, of the Department of Health and Environmental Control, 2600 Bull St., Columbia, SC. Please use the Bull Street entrance to the building if you plan to attend.

The Board meeting commences at 10:00 a.m. at which time the Board will consider items on its agenda in the order presented. The order of presentation for public hearing will be noticed in the Board's agenda to be published by the Department 24 hours in advance of the meeting at

<http://www.scdhec.gov/administration/board.htm>. Interested persons are invited to make oral or written comments on the proposed regulation at the public hearing. Persons desiring to make oral comments at the hearing are asked to limit their statements to five minutes and, as a courtesy, are asked to provide written copies of their presentations for the record. Any comments made at the public hearing will be given consideration in formulating the final version of the regulations.

Copies of the Notice of Proposed Regulation and text of the regulation for public notice and comment may be obtained by contacting Jeff deBessonnet (debessjp@dhec.sc.gov or DHEC, 2600 Bull Street, Columbia, SC 20201), or from the Department's Regulatory Information internet website in its DHEC Regulation Development Update at <http://www.scdhec.gov/regulatory.htm>. (Click on the Update, then the Water category, and scan down for this proposed amendment).

DEPARTMENT OF LABOR, LICENSING AND REGULATION

NOTICE

NOTICE OF PUBLIC HEARING OCCUPATIONAL SAFETY AND HEALTH STANDARDS

The South Carolina Department of Labor, Licensing, and Regulation (LLR) does hereby give notice under Section 41-15-220, S.C. Code of Laws, 1976, as amended, that a public hearing will be held on December 1, 2010 at 10:00 a.m. at the S.C. Department of LLR, 2nd floor, room 202-02, 110 Centerview Drive, Columbia, S.C., at which time interested persons will be given the opportunity to appear and present views on the occupational safety and health standards being considered for adoption, which are as follows:

In Subarticle 7 (Construction):

New Subpart CC – Cranes and Derricks in Construction, consisting of sections 1926.1400-1442 and related Appendices

Revisions to 1926.6, 1926.450, 1926.500, 1926.553, 1926.600, 1926.753, 1926.800, 1926.856, 1926.858, 1926.952, 1926.1050, Appendix A to Part 1926

New Subpart DD – Cranes and Derricks Used in Demolition and Underground Construction, consisting of sections 1926.1500 –1501

Redesignation of 1926.550 to 1926.1501 in Subpart DD

Any omissions or corrections to the occupational safety and health standards being considered for adoption published in the FEDERAL REGISTER prior to this hearing may be presented at this hearing. These revisions are necessary to comply with federal law and copies of them can be obtained or reviewed at the S.C. Department of LLR during normal business hours by contacting the Occupational Safety and Health Administration office at (803) 896-7682.

Persons desiring to speak at the hearing shall file with the Director of LLR a notice of intention to appear and the approximate amount of time required for her/his presentation on the particular matter no later than November 17, 2010. Any person who wishes to express her/his views, but is unable or does not desire to appear and testify at the hearing, should submit those views to the undersigned in writing on or before November 17, 2010.

Adrienne Riggins Youmans
Director
SC Department of LLR
Post Office Box 11329
Columbia, SC 29211-1329

10 DRAFTING NOTICES

DEPARTMENT OF AGRICULTURE CHAPTER 5

Statutory Authority: 1976 Code Sections 39-41-80 and 39-41-150

Notice of Drafting:

The South Carolina Department of Agriculture is considering modernizing, clarifying and updating the existing regulations which govern, to the extent authorized by the S.C. Code, Title 39, Chapter 41, the inspection, registration and regulation of all petroleum products manufactured and sold in South Carolina.

Interested parties should submit written comments to Anne E. Crocker, South Carolina Department of Agriculture, P.O. Box 11280, Columbia, SC 29211-1280. To be considered, comments should be received no later than October 29, 2010, the close of the drafting comment period.

Synopsis:

These regulations are being amended to update and clarify terms and responsibilities of industry in complying with provisions of the petroleum law related to the offering for sale and blending of petroleum products at various stages of the petroleum marketing and distribution process.

The proposed amendments to the regulations will require legislative action.

BUILDING CODES COUNCIL CHAPTER 8

Statutory Authority: 1976 Code Sections 6-9-55 and 40-1-70

Notice of Drafting:

The South Carolina Building Codes Council proposes to draft regulations to implement S.C. Code Section 6-9-55, Act 232, effective June 7, 2010, which requires promulgation of building codes using the administrative procedures act. The Council proposes to draft regulations to adopt the International Building Code, 2009 Edition, with modifications as published in a Notice of General Interest on May 28, 2010, in the S.C. State Register. Written comments may be submitted to Gary Wiggins, Building Codes Council program administrator, P.O. Box 11329, Columbia, SC 29211-1329 or by e-mail to wigginsg@llr.sc.gov. To be considered, comments must be received no later than 5:00 p.m. on Friday, October 25, 2010.

Synopsis:

The purpose of the amendments is to implement the recently enacted legislation and to facilitate design and construction activities in South Carolina.

BUILDING CODES COUNCIL CHAPTER 8

Statutory Authority: 1976 Code Sections 6-9-55 and 40-1-70

Notice of Drafting:

The South Carolina Building Codes Council proposes to draft regulations to implement S.C. Code Section 6-9-55, Act 232, effective June 7, 2010, which requires promulgation of building codes using the administrative procedures act. The Council proposes to draft regulations to adopt the International Fire Code, 2009 Edition, with modifications as published in a Notice of General Interest on May 28, 2010, in the S.C.

State Register. Written comments may be submitted to Gary Wiggins, Building Codes Council program administrator, at P.O. Box 11329, Columbia, SC 29211-1329 or by e-mail to wigginsg@llr.sc.gov. To be considered, comments must be received no later than 5:00 p.m. on Monday, October 25, 2010.

Synopsis:

The purpose of the amendments is to implement the recently enacted legislation and to facilitate design and construction activities in South Carolina and to maintain construction standards to reduce fire damage and associated insurance rates as feasible.

BUILDING CODES COUNCIL
CHAPTER 8
Statutory Authority: 1976 Code Sections 6-9-55 and 40-1-70

Notice of Drafting:

The South Carolina Building Codes Council proposes to draft regulations to implement S.C. Code Section 6-9-55, Act 232, effective June 7, 2010, which requires promulgation of building codes using the administrative procedures act. The Council proposes to draft regulations to adopt the International Fuel Gas Code, 2009 Edition, with modifications as published in a Notice of General Interest on May 28, 2010, in the State Register. Written comments may be submitted to Gary Wiggins, Building Codes Council program administrator, at P.O. Box 11329, Columbia, SC 29211-1329 or by e-mail to wigginsg@llr.sc.gov. To be considered, comments must be received no later than 5:00 p.m. on Friday, October 25, 2010.

Synopsis:

The purpose of the amendments is to implement the recently enacted legislation and to facilitate design and construction activities in South Carolina.

BUILDING CODES COUNCIL
CHAPTER 8
Statutory Authority: 1976 Code Sections 6-9-55 and 40-1-70

Notice of Drafting:

The South Carolina Building Codes Council proposes to draft regulations to implement S.C. Code Section 6-9-55, Act 232, effective June 7, 2010, which requires promulgation of building codes using the administrative procedures act. The Council proposes to draft regulations to adopt the International Mechanical Code, 2009 Edition, with modifications as published in a Notice of General Interest on May 28, 2010, in the S.C. State Register. Written comments may be submitted to Gary Wiggins, Building Codes Council program administrator, at P.O. Box 11329, Columbia, SC 29211-1329 or by e-mail to wigginsg@llr.sc.gov. To be considered, comments must be received no later than 5:00 p.m. on Monday, October 25, 2010.

Synopsis:

The purpose of the amendments is to implement the recently enacted legislation and to facilitate design and construction activities in South Carolina.

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BUILDING CODES COUNCIL CHAPTER 8

Statutory Authority: 1976 Code Sections 6-9-55 and 40-1-70

Notice of Drafting:

The South Carolina Building Codes Council proposes to draft regulations to implement S.C. Code Section 6-9-55, Act 232, effective June 7, 2010, which requires promulgation of building codes using the administrative procedures act. The Council proposes to draft regulations to adopt the International Plumbing Code, 2009 Edition, with modifications as published in a Notice of General Interest on May 28, 2010, in the S.C. State Register. Written comments may be submitted to Gary Wiggins, Building Codes Council program administrator, at P.O. Box 11329, Columbia, SC 29211-1329 or by e-mail to wigginsg@llr.sc.gov. To be considered, comments must be received no later than 5:00 p.m. on Monday, October 25, 2010.

Synopsis:

The purpose of the amendments is to implement the recently enacted legislation and to facilitate design and construction activities in South Carolina.

BUILDING CODES COUNCIL CHAPTER 8

Statutory Authority: 1976 Code Sections 6-9-55 and 40-1-70

Notice of Drafting:

The South Carolina Building Codes Council proposes to draft regulations to implement S.C. Code Section 6-9-55, Act 232, effective June 7, 2010, which requires promulgation of building codes using the administrative procedures act. The Council proposes to draft regulations to adopt the International Residential Code, 2009 Edition, with modifications as published in a Notice of General Interest on May 28, 2010, in the S.C. State Register. Written comments may be submitted to Gary Wiggins, Building Codes Council program administrator, at P.O. Box 11329, Columbia, SC 29211-1329 or by e-mail to wigginsg@llr.sc.gov. To be considered, comments must be received no later than 5:00 p.m. on Monday, October 25, 2010.

Synopsis:

The purpose of the amendments is to implement the recently enacted legislation and to facilitate design and construction activities in South Carolina. The Building Codes Council recognizes that the provisions of the International Residential Code which might be construed to mandate the installation of an automatic residential fire sprinkler system in one-family or two-family dwellings are not effective at any time before January 1, 2014.

STATE BOARD OF EDUCATION CHAPTER 43

Statutory Authority: 1976 Code Sections 59-5-60 (2004), 59-21-510, 59-33-10 et seq. (2004), 59-36-10 et seq. (2004), and 20 U.S.C. 1400 et seq. (2004)

Notice of Drafting:

The State Board of Education proposes to amend R.43-243.1, Criteria for Entry into Programs of Special Education for Students with Disabilities, relating to the criteria for entry into programs of special education for students with disabilities to incorporate the requirements included in the Individuals with Disabilities

Education Improvement Act of 2004 (IDEA), Part B final regulations of 2006, and Part B supplemental regulations, which became effective on December 31, 2008. Interested persons may submit comments to Marlene Metts, Director of the Office of Exceptional Children, Division of Standards and Learning, South Carolina Department of Education, 1429 Senate Street, Rutledge Building, Room 808, Columbia, South Carolina 29201 or by e-mail to mametts@ed.sc.gov. To be considered, comments must be received no later than 5:00 P.M., October 25, 2010, the close of the drafting comment period.

Synopsis:

The proposed amendments address any revisions in state regulations necessary to comply with federal IDEA regulations concerning evaluation procedures and eligibility criteria.

Legislative review of these amendments is not required.

**DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
CHAPTER 61**

Statutory Authority: 1976 Code Sections 44-5-10 et seq.

Notice of Drafting:

The Department of Health and Environmental Control proposes to repeal R.61-6, "Capital Expenditure Reviews under Section 1122, Social Security Act." Interested persons may submit their views in writing to Beverly Brandt, Chief, Bureau of Health Facilities and Services Development, S.C. Department of Health and Environmental Control, 2600 Bull Street, Columbia, S.C. 29201. To be considered, comments must be received by 5:00 p.m. on October 25, 2010, the close of the drafting comment period.

Synopsis:

Regulation 61-6 "Capital Expenditure Reviews under Section 1122 of Social Security Act" (Public Law 92-603) was adopted by the South Carolina Board of Health and Environmental Control on March 29, 1974. By this regulation, the Department was designated as "the body to administer Section 1122 of the Social Security Act." The purpose of Section 1122 was to "assure that federal funds appropriated under Titles XVIII and XIX are not used to support unnecessary capital expenditures made by or on behalf of health care facilities which are reimbursed under any of such titles and that to the extent possible reimbursement under such titles shall support planning activities with respect to health services and facilities in the various states." Regulation 61-6 provides procedures for healthcare facilities to add new facilities or beds to existing facilities by applying to the DHEC Board. The enabling provision for Regulation 61-6 was S.C. Code Ann. Sections 44-5-10 through 44-5-140, the "State Comprehensive Health Planning Act."

The federal government no longer reimburses the Department for its review of health facility applications. Regulation 61-6 has been subsumed by the "State Certification of Need and Health Facility Licensure Act," S.C. Code Ann. Section 44-7-110 et seq.; "Certification of Need for Health Facilities and Services," S.C. Code Ann. Regs. 61-15; and the South Carolina Health Plan. Regulation 61-6 no longer serves its initial purpose and should be repealed.

Legislature review of this repeal will be required.

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DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL CHAPTER 61

Statutory Authority: 1976 Code Sections 44-7-110 et seq. and 2010 Act 278

Notice of Drafting:

The Department of Health and Environmental Control proposes to amend Regulation 61-15, Certification of Need for Health Facilities and Services. Interested persons may submit their views in writing to Beverly Brandt, Chief, Bureau of Health Facilities and Services Development, S.C. Department of Health and Environmental Control, 2600 Bull Street, Columbia, S.C. 29201. To be considered, written comments must be received by 5:00 p.m. on October 25, 2010, the close of the drafting comment period.

Synopsis:

South Carolina Act No. 278 of 2010 amended S.C. Code Ann. Section 44-7-110 et seq. and took effect July 1, 2010. As authorized by the Act, the Department is proposing to amend R.61-15 to implement applicable provisions of the Act. The amendments may include, but are not limited to, the following:

- Revise definitions for “Health care facility,” “Like equipment with similar capabilities,” “Person,” and “Residential treatment facility for children and adolescents.”
- Revise to establish and collect fees for exemption and non-applicability determinations.
- Revise to delete the annual operating cost component requirement in Section 102.1.e.
- Delete requirements for a certificate of need under conditions specified in Act 278.
- Clarify projects for which certificate of need review is not applicable; clarify projects exempt from certificate of need review and which exempted projects require a written exemption.
- Amend to add restrictions on reordering of project review criteria.
- Amend to correct inconsistencies with current state law regarding prohibited contact.
- Amend to add prohibited contact by elected officials.
- Amend to revise review time periods.
- Amend to further establish criteria to file a request for final review.
- Amend to provide that all certificates of need are valid for one year from issuance.
- Amend to grant extensions for nine months rather than for six months.
- Amend to revise appeal procedures.
- The amendments may also include other changes to correct inconsistencies with state law as provided for in Act 278.

In addition to amending R.61-15 to implement the applicable requirements of Act 278, the Department may also propose, but is not limited to, the following:

- Increase filing, application and issuance fees for certificate of need applications.
- Clarify verbiage in Section 102.3.
- Clarify Section 604 regarding non-transferability and voidance of a certificate of need.
- Add provisions to submit information related to quality of patient care as part of Section 202.2.b.
- Revise the Part A- Questionnaire.
- Make other changes to R.61-15 to improve the overall quality of the regulation, such as deleting references to federal acts that are obsolete, revisions for clarity, language style, consistency, grammar, punctuation, codification and other stylistic changes.

The proposed regulations will require legislative review.

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
CHAPTER 61

Statutory Authority: 1976 Code Sections 44-56-30 et seq.

Notice of Drafting:

The South Carolina Department of Health and Environmental Control (Department) proposes to amend R.61-79, Hazardous Waste Management Regulations. This Notice of Drafting of September 24, 2010 cancels, replaces and supercedes the former Notice of Drafting published in the State Register on May 28, 2010. Interested persons are invited to present their views in writing to Richard Haynes, Director of the Division of Waste Management, Bureau of Land and Waste Management, Department of Health and Environmental Control, 2600 Bull Street, Columbia, SC 29201. To be considered, comments must be received no later than 5:00 p.m. on Monday, October 25, 2010 the close of the drafting comment period.

Synopsis:

1. The United States Environmental Protection Agency (USEPA) promulgates amendments to 40 CFR 260, 261, 262, 263, 264, 265, 266, 268, 270, and 273 during the calendar year. Recent federal amendments affect one Final Rule South Carolina intends to adopt that was published in the period between July 1, 2008 and June 30, 2009. The Rule for Academic Laboratories Generator Standards establishes a new Subpart K within 40 CFR 262, which establishes an alternative set of generator requirements applicable to laboratories owned by eligible academic entities that are flexible and protective, and address the specific nature of hazardous waste generation and accumulation in these laboratories. This rule was published by the USEPA in the *Federal Register* December 1, 2008 at 73 FR 72912. The adoption of this Rule is optional to States. The Department intends to amend R.61-79 to maintain conformity with federal regulations by adopting the Academic Laboratories Rule.

2. The State intends to establish regulations for transfer facilities where manifested shipments of hazardous waste are stored for 10 days or less. The Transfer Facility Rule being developed would establish requirements for hazardous waste storage at a transfer facility as well as establish financial assurance to protect the environment and the State in the event of a spill or accident that would have an environmental impact. The State intends to clarify that transfer facilities that store waste greater than 10 days require a storage permit.

3. The USEPA discontinued the National Environmental Performance Track (PT) Program in a Federal Register on May 14, 2009 at 74 FR 22741. The Department is proposing to amend R.61-79 to remove all references throughout the regulations to the USEPA's PT Program, as well as the analogous state program, the South Carolina Environmental Excellence Program (SCEEP). These Programs provide regulatory incentives to facilities with good compliance records that are less stringent than Federal standards, such as fewer inspections, reduced paper work, and longer storage times. The references to the SCEEP will be removed because the State cannot be less stringent than Federal regulations.

Legislative review of these amendments will be required.

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DEPARTMENT OF INSURANCE CHAPTER 69

Statutory Authority: 1976 Code Sections 1-23-110, 38-3-110, and 38-57-10 et seq.

Notice of Drafting:

The South Carolina Department of Insurance proposes to promulgate a regulation that will set forth standards and procedures for the suitability of annuity recommendations and to require insurers to establish a system to supervise recommendations so that the insurance needs and financial objectives of consumers are appropriately addressed. Interested persons may submit comments in writing to: Rachel Harper, South Carolina Department of Insurance, 1201 Main Street, Suite 1000, Columbia, South Carolina 29201 or P.O. Box 100105, Columbia, South Carolina 29202. To be considered, comments must be received no later than 5:00 p.m. on October 25, 2010, the close of the drafting comment period.

Synopsis:

The South Carolina Department of Insurance proposes to promulgate a regulation that will set forth standards and procedures for the suitability of annuity recommendations. The regulation will: establish a regulatory framework that holds insurers responsible for ensuring that the annuity transactions are suitable; require that producers be trained on the provisions of annuities in general and the specific products they are selling; and where feasible and rational, to make these suitability standards consistent with the suitability standards imposed by the Financial Industry Regulatory Authority (FINRA). This regulation shall be based upon the NAIC Model Regulation on the Suitability in Annuity Transactions Model Regulation and will comply with Federal Law.

The proposed Regulation 69-29 is being promulgated to comply with Public Law 111-203, the "Dodd-Frank Wall Street Reform and Consumer Protection Act." The regulation will not require legislative review pursuant to S.C. Code Ann. Section 1-23-120(H)(1) which provides that General Assembly review is not required for regulations promulgated to maintain compliance with federal law. The regulation clarifies the scope of the exemption for annuities and insurance contracts from federal regulation and ensures that the state will be able to regulate these annuity products.

DEPARTMENT OF LABOR, LICENSING AND REGULATION SOIL CLASSIFIERS LICENSURE PROGRAM CHAPTER 108

Statutory Authority: 1976 Code Section 40-65-60

Notice of Drafting:

The Department of Labor, Licensing and Regulation proposes to draft regulations to implement in S.C. Code Section 40-65-5 et seq., Act 249, effective June 11, 2010, which created the Soil Classifiers Licensure Program within the Department. The Department requests comments concerning the proposed amendments. Written comments may be submitted to Sherri Moorers, program assistant, at P.O. Box 11329, Columbia, SC 29211-1329 or by e-mail to moorers@llr.sc.gov. To be considered, comments must be received no later than 5:00 p.m. on Monday, October 25, 2010.

Synopsis:

The purpose of the amendments is to implement the recently enacted legislation and to add requirements for continuing education, and seal descriptions and graphic depictions for individuals under Section 40-65-5 et seq.

Document No. 4145
COMMISSION ON HIGHER EDUCATION
 CHAPTER 62
 Statutory Authority: 1976 Code Section 59-149-10

62-900.85 - 62-900.140. South Carolina HOPE Scholarship

Preamble:

This proposed regulation will clarify the policies and procedures for administering the SC HOPE Scholarship Program at the public and independent colleges and universities in the state. In addition, the proposed regulation also provides the procedures that institutions must follow when determining students' eligibility and when disbursing the SC HOPE Scholarship funds to eligible students in accordance with the SC Illegal Immigration Reform Act. This regulation is being promulgated to implement this legislative mandate by including the appropriate language in the awarding procedures. The proposed regulation will require legislative review.

A Notice of Drafting for the proposed regulation was published in the South Carolina *State Register* on May 28, 2010.

Section-by-Section Discussion:

- Section 62-900.85: Provides the purpose of the SC HOPE Scholarship Program.
- Section 62-900.86: Provides funding specifications for SC HOPE Scholarship.
- Section 62-900.90: Sets forth the definition of terms used in the regulation.
- Section 62-900.95: Provides the eligibility requirements that students are required to meet to be awarded a SC HOPE Scholarship.
- Section 62-900.100: Sets forth the number of terms that students may receive a SC HOPE Scholarship.
- Section 62-900.105: Sets forth the requirements that transfer students must meet to receive a SC HOPE Scholarship.
- Section 62-900.110: Provides the renewal requirements that must be met each academic year for students who qualify under the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act of 1973 each academic year for the SC HOPE Scholarship.
- Section 62-900.111: Sets forth the renewal requirements that must be met each academic year by students who meet the definition of active military duty and who mobilized or deployed during war time to receive a SC HOPE Scholarship.
- Section 62-900.115: Sets forth the procedures that institutions must follow to refund SC HOPE Scholarship monies back to the State in the event of an error in award or a student withdraws from the institution.
- Section 62-900.120: Sets forth the appeals procedures that must be used by students who fail to meet the LIFE Scholarship renewal requirements at the end of each academic year to receive a SC HOPE Scholarship.

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- Section 62-900.125: Sets forth the policies and procedures that institutions must follow when determining students' eligibility for a SC HOPE Scholarship.
- Section 62-900.130: Sets forth the policies and procedures that institutions must follow when disbursing SC HOPE Scholarship funds to eligible students each academic year.
- Section 62-900.135: Sets forth the regulatory authority and procedure for program audits by the South Carolina Commission on Higher Education of institutional policies, practices and procedures as related to the SC HOPE Scholarship.
- Section 62-900.140: Provides for the suspension and termination of institutional participation as related to the SC HOPE Scholarship.

Notice of Public Hearing and Opportunity for Public Comment:

Interested members of the public and regulated community are invited to make oral or written comments on the proposed regulation at a public hearing to be conducted by the South Carolina Commission on Higher Education on November 4, 2010, to be held in the Main Conference Room at 1333 Main Street, Suite 200, Columbia, SC. The meeting will commence at 10:00 a.m. at which time the Commission will consider items on its agenda in the order presented. Individuals wishing to make oral comments at the public hearing will need to notify Dr. Karen Woodfaulk, Director of Student Services, South Carolina Commission on Higher Education, in writing by no later than 5:00 p.m. on October 28, 2010. The order of presentation for public hearings will be noted in the Commission's agenda to be published by the Commission ten days in advance of the meeting.

Interested persons are also provided an opportunity to submit written comments on the proposed regulation by writing to Dr. Karen Woodfaulk, Director of Student Services, South Carolina Commission on Higher Education, 1333 Main Street, Suite 200, Columbia, SC 29201. Comments must be received no later than 5:00 p.m. on October 25, 2010. Comments received shall be considered by the staff in formulating the final proposed regulation for the public hearing on November 4, 2010, as noticed above.

Preliminary Fiscal Impact Statement:

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

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION: Section 62-900.85-140. SC HOPE Scholarship Regulation.

Purpose: R.62-900.85 through 62-900.140 of Chapter 62 is being amended to clarify and improve the procedures used in the SC HOPE Scholarship Program. The proposed regulation provides the procedures that institutions must follow when determining students' eligibility and when disbursing SC HOPE Scholarship funds to eligible students, in accordance with the South Carolina Illegal Immigration Reform Act.

Legal Authority: The legal authority for R.62-900.85-140 is 1976 Code Section 59-149-10.

Plan for Implementation: The proposed regulation will take effect upon approval by the South Carolina General Assembly and publication in the *State Register*. The proposed regulation will be implemented by providing the regulated community with copies of the regulation.

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

The proposed regulation is needed to provide information to South Carolina residents concerning the requirements to receive a SC HOPE Scholarship and to provide guidance to state institutions when awarding SC HOPE Scholarship funds to eligible students.

DETERMINATION OF COSTS AND BENEFITS:

Promulgation of this regulation will not result in additional costs to the state or its political subdivisions. It is believed that the proposed regulation will benefit our state by providing students with requirements for receiving funds through the SC HOPE Scholarship Program and institutions by providing guidance in determining student eligibility and in disbursing scholarship funds.

UNCERTAINTIES OF ESTIMATES:

None.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

Not applicable.

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

Not applicable.

Statement of Rationale:

This proposed regulation will clarify the policies and procedures for administering the SC HOPE Scholarship Program at the public and independent colleges and universities in the state. The proposed regulation includes the eligibility criteria that students must meet in order to be awarded a SC HOPE Scholarship. In addition, the proposed regulation also provides the procedures that institutions must follow when determining students' eligibility and when disbursing SC HOPE Scholarship funds to eligible students. This regulation is being promulgated to implement this legislative mandate by including the appropriate language in the awarding procedures.

Text:

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

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Document No. 4146
COMMISSION ON HIGHER EDUCATION
CHAPTER 62
Statutory Authority: 1976 Code Section 59-149-10

62-1200.1 - 62-1200.75. Legislative Incentives for Future Excellence (LIFE) Scholarship & Legislative Incentives for Future Excellence (LIFE) Scholarship Enhancement

Preamble:

The South Carolina Commission on Higher Education proposes the following revisions to Chapter 62 regulation, R.62-1200.1 through 62-1200.75, LIFE Scholarship Program. The proposed regulation will provide the eligibility criteria that students must meet in order to be awarded a LIFE Scholarship and a LIFE Scholarship Enhancement. In addition, the proposed regulation also provides the procedures that institutions must follow when determining students' eligibility and when disbursing LIFE Scholarship and LIFE Scholarship Enhancement funds to eligible students.

The proposed regulation will require legislative review.

A Notice of Drafting for the proposed regulation was published in the South Carolina *State Register* on May 28, 2010.

Section-by-Section Discussion:

- Section 62-1200.1: Provides the purpose of the LIFE Scholarship Program and the purpose of the LIFE Scholarship Enhancement. Adds language to clarify state financial aid packaging requirements.
- Section 62-1200.5: Sets forth the definition of terms used in the regulation.
- Section 62-1200.10: Provides the eligibility requirements that students are required to meet to be awarded a LIFE Scholarship and LIFE Scholarship Enhancement.
- Section 62-1200.15: Provides the continued eligibility requirements that students must meet by the end of each academic year to receive a LIFE Scholarship and a LIFE Scholarship Enhancement the following academic year.
- Section 62-1200.20: Sets forth the number of terms that students may receive a LIFE Scholarship and LIFE Scholarship Enhancement. The section stipulates the number of terms of eligibility by degree (i.e., Diploma, Associate's Degree, Bachelor's Degree) and institution (i.e., two-year or four-year).
- Section 62-1200.25: Provides the requirements that students must meet to either regain eligibility for a LIFE Scholarship and LIFE Scholarship Enhancement after failing to meet the continued eligibility requirements at the end of a given academic year. In addition, for those students who are unable to meet the initial eligibility requirements at the time of high school graduation, this section also provides the requirements that such students must meet in order to earn eligibility for a LIFE Scholarship and a LIFE Scholarship Enhancement in college.
- Section 62-1200.30: Sets forth the requirements that transfer students must meet to receive a LIFE Scholarship and a LIFE Scholarship Enhancement.

- Section 62-1200.35: Provides the renewal requirements that must be met each academic year for students who qualify under the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act of 1973 each academic year for the LIFE Scholarship and LIFE Scholarship Enhancement.
- Section 62-1200.40: Sets forth the renewal requirements that must be met at the end of each academic year for students who participate in internships, cooperative work programs, travel study programs, and exchange programs for the LIFE Scholarship and LIFE Scholarship Enhancement.
- Section 62-1200.45: Sets forth the renewal requirements that must be met each academic year by students who meet the definition of active military duty (as defined in Section 62-1200.5 of this regulation) and who mobilized or deployed during war time to receive a LIFE Scholarship and a LIFE Scholarship Enhancement.
- Section 62-1200.50: Sets forth the procedures that institutions must follow to refund LIFE Scholarship and LIFE Scholarship Enhancement monies back to the State in the event of an error in award or a student withdraws from the institution.
- Section 62-1200.55: Sets forth the appeals procedures that must be used by students who fail to meet the renewal requirements at the end of each academic year to receive a LIFE Scholarship and a LIFE Scholarship Enhancement.
- Section 62-1200.60: Sets forth the policies and procedures that institutions must follow when determining students' eligibility for a LIFE Scholarship and LIFE Scholarship Enhancement each academic year.
- Section 62-1200.65: Sets forth the policies and procedures that institutions must follow when disbursing LIFE Scholarship and LIFE Scholarship Enhancement funds to eligible students each academic year.
- Section 62-1200.70: Sets forth the regulatory authority and procedure for program audits by the South Carolina Commission on Higher Education of institutional policies, practices and procedures as related to the LIFE Scholarship and the LIFE Scholarship Enhancement.
- Section 62-1200.75: Provides for the suspension and termination of institutional participation as related to the LIFE Scholarship and the LIFE Scholarship Enhancement.

Notice of Public Hearing and Opportunity for Public Comment:

Interested members of the public and regulated community are invited to make oral or written comments on the proposed regulation at a public hearing to be conducted by the South Carolina Commission on Higher Education on November 4, 2010, to be held in the Main Conference Room at 1333 Main Street, Suite 200, Columbia, SC. The meeting will commence at 10:00 a.m. at which time the Commission will consider items on its agenda in the order presented. Individuals wishing to make oral comments at the public hearing will

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need to notify Dr. Karen Woodfaulk, Director of Student Services, South Carolina Commission on Higher Education, in writing by no later than 5:00 p.m. on October 28, 2010. The order of presentation for public hearings will be noted in the Commission's agenda to be published by the Commission ten days in advance of the meeting.

Interested persons are also provided an opportunity to submit written comments on the proposed regulation by writing to Dr. Karen Woodfaulk, Director of Student Services, South Carolina Commission on Higher Education, 1333 Main Street, Suite 200, Columbia, SC 29201. Comments must be received no later than 5:00 p.m. on October 25, 2010. Comments received shall be considered by the staff in formulating the final proposed regulation for the public hearing on November 4, 2010, as noticed above.

Preliminary Fiscal Impact Statement:

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

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION: Section 62-1200.1 - 62-1200.75. Legislative Incentives for Future Excellence (LIFE) Scholarship Enhancement.

Purpose: R.62-1200.1 through 62-1200.75 of Chapter 62 is being amended to clarify and improve the procedures used in the LIFE Scholarship Program. The proposed regulation provides the eligibility criteria that students must meet in order to be awarded LIFE Scholarship Enhancement funds. In addition, the proposed regulation also provides the procedures that institutions must follow when determining students' eligibility and when disbursing LIFE Scholarship Enhancement funds to eligible students, in accordance with the South Carolina Illegal Immigration Reform Act.

Legal Authority: The legal authority for R.62-1200.1 - 75 is 1976 Code Section 59-149-10.

Plan for Implementation: The proposed regulation will take effect upon approval by the South Carolina General Assembly and publication in the *State Register*. The proposed regulation will be implemented by providing the regulated community with copies of the regulation.

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

The proposed regulation is needed to provide information to South Carolina residents concerning the requirements to receive a LIFE Scholarship and LIFE Scholarship Enhancement and to provide guidance to state institutions when awarding LIFE Scholarship and LIFE Scholarship Enhancement funds to eligible students.

DETERMINATION OF COSTS AND BENEFITS:

Promulgation of this regulation will not result in additional costs to the state or its political subdivisions. It is believed that the proposed regulation will benefit our state by providing students with requirements for receiving funds through the LIFE Scholarship Program and institutions by providing guidance in determining student eligibility and in disbursing scholarship funds.

UNCERTAINTIES OF ESTIMATES:

None.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

Not applicable.

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

Not applicable.

Statement of Rationale:

This proposed regulation will clarify the policies and procedures for administering the LIFE Scholarship Program at the public and independent colleges and universities in the state. The proposed regulation includes the addition of the Pharmacy programs at South University and Presbyterian College to the LIFE Scholarship Program. In addition, the proposed regulation also provides the procedures that institutions must follow when determining students' eligibility and when disbursing LIFE Scholarship & LIFE Scholarship Enhancement funds to eligible students in accordance with the SC Illegal Immigration Reform Act. This regulation is being promulgated to implement this legislative mandate by including the appropriate language in the awarding procedures.

Text:

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

Document No. 4147
COMMISSION ON HIGHER EDUCATION
 CHAPTER 62
 Statutory Authority: 1976 Code Section 59-150-360

62-900.150 - 62-900.200. Lottery Tuition Assistance Program for Two-Year Public and Independent Institutions

Preamble:

This proposed regulation will clarify the policies and procedures for administering the Lottery Tuition Assistance Program for Two-Year Public and Independent Institutions in the state. In addition, the proposed regulation also provides the procedures that institutions must follow when determining students' eligibility and when disbursing the Lottery Tuition Assistance funds to eligible students in accordance with the SC Illegal Immigration Reform Act. This regulation is being promulgated to implement this legislative mandate by including the appropriate language in the awarding procedures. The proposed regulation will require legislative review.

A Notice of Drafting for the proposed regulation was published in the South Carolina *State Register* on May 28, 2010.

Section-by-Section Discussion:

Section 62-900.150: Provides the purpose of the Lottery Tuition Assistance Program. Adds language to clarify state financial aid packaging requirements.

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- Section 62-900.155: Sets for the allocation of funding is dependent upon sufficient annual funding from the S.C. Education Lottery Account.
- Section 62-900.160: Sets forth the definition of terms used in the regulation.
- Section 62-900.165: Sets forth the policies and procedures that institutions must follow when determining students' eligibility for Lottery Tuition Assistance each academic year.
- Section 62-900.170: Sets forth the policies and procedures that institutions must follow when determining students' eligibility for awarding Lottery Tuition Assistance each academic year.
- Section 62-900.175: Provides the continued eligibility requirements that students must meet by the end of each academic year to receive Lottery Tuition Assistance the following academic year.
- Section 62-900.180: Provides the renewal requirements that must be met each academic year for students who qualify under the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act of 1973 each academic year for the Lottery Tuition Assistance Program.
- Section 62-900.181: Sets forth the renewal requirements that must be met each academic year by students who meet the definition of active military duty and who mobilized or deployed during war time to receive Lottery Tuition Assistance.
- Section 62-900.185: Sets forth the policies and procedures that institutions must follow when disbursing the Lottery Tuition Assistance Program funds to eligible students each academic year.
- Section 62-900.190: Sets forth the procedures that institutions must follow to refund the Lottery Tuition Assistance Program monies back to the State in the event of an error in award or a student withdraws from the institution.
- Section 62-900.195: Sets forth the regulatory authority and procedure for program audits by the South Carolina Commission on Higher Education of institutional policies, practices and procedures as related to the Lottery Tuition Assistance Program.
- Section 62-900.200: Provides for the suspension and termination of institutional participation as related to the Lottery Tuition Assistance Program.

Notice of Public Hearing and Opportunity for Public Comment:

Interested members of the public and regulated community are invited to make oral or written comments on the proposed regulation at a public hearing to be conducted by the South Carolina Commission on Higher Education on November 4, 2010, to be held in the Main Conference Room at 1333 Main Street, Suite 200, Columbia, SC. The meeting will commence at 10:00 a.m. at which time the Commission will consider items on its agenda in the order presented. Individuals wishing to make oral comments at the public hearing will need to notify Dr. Karen Woodfaulk, Director of Student Services, South Carolina Commission on Higher Education, in writing by no later than 5:00 p.m. on October 28, 2010. The order of presentation for public hearings will be noted in the Commission's agenda to be published by the Commission ten days in advance of the meeting.

Interested persons are also provided an opportunity to submit written comments on the proposed regulation by writing to Dr. Karen Woodfaulk, Director of Student Services, South Carolina Commission on Higher Education, 1333 Main Street, Suite 200, Columbia, SC 29201. Comments must be received no later than 5:00 p.m. on October 25, 2010. Comments received shall be considered by the staff in formulating the final proposed regulation for the public hearing on November 4, 2010, as noticed above.

Preliminary Fiscal Impact Statement:

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

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION: Section 62-900.150 - 62-900.200. Lottery Tuition Assistance Program for Two-Year Public and Independent Institutions.

Purpose: 1976 Code Section 59-150-360 of Chapter 62 is being amended to clarify and improve the procedures used in the Lottery Tuition Assistance Program for Two-Year Public and Independent Institutions. The proposed regulation provides the procedures that institutions must follow when determining students' eligibility and when disbursing Lottery Tuition Assistance funds to eligible students, in accordance with the South Carolina Illegal Immigration Reform Act.

Legal Authority: The legal authority for R.62-900.150 - 200 is 1976 Code Section 59-150-360.

Plan for Implementation: The proposed regulation will take effect upon approval by the South Carolina General Assembly and publication in the *State Register*. The proposed regulation will be implemented by providing the regulated community with copies of the regulation.

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

The proposed regulation is needed to provide information to South Carolina residents concerning the requirements to receive Lottery Tuition Assistance and to provide guidance to state institutions when awarding Lottery Tuition Assistance funds to eligible students.

DETERMINATION OF COSTS AND BENEFITS:

Promulgation of this regulation will not result in additional costs to the state or its political subdivisions. It is believed that the proposed regulation will benefit our state by providing students with requirements for receiving funds through the Lottery Tuition Assistance Program and institutions by providing guidance in determining student eligibility and in disbursing grant funds.

UNCERTAINTIES OF ESTIMATES:

None.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

Not applicable.

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

Not applicable.

Statement of Rationale:

This proposed regulation will clarify the policies and procedures for administering the Lottery Tuition Assistance Program for two-year public and independent institutions in the state. The proposed regulation includes the eligibility criteria that students must meet in order to be awarded Lottery Tuition Assistance. In addition, the proposed regulation also provides the procedures that institutions must follow when determining students' eligibility and when disbursing Lottery Tuition Assistance funds to eligible students. This regulation is being promulgated to implement this legislative mandate by including the appropriate language in the awarding procedures.

Text:

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

Document No. 4148
COMMISSION ON HIGHER EDUCATION
CHAPTER 62
Statutory Authority: 1976 Code Section 59-142-20

62-450 - 62-505. South Carolina Need-based Grants Program

Preamble:

The South Carolina Commission on Higher Education proposes the following revisions to Chapter 62 regulation, R.62-450 through 62-505, South Carolina Need-based Grants Program. The proposed regulation will provide the eligibility criteria that students must meet in order to be awarded a South Carolina Need-based Grant. In addition, the proposed regulation also provides the procedures that institutions must follow when determining students' eligibility and when disbursing the South Carolina Need-based Grant funds to eligible students.

The proposed regulation will require legislative review.

A Notice of Drafting for the proposed regulation was published in the South Carolina *State Register* on May 28, 2010.

Section-by-Section Discussion:

- Section 62-450: Provides the purpose of the South Carolina Need-based Grant Program. Adds language to clarify state financial aid packaging requirements.
- Section 62-455: Set forth how funding is appropriated under Chapter 143 of Title 59 of the 1976 Code, as amended under Act 458, South Carolina Children First: Resources for Scholarship and Tuition Act of 1996.
- Section 62-460: Sets forth the definition of terms used in the regulation.

- Section 62-465: Provides the eligibility requirements that students are required to meet to be awarded the South Carolina Need-based Grant.
- Section 62-470: Sets forth the policies and procedures that institutions must follow to award the South Carolina Need-based Grant.
- Section 62-475: Provides the continued eligibility requirements that students must meet to retain the South Carolina Need-based Grant. In addition, it sets forth the policies and procedures institutions must follow when determining continued eligibility and renewing the South Carolina Need-based Grant funds.
- Section 62-480: Provides the renewal requirements that must be met each academic year for students who qualify under the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act of 1973 each academic year for the South Carolina Need-based Grant.
- Section 62-485: Sets forth the renewal requirements that must be met at the end of each academic year for students who participate in internships, cooperative work programs, travel study programs, and exchange programs for the South Carolina Need-based Grant Program.
- Section 62-490: Sets forth the policies and procedures that institutions must follow when disbursing the South Carolina Need-based Grant funds to eligible students each academic year.
- Section 62-495: Sets forth the procedures that institutions must follow to refund South Carolina Need based Grant monies back to the State in the event of an error in award or a student withdraws from the institution.
- Section 62-500: Sets forth the regulatory authority and procedure for program audits by the South Carolina Commission on Higher Education of institutional policies, practices and procedures as related to the South Carolina Need-based Grant Program.
- Section 62-505: Provides for the suspension and termination of institutional participation as related to the South Carolina Need-based Grant Program.

Notice of Public Hearing and Opportunity for Public Comment:

Interested members of the public and regulated community are invited to make oral or written comments on the proposed regulation at a public hearing to be conducted by the South Carolina Commission on Higher Education on November 4, 2010, to be held in the Main Conference Room at 1333 Main Street, Suite 200, Columbia, SC. The meeting will commence at 10:00 a.m. at which time the Commission will consider items on its agenda in the order presented. Individuals wishing to make oral comments at the public hearing will need to notify Dr. Karen Woodfaulk, Director of Student Services, South Carolina Commission on Higher Education, in writing by no later than 5:00 p.m. on October 28, 2010. The order of presentation for public hearings will be noted in the Commission's agenda to be published by the Commission ten days in advance of the meeting.

Interested persons are also provided an opportunity to submit written comments on the proposed regulation by writing to Dr. Karen Woodfaulk, Director of Student Services, South Carolina Commission on Higher Education, 1333 Main Street, Suite 200, Columbia, SC 29201. Comments must be received no later than 5:00 p.m. on October 25, 2010. Comments received shall be considered by the staff in formulating the final proposed regulation for the public hearing on November 4, 2010, as noticed above.

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Preliminary Fiscal Impact Statement:

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

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION: Section 62-450 - 62-505. South Carolina Need-based Grant Program.

Purpose: R.62-450 through 62-505 of Chapter 62 is being amended to clarify and improve the procedures used in the South Carolina Need-based Grant Program. The proposed regulation provides the eligibility criteria that students must meet in order to be awarded South Carolina Need-based Grant funds. In addition, the proposed regulation also provides the procedures that institutions must follow when determining students' eligibility and when disbursing South Carolina Need-based Grant funds to eligible students, in accordance with the South Carolina Illegal Immigration Reform Act.

Legal Authority: The legal authority for R.62-450 - 62-505 is 1976 Code Section 59-142-20.

Plan for Implementation: The proposed regulation will take effect upon approval by the South Carolina General Assembly and publication in the *State Register*. The proposed regulation will be implemented by providing the regulated community with copies of the regulation.

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

The proposed regulation is needed to provide information to South Carolina residents concerning the requirements to receive a South Carolina Need-based Grant and to provide guidance to state institutions when awarding South Carolina Need-based Grant funds to eligible students.

DETERMINATION OF COSTS AND BENEFITS:

Promulgation of this regulation will not result in additional costs to the state or its political subdivisions. It is believed that the proposed regulation will benefit our state by providing students with requirements for receiving funds through the South Carolina Need-based Grant Program and institutions by providing guidance in determining student eligibility and in disbursing scholarship funds.

UNCERTAINTIES OF ESTIMATES:

None.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

Not applicable.

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

Not applicable.

Statement of Rationale:

This proposed regulation will clarify the policies and procedures for administering the South Carolina Need-based Grant Program at the public colleges and universities in the state. In addition, the proposed regulation also provides the procedures that institutions must follow when determining students' eligibility and when

disbursing South Carolina Need-based Grant funds to eligible students in accordance with the SC Illegal Immigration Reform Act. This regulation is being promulgated to implement this legislative mandate by including the appropriate language in the awarding procedures.

Text:

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

Document No. 4149
COMMISSION ON HIGHER EDUCATION
CHAPTER 62
Statutory Authority: 1976 Code Section 59-104-20

62-300 - 62-375. Palmetto Fellows Scholarship and Palmetto Fellows Scholarship Enhancement

Preamble:

The South Carolina Commission on Higher Education proposes the following revisions to Chapter 62 regulation, R.62-300 through 62-375, Palmetto Fellows Scholarship Program and Palmetto Fellows Scholarship Enhancement. The proposed regulation will provides the eligibility criteria that students must meet in order to be awarded a Palmetto Fellows Scholarship and a Palmetto Fellows Scholarship Enhancement. In addition, the proposed regulation also provides the procedures that institutions must follow when determining students' eligibility and when disbursing Palmetto Fellows Scholarship and Palmetto Fellows Scholarship Enhancement funds to eligible students.

The proposed regulation will require legislative review.

A Notice of Drafting for the proposed regulation was published in the South Carolina *State Register* on May 28, 2010.

Section-by-Section Discussion:

- Section 62-300: Provides the purpose of the Palmetto Fellows Scholarship Program and the purpose of the Palmetto Fellows Scholarship Enhancement. Adds language to clarify state financial aid packaging requirements.
- Section 62-305: Set forth how funding is appropriated under Chapter 143 of Title 59 of the 1976 Code, as amended under Act 458, South Carolina Children First: Resources for Scholarship and Tuition Act of 1996.
- Section 62-310: Sets forth the definition of terms used in the regulation.
- Section 62-315: Provides the initial eligibility requirements that students are required to meet to be awarded the Palmetto Fellows Scholarship.
- Section 62-318: Provides the eligibility requirements that students are required to meet to be awarded the Palmetto Fellows Scholarship Enhancement.
- Section 62-320: Sets forth the procedures and requirements to apply for Palmetto Fellows Scholarship.

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- Section 62-325: Sets forth the Palmetto Fellows Scholarship selection process.
- Section 62-330: Sets forth the policies and procedures that institutions must follow to award the Palmetto Fellows Scholarship and Palmetto Fellows Scholarship Enhancement.
- Section 62-335: Provides the continued eligibility requirements that students must meet to retain the Palmetto Fellows Scholarship and Palmetto Fellows Scholarship Enhancement. In addition, it sets forth the policies and procedures institutions must follow when determining continued eligibility and renewing the Palmetto Fellows Scholarship and Palmetto Fellows Scholarship Enhancement funds.
- Section 62-340: Sets forth the requirements for Palmetto Fellows Scholarship recipients transferring within the state and for reapplication students transferring from an out-of-state institution back into South Carolina.
- Section 62-345: Provides the renewal requirements that must be met each academic year for students who qualify under the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act of 1973 each academic year for the Palmetto Fellows Scholarship and Palmetto Fellows Scholarship Enhancement.
- Section 62-350: Sets forth the renewal requirements that must be met at the end of each academic year for students who participate in internships, cooperative work programs, travel study programs, and exchange programs for the Palmetto Fellows Scholarship and Palmetto Fellows Scholarship Enhancement.
- Section 62-351: Sets forth the renewal requirements that must be met each academic year by students who meet the definition of active military duty (as defined in Section 62-310 of this regulation) and who mobilized or deployed during war time to receive a Palmetto Fellows Scholarship and a Palmetto Fellows Scholarship Enhancement.
- Section 62-355: Sets forth the appeals procedures that must be used by students who fail to meet the renewal requirements at the end of each academic year to receive a Palmetto Fellows Scholarship and a Palmetto Fellows Scholarship Enhancement.
- Section 62-360: Sets forth the policies and procedures that institutions must follow when disbursing Palmetto Fellows Scholarship and Palmetto Fellows Scholarship Enhancement funds to eligible students each academic year.
- Section 62-365: Provides for the suspension and termination of institutional participation as related to the Palmetto Fellows Scholarship and the Palmetto Fellows Scholarship Enhancement.
- Section 62-370: Sets forth the regulatory authority and procedure for program audits by the South Carolina Commission on Higher Education of institutional policies, practices and procedures as related to the Palmetto Fellows Scholarship and the Palmetto Fellows Scholarship Enhancement.
- Section 62-375: Provides for the suspension and termination of institutional participation as related to the Palmetto Fellows Scholarship and the Palmetto Fellows Scholarship Enhancement.

Notice of Public Hearing and Opportunity for Public Comment:

Interested members of the public and regulated community are invited to make oral or written comments on the proposed regulation at a public hearing to be conducted by the South Carolina Commission on Higher Education on November 4, 2010, to be held in the Main Conference Room at 1333 Main Street, Suite 200, Columbia, SC. The meeting will commence at 10:00 a.m. at which time the Commission will consider items on its agenda in the order presented. Individuals wishing to make oral comments at the public hearing will need to notify Dr. Karen Woodfaulk, Director of Student Services, South Carolina Commission on Higher Education, in writing by no later than 5:00 p.m. on October 28, 2010. The order of presentation for public hearings will be noted in the Commission’s agenda to be published by the Commission ten days in advance of the meeting.

Interested persons are also provided an opportunity to submit written comments on the proposed regulation by writing to Dr. Karen Woodfaulk, Director of Student Services, South Carolina Commission on Higher Education, 1333 Main Street, Suite 200, Columbia, SC 29201. Comments must be received no later than 5:00 p.m. on October 25, 2010. Comments received shall be considered by the staff in formulating the final proposed regulation for the public hearing on November 4, 2010, as noticed above.

Preliminary Fiscal Impact Statement:

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

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION: Section 62-300 - 62-375. Palmetto Fellows Scholarship and Palmetto Fellows Scholarship Enhancement.

Purpose: R.62-300 through 62-375 of Chapter 62 is being amended to clarify and improve the procedures used in the Palmetto Fellows Scholarship and Palmetto Fellows Scholarship Program. The proposed regulation provides the eligibility criteria that students must meet in order to be awarded Palmetto Fellows and Palmetto Fellows Scholarship Enhancement funds. In addition, the proposed regulation also provides the procedures that institutions must follow when determining students’ eligibility and when disbursing Palmetto Fellows Scholarship funds to eligible students, in accordance with the South Carolina Illegal Immigration Reform Act.

Legal Authority: The legal authority for R.62-300 - 375 is 1976 Code Section 59-104-20.

Plan for Implementation: The proposed regulation will take effect upon approval by the South Carolina General Assembly and publication in the *State Register*. The proposed regulation will be implemented by providing the regulated community with copies of the regulation.

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

The proposed regulation is needed to provide information to South Carolina residents concerning the requirements to receive a Palmetto Fellows Scholarship and Palmetto Fellows Scholarship Enhancement and to provide guidance to state institutions when awarding Palmetto Fellows Scholarship and Palmetto Fellows Scholarship Enhancement funds to eligible students.

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DETERMINATION OF COSTS AND BENEFITS:

Promulgation of this regulation will not result in additional costs to the state or its political subdivisions. It is believed that the proposed regulation will benefit our state by providing students with requirements for receiving funds through the Palmetto Fellows Scholarship Program and institutions by providing guidance in determining student eligibility and in disbursing scholarship funds.

UNCERTAINTIES OF ESTIMATES:

None.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

Not applicable.

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

Not applicable.

Statement of Rationale:

This proposed regulation will clarify the policies and procedures for administering the Palmetto Fellows Scholarship Program at the public and independent colleges and universities in the state. The proposed regulation includes the addition of the Pharmacy programs at Presbyterian College to the Palmetto Fellows Scholarship Program. In addition, the proposed regulation also provides the procedures that institutions must follow when determining students' eligibility and when disbursing Palmetto Fellows Scholarship and Palmetto Fellows Scholarship Enhancement funds to eligible students in accordance with the SC Illegal Immigration Reform Act. This regulation is being promulgated to implement this legislative mandate by including the appropriate language in the awarding procedures.

Text:

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

Filed: August 31, 2010 2:35pm

Document No. 4142
DEPARTMENT OF NATURAL RESOURCES
 CHAPTER 123

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

123-40. Wildlife Management Area Regulations

Emergency Situation:

These emergency regulations establish the dove seasons and dove limits statewide and establish seasons, limits and special restrictions for dove hunting on Dove Management Areas. Because the dove season begins September 4 it is necessary to file these regulations as emergency.

Text:

WILDLIFE MANAGEMENT AREA PUBLIC DOVE FIELDS 2010-11

Dove Management Area Regulations: The following fields are open on a first-come basis, unless otherwise stated below. The number of hunters may be restricted on some fields. A Wildlife Management Area permit is required for all fields. Fields are open only as shown below. Please consider the other hunters as well as the landowners whose cooperation makes these fields possible. Signs will be placed along roads directing hunters to the fields. All federal and state laws apply. Fields are open only on days and times indicated. Fields denoted by an asterisk (*) require hunters to sign in (not before 12:00 noon) and sign out on ALL hunts. No species other than mourning doves and Eurasian collared doves may be hunted during scheduled dove hunts. Please remove all litter, including spent shell hulls, from fields when leaving! Migratory Bird Permit Required.

Statewide Season Dates:

September 4 - October 9 (Sept. 4-6 Afternoons only): November 20 - November 27: December 21 - January 15

Bag Limit: Mourning Doves: 15 doves per day. No limit on Eurasian collared doves.

The following special regulations apply to all Wildlife Management Area Public Dove Fields: Hunters are limited to 50 shells per hunt. No entry onto fields before 12:00 noon. No shooting after 6:00 p.m. during the first segment of the season (September 4 – October 9).

ABBEVILLE

U.S. Forest Service, Parson Mountain WMA

Bass Road Field - 5 mi. east of Abbeville on SC-72, ¼ mile south on Bass Rd., 60 acres. Special Youth Hunt on Sept. 4 (see Youth Hunt List for details). 1st season – Saturdays Only beginning Sept. 18, 2nd and 3rd season – Open Mon. – Sat.

AIKEN

US Dept of Energy, Crackerneck WMA

From SC 125/CR62 (Silverton Rd) in Jackson, take Silverton 0.4 mi. to Main St., left on Main for 0.4 mi., then right on Brown Rd. for 2.1 mi. Turn left on gravel road, at end of pavement go 0.2 mi. to check station, 40 acres. 1st season – Sept. 8 & 22; 2nd & 3rd season – Fridays, Saturdays & Thanksgiving Day ONLY.

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ANDERSON

Clemson University - Fant's Grove WMA

From US 76/ SC 28 south of Clemson Take SC 187 to Fant's Grove Rd. 1.5 miles W, 45 acres. 1st season, Saturdays – FIELD CLOSED OCT. 2nd, Open 2nd & 3rd seasons – Saturdays Only.

***BERKELEY**

U.S. Army Corps of Engineers - Canal WMA (Above Powerhouse) From St. Stephen Take SC 45 west for 1.5 miles or continue to County Rd 35. Go Left about .3 miles, 60 acres. Sept. 4, 18; Oct. 2; Nov. 20.

U.S. Army Corps of Engineers - Canal WMA (Below Powerhouse) From St. Stephen Take SC 45 E for 2.5 miles Turn Left on first paved road, (Arrowhead Landing Rd) 40 acres. Dove Hunting Only - Sept. 4, 18; Oct. 2; Nov. 20.

CHARLESTON

Botany Bay Plantation WMA

Located on Edisto Island south of Charleston. To reach WMA take Hwy 174 from US17 towards Edisto Beach. Turn left onto Botany Bay Rd (just beyond the Edisto Serpenterium), 8.5 mi. south of the McKinley Washington Bridge. Proceed down Botany Bay Rd. approx. 2 mi. until just before it ends, the entrance to the WMA is on the left. The dove fields are located approx. 2 mi. from the entrance. Sept. 4 (Youth Only – no pre-registration required) Sept. 15; Nov. 20 (Youth Only); Dec. 30; Jan. 13.

CHEROKEE

Gaffney Board of Public Works

From the intersection of I-85 (Exit 95) & Pleasant School Rd (Sec Hwy 82) go 1.2 mi. north on Pleasant School Rd around Lake Whelchel and field is on left (west) side of road, 20 acres. Saturdays Only, Dove Hunting Only.

CHESTER

U.S. Forest Service - Worthy Bottoms

10 miles west of Chester on SC 9, Left on Sec Rd 535, Turn Right on Worthy's Ferry Rd. 30 acres. 1st season - Saturdays Only, Afternoons Only. 2nd & 3rd seasons - Open Mon. – Sat. Afternoons Only.

CHESTERFIELD

SC Forestry Commission – Sand Hills State Forest

Wilkes Chapel Field. From Sand Hills State Forest Headquarters on US 1, Go south on Flory Pond Rd for 1.3 miles, Right on Sec Rd 29 for .2 miles, Field on Right, 54 acres. 1st season –Saturdays Only, 2nd & 3rd seasons - Open Mon. - Sat.

SC Forestry Commission – Sand Hills State Forest

Davis Field. From the intersection of US 1 and SC 102 in Patrick: Go southeast on SC 102 approx. 1 mi. Bear left on SR 80 and proceed approx. 1.5 mi. Left on Campbell Lake Rd. Continue 0.2 mi. then left on Griggs Loop Rd. Field entrance 0.1 mi. on the right. 30 acres. 1st season – Sept. 4 and Wednesdays Only beginning Sept. 15. 2nd & 3rd seasons – Open Mon. – Sat.

***CLARENDON**

Santee Cooper – Santee Dam WMA

From the south end of SC 260 follow gravel road at Base of dam for approx. 5 mi., 137 acres. Sept. 4, 18; Oct. 2; Nov. 27; Jan. 1. Dove Hunting Only – (803) 734-3898.

SC Forestry Commission Oak Lea WMA. From Summerton take SC 26 west for 2 mi. Go north on SC 41 for approx 5 mi. Field on right. 135 ac. Sept. 4, 18, Oct. 2; Jan. 8 & 15. Opening day participants selected by drawing. Apply in writing by Aug. 13 to Dove Hunt, PO Box 167, Columbia, SC 29202. Limited space available. Dove Hunting Only.

***COLLETON**

DNR - Bear Island WMA

Closed due to staff/budget cuts.

DNR - Donnelley WMA

From US 17 E of Green Pond, Go southeast on Sec Rd 26 4 miles, Turn Right at Donnelley WMA Sign, Field 2 miles on Right, 100 acres. Sept. 4, 15, 22; Nov. 27.

DARLINGTON

DeWitt Property From I-20 (Exit 137) go South on SC 340 (towards Timmons ville) 2.1 miles to Meander Rd. Right on Meander. Go 1.7 miles to Lake Swamp Rd. Right on Lake Swamp Rd. Go 0.5 miles to Oak Stump Rd. Bear left on Oak Stump. Field 1 mile on left. 50 acres. 1st, 2nd, and 3rd Seasons - Wednesdays, Dove Hunting Only.

FLORENCE

Santee Cooper – Pee Dee Station Site WMA

Field is located in Kingsburg 4.7 miles north of US Hwy 378 off State Rd. 57. Field on left (33°56'22.69" - 79°29'45.37") 60 acres. 1st, 2nd, and 3rd Seasons Saturdays Only – Dove Hunting Only.

GEORGETOWN

DNR Samworth WMA

Closed due to staff/budget cuts.

***HAMPTON**

DNR - Webb Wildlife Center

2.5 miles west of Garnett on Augusta Stage Coach Rd., 35 acres - Sept. 4, 15, 22; Nov. 24.

LEE

Atkinson Property

From I-20, Go 2.7 miles southeast on SC 341 to Wisacky, Go 0.9 miles west on Cooper's Mill Rd. To Mt. Zion AME Church. Go 3.7 miles south on Dog Island Rd. Field on both sides of road. From US 401, Go 1.1 miles northwest on Dog Island Rd., 70 acres. 1st, 2nd and 3rd seasons - Wednesdays Only. Dove Hunting Only.

LEXINGTON

Hallman Field

From I-20 take 178 East for 2.4 mi. to Truex Rd. Turn left on Truex and go 1.2 mi. to Rish Rd. Turn right on Rish and go 0.1 mi. to parking area on left. 1st, 2nd, and 3rd seasons - Saturdays Only, Dove Hunting Only.

MARLBORO

DNR - Lake Wallace WMA

northwest of Lake Wallace on Sec Rd 47 Bennettsville, Beauty Spot Rd., from Hwy 9 (west of Bennettsville) turn left on Beauty Spot Rd, go 1.9 mi. Field on right. 50 acres. 1st, 2nd, and 3rd seasons Saturdays Only - Dove Hunting Only.

MCCORMICK

U.S. Army Corps of Engineers - Clarks Hill WMA

Bordeaux Work Center Field – From intersection of Hwys 28 & 378 in McCormick: Hwy 378 west 5.5 mi. to Hwy 7. Right onto Hwy 7; go 3 mi. to S-33-135 (Willington Academy Dr) Left onto S-33-135; go 1.5 mi. to S-33-110 (McIntosh Rd) Left onto S-33-110; go 1.5 mi. to field entrance on the left. 40 acres. Sept. 4 & 15; Oct 6; Nov. 24; Jan. 5 & 15 only, Dove Hunting Only.

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U.S. Army Corps of Engineers – Key Bridge WMA

Parksville Field – ¼ mi. north of Parksville on Hwy 28. 22 acres. 1st season – Saturdays Only, 2nd & 3rd seasons – Open Mon. - Sat.

U.S. Forest Service - Key Bridge WMA

Cunningham Fields – From intersection of Hwys 28 & 283 in Plum Branch; Hwy 283 E for 5 mi. to F688. Right onto F688; travel south for ¾ mi. until road forks. From the fork, one field is 0.3 mi. farther down F688 and another is 0.6 mi. down F688B. 40 acres. 1st season – Saturdays Only, 2nd & 3rd seasons - Open Mon. - Sat.

US Army Corp of Engineers, Key Bridge WMA

Plum Branch Saddle Club Fields – From Plum Branch take S-33-57 (Collier St) 2 mi. west, field on right in sharp-left curve. 30 acres. 1st season – Saturdays Only, 2nd & 3rd seasons – Open Mon. - Sat.

U.S Forest Service, Clarks Hill WMA, McCombs Tract

11 mi. south of Abbeville or 10 mi. north of McCormick on Hwy 28, 1.5 mi. west on SR-19 (Mars Bridge Rd). One field on SR-19 and one field on F579. 60 acres. 1st season – Saturdays Only, 2nd and 3rd season – Open Mon. - Sat.

MCCORMICK

U.S. Forest Service, Key Bridge WMA, Price Mill Field

From Parksville: Take S-33-138 (Price Mill Rd) East 2.5 miles; Field on Right. 60 acres. 1st season – Saturdays Only, 2nd and 3rd season – Open Mon. - Sat.

NEWBERRY

SCDOT McCullough Field

From I-26 North on Hwy 121 towards Whitmire 9.2 mi. Right on McCullough Rd., 0.7 mi. Field on right. Saturdays Only Beginning Sept. 11, Dove Hunting Only. Sept. 4 is Youth Hunt Only – Pre-registration required.

OCONEE

S.C. Forestry Commission - Piedmont Forestry Center

From SC 130 north of Salem Turn Left on SC 11 & follow signs to nursery, 18 acres. Beginning Sept. 4 - Saturdays Only, Dove hunting only. 3rd season – Closed.

U.S. Forest Service – Long Creek Tract

In order to hunt, adults must have 1 or 2 youth age 17 or younger. Disability hunters must contact the U.S. Forest Service Andrew Pickens office 864-638-9568 for permit requirements and access. From Westminster take Hwy 76 to Long Creek, take a left on Orchard Rd, proceed ¾ mi. to field on right. 20 acres. 1st season – Saturdays only beginning Sept. 18, 2nd season – Open November 20 Only – 3rd season – Closed.

U.S. Forest Service - Ross Mtn. Field

About 7 miles north of Walhalla on SC 28, Turn on Tunneltown Rd., Turn on Ross Mtn. Rd, Field on Both Sides of road, 35 acres. Open 1st, 2nd & 3rd seasons Saturdays Only Beginning Sept. 4.

***ORANGEBURG**

Santee Cooper - Santee Cooper WMA

From Santee, Take Highway 6 east approximately 12 miles to Eutaw Springs. Left on FredCon Rd. for 0.3 miles. Left on Ferguson Landing Road for 0.3 miles Left at Santee Cooper WMA sign. Field is 0.3 miles from entrance. 50 acres. Entire WMA under Dove Area Regulations. Sept. 4 is Youth Hunt Only – Pre-registration required. Sept 18; Oct. 2; Nov. 24; Jan. 1. Dove Hunting Only.

PICKENS

DNR Property

South of Pickens off Sec Rd 304 near SC Highway Dept. Bldg., 40 acres. Open 1st, 2nd & 3rd seasons Saturdays Only Beginning Sept. 4. Dove Hunting Only.

Clemson University - Gravely WMA - Causey Tract

From SC 11 Go south on Sec Rd 112 at Cendy's Store, Turn east on Sec Rd 114 & Go 0.5 miles; 25 acres. Open 1st, 2nd & 3rd seasons. Saturdays Only Beginning Sept. 4.

SPARTANBURG

Santee Cooper

From intersection of US 176 & West Main St. (Sec. Hwy 227) approx. 2.5 miles W. of Pacolet, go 0.1 mile east on West Main St. and turn left on Goldmine Rd. (Sec. Hwy 108) for 4.3 mi. then turn right on Hatchet Dr. Field at end of road. 15 acres. 1st season – Saturdays only, 2nd & 3rd seasons – Open Mon. – Sat.

Spartanburg Co Parks & Rec. Dept. – Inman Tract

From the intersection of SC Hwy 292 and New Cut Rd (Sec Hwy 52) near Inman take New Cut Rd to the northwest for 4.8 mi. and field is on the left (southwest) side of the road. 20 acres. Saturdays Only, Dove Hunting Only.

SUMTER

S.C. Forestry Commission - Manchester State Forest

Directions from Wedgefield

Bland Field 1 – Take Hwy 261 North 0.7 mi. to Bland entrance sign, turn right and follow dirt road to field. 50 ac. Sept. 4 is Youth Hunt Only – Pre-registration required. 1st season – Sat. (Designated Fields) 2nd & 3rd seasons - Open Mon. - Sat. (Designated Fields and the general forest).

Bland Field 2 – Take SC 763 (Wedgefield Rd) 1.8 mi. then left on Knott Rd & follow dirt road 0.4 mi. to field. 50 acres. 1st season – Sat (Designated Fields) 2nd & 3rd seasons - Open Mon. - Sat. (Designated Fields and the general forest).

Bird Haven Field – Takes SC 763 (Wedgefield Rd) 4 mi. to stop sign. Left on St. Paul Ch. Rd., go 1 mi. to field on right. 25 acres. 1st season – Sat (Designated Fields) 2nd & 3rd seasons - Open Mon. - Sat. (Designated Fields and the general forest).

Tuomey Field – Take SC 763 (Wedgefield Rd) 4 mi. to stop sign. Right on St. Paul Ch. Rd., go 3 mi. to field on right. 50 acres. Opening day participants selected by drawing. Apply in writing by Aug. 13 to Dove Hunt, PO Box 167, Columbia, SC 29202. Limited spaces available. 1st season – Sat. (Designated Fields) 2nd & 3rd seasons - Open Mon. - Sat. (Designated Fields and the general forest).

UNION

DNR Thurmond Tract

From the intersection of SC Hwy 9 and SC Hwy 49 at Lockhart go 4.3 mi. north on SC Hwy 9 and the field is on the left (south) side of road. 15 acres. 1st season – Saturdays Only 2nd & 3rd seasons open Mon. – Sat.

Sedalia (U.S. Forest Service)

From the intersection of SC 49 and Old Buncombe Rd. (Sec Hwy 18) near Cross Keys, go 3.6 mi. east on Old Buncombe Rd. and turn left on Sedalia Fire Tower Rd. (Sec. Hwy 80) for 0.2 mi. and field is on left (northwest) side of road. 15 acres. 1st season – Saturdays – Beginning Sept. 11. 2nd & 3rd seasons - Open Mon. - Sat.

38 EMERGENCY REGULATIONS

YORK

DNR - Draper Tract

3.5 miles E of McConnell on SC 322, Turn Right on Sec Rd. 165 (Brattonsville Rd.), Go .5 miles, Turn Right, Two 30 acres Fields. 1st season –Saturdays Only, 2nd & 3rd seasons Open Mon. - Sat. Opening day participants selected by drawing. Apply in writing by Aug. 17 to DNR, 124 Wildlife Dr, Union, SC 29379. Limited space available.

York County – Worth Mountain WMA

From Hickory Grove at the intersection of SC Hwy 97 and SC Hwy 211, take Hwy 211 South approx. 4 miles and turn left on Scenic View Rd, go .75 miles and field is on right. 40 acres planted. 1st season – Saturdays only, 2nd & 3rd seasons Open Mon. - Sat.

SPECIAL YOUTH DOVE HUNTS:

Eligibility for these hunts requires adults 21 years or older to bring 1 or 2 youths 17 years of age and younger. The following regulations also apply on Special Youth Dove Hunts: (1) Adults accompanying youth are NOT allowed to shoot at any time during Special Youth Dove Hunts. (2) Adults must remain in the field and closely supervise participating youth at all times. (3) In parties of one adult and 2 youths, only one youth hunter may be handling a loaded firearm at any given time. (4) Bag limit is 15 birds per youth participant. Birds harvested by individual hunters must be kept separate and in no instance may an individual hunter harvest more than 15 birds.

To apply for Special Youth Dove Hunts requiring preregistration, applicants must supply the following information for each member of the hunt party: Name, age, address, and phone number. Successful applicants will be notified by mail.

ABBEVILLE YOUTH HUNT

U.S. Forest Service – Parson Mountain WMA

September 4 - Participants selected by drawing. Apply in writing or call by August 13 to SCDNR, 2751 Hwy 72 East, Abbeville, SC 29620. Limited space available. (864) 223-2731.

CHARLESTON YOUTH HUNT

Botany Bay Plantation WMA

September 4 & November 20. No pre-registration required.

NEWBERRY YOUTH HUNT

SCDOT – McCullough Field

September 4 - Limited Space Available. Participants selected by drawing. Apply in writing or call by Aug. 13 to DNR, Youth Dove Hunt, PO Box 167, Columbia, SC 29202.

OCONEE YOUTH HUNT

U.S. Forest Service – Long Creek Tract

September 4 - Participants selected by drawing. Apply by Aug. 13 to DNR, 311 Natural Resources Dr, Clemson, SC 29631 - Limited Space Available. For application, call (864) 654-1671 ext. 16.

ORANGEBURG YOUTH HUNT

Santee Cooper – Santee Cooper WMA

September 4 - Limited Space Available. Participants selected by drawing. Apply in writing or call by Aug. 13 to DNR, Youth Dove Hunt, PO Box 167, Columbia, SC 29202.

SUMTER YOUTH HUNT

Manchester State Forest near Wedgefield Bland Tract – Field 1.

September 4 - Limited Space Available. Participants selected by drawing. Apply in writing or call by Aug. 13 to DNR, Youth Dove Hunt, PO Box 167, Columbia, SC 29202.

UNION YOUTH HUNT

U.S. Forest Service near Sedalia

September 4 - Limited space available. Participants selected by drawing. Apply in writing or call by Aug. 13 to DNR, 124 Wildlife Dr, Union, SC 29379.

YORK YOUTH HUNT

DNR Draper WMA

September 4 - Participants selected by drawing. Apply in writing or call by Aug. 17 to DNR, 124 Wildlife Dr, Union, SC 29379. Limited Space Available.

Statement of Need and Reasonableness:

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 new WMAs as well as expanding use opportunities on existing WMAs. Since the availability of specific fields changes each year and season dates change as allowed by Federal Regulation it is necessary to file Dove Field regulations annually. Because these hunts begin on September 4, it is necessary to file these regulations as emergency so they take effect immediately.

Fiscal Impact Statement:

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

Filed: August 31, 2010 2:35pm

Document No. 4144

DEPARTMENT OF NATURAL RESOURCES

CHAPTER 123

Statutory Authority: 1976 Code Sections 50-1-200, 50-1-220, 50-11-10, 50-11-96, 50-11-105, 50-11-310, 50-11-335, 50-11-350, 50-11-390, 50-11-520, 50-11-530, 50-11-854, 50-11-2200, and 50-11-2210

123-40. Wildlife Management Area Regulations

Emergency Situation:

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

40 EMERGENCY REGULATIONS

Text:

123-40. Wildlife Management Area Regulations.

1.1 The following regulations amend South Carolina Department of Natural Resources regulation Numbers 123-40.

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

(A) Game Zone 1

Chauga, Franklin L. Gravely, Caesar's Head

| | | |
|--|-------------------------------------|--|
| Archery Only Hunts For Deer on WMA (No dogs) | Oct. 17 – Oct. 30, Dec. 23 – Jan. 1 | Total of 2 deer for all archery only hunts. 2 per day, either-sex. |
|--|-------------------------------------|--|

Glassy Mountain Archery Only Area – Chestnut Ridge Heritage Preserve

Located on the southwest side of the South Pacolet River and west of the junction of the South Pacolet River and its' main tributary creek as posted.

| | | |
|--|-------------------------------------|---|
| Archery Only Hunts For Deer (No Dogs) | Oct. 1 – Oct. 16 Oct. 31– Jan. 1 | Total 2 deer, 2 per day, either-sex. |
| Special Party Dog Hunt For Bear Only | Oct. 24 – Oct. 30 | 5 bears per party, no bears 100 lbs. or less, no sow with cubs at her side. Groups hunting together are considered 1 party. |

Parties of 25 or less must register with SCDNR, 311 Natural Resources Drive, Clemson, SC 29631 by September 1. All harvested bear must be reported to the Clemson Wildlife Office @ 864-654-1671 within 24 hours of harvest.

Hogs and Coyotes

On each WMA property, feral hogs and coyotes may be taken during the open season for any game. No hog hunting with dogs during the still gun and primitive weapons hunts for deer or bear or during turkey season. Hog hunters must use small game weapons during small game-only season.

(B) Game Zone 2

Hogs And Coyotes: On WMA lands in Game Zone 2, hogs and coyotes may be taken during the open season for any game. No hog or coyote hunting with dogs during still gun and primitive weapons hunts for deer or during turkey season. Only small game weapons allowed during the small game-only seasons.

Keowee WMA

Hogs and Coyotes: On Keowee WMA property, feral hogs and coyotes may be taken during the open season for any game. No hog hunting with dogs during the still gun and primitive weapons hunts for deer or during turkey season. Hog hunters must use small game weapons during small game-only season.

Fants Grove WMA

| | | |
|---------------------------|-------------------|--|
| Archery Only (No dogs) | Oct. 15 – Dec. 22 | Total of 3 deer, 2 per day, either-sex. Not to include more than 1 buck. |
|---------------------------|-------------------|--|

Hogs and Coyotes: On Fants Grove WMA, feral hogs and coyotes may be taken during the open season for any game. No hog hunting with dogs during the still gun and primitive weapons hunts for deer or during turkey season. Hog hunters must use small game weapons during small game-only season.

(C) Crackerneck WMA and Ecological Reserve

All individuals must sign in and out at main gate. Quality Deer Management Area – antlered deer must have at least 4 points on one side or a minimum 12-inch antler spread. Scouting seasons (no weapons), will be Saturdays only during September and March. The gate opens at 6:00am and closes at 8:00pm. On deer hunt days, gates will open as follows: Oct., 4:30am-8:30pm; Nov. - Dec., 4:30am-7:30pm. For special hog hunts in Jan. and Feb., gate will be open from 5:30am-7:00pm. Hog hunters are required to wear either a hat, coat or vest of international orange. Hogs may NOT be taken from Crackerneck alive and hogs must be shown at check station gate. No more than 4 bay or catch dogs per party. On Saturday night raccoon hunts, raccoon hunters must cease hunting by midnight and exit the gate by 1:00am. On Friday night raccoon hunts, raccoon hunters must cease hunting by 1 hour before official sunrise and exit the gate by official sunrise. All reptiles and amphibians are protected. No turtles, snakes, frogs, toads, salamanders etc. can be captured, removed, killed or harassed.

(I) Santee Cooper WMA

Data cards required for hunter access. Completed data cards must be returned daily upon leaving Santee Cooper WMA. Hunters limited to two (2) deer/tree stands which must contain a label with the hunter’s name and address. No stands may be placed on Santee Cooper WMA prior to Sept. 15.

(Z) Donnelley WMA

Deer

All hunters must sign in and out at the check station. Hunting in designated areas only. Scouting season for archery only on the day before season opens. Hogs can be taken during all deer hunts.

| | | |
|----------------------|---|--|
| Archery (no dogs) | Oct. 1 – Oct. 5 Nov. 1 – Nov. 5 Dec. 1 – Dec. 5 | Total 4 deer either-sex, except no more than 1 buck with a minimum 4 points on one side or a minimum 12-inch antler spread except antlerless only during special antlerless only hunts. Hogs-no limit. |
|----------------------|---|--|

42 EMERGENCY REGULATIONS

| | | |
|-----------------|---|---|
| Still Gun Hunts | No open season except for hunters selected by computer drawing or designated special antlerless only hunts. | 3 deer either-sex except no more than 1 buck with a Minimum 4 points on one side or a minimum 12-inch antle spread except antlerless onl during special antlerless onl hunts. |
|-----------------|---|---|

(YY) Botany Bay Plantation WMA

| | | |
|----------------------|------------------------------------|-------------------------|
| Raccoons and Opossum | Jan. 2 – Mar. 1 (Wed. – Fri. only) | Game Zone 6 bag limits. |
|----------------------|------------------------------------|-------------------------|

WILDLIFE MANAGEMENT AREA REGULATIONS

General

2.14 On WMA lands, hunting armadillos, coyotes and hogs at night is prohibited.

3.4 On WMAs, all firearms transported in vehicles must be unloaded and secured in a weapons case, or in the trunk of a vehicle or in a locked toolbox. On the Francis Marion Hunt Unit during deer hunts with dogs, loaded shotguns may be transported in vehicles. Any shotgun, centerfire rifle or rimfire rifle or pistol with a shell in the chamber or magazine or muzzleloader with a cap on the nipple or flintlock with powder in the flash pan is considered loaded.

10.11 Potato Creek Hatchery Waterfowl Area is closed to hunting access and fishing during the period one week prior to and two weeks after the Federal waterfowl season, except for scheduled waterfowl hunts. All hunters must enter and leave the Potato Creek Hatchery Waterfowl Area through the designated public landing on secondary road 260 and complete a data card and deposit card in receptacle prior to leaving the area. Hunting hour are from 30 minutes before legal sunrise to legal sunset (including the special youth hunt). Hunters may not enter the area prior to 3:00 a.m. on hunt days. No airboats are allowed for hunting or fishing and no hunting from secondary road 260.

Statement of Need and Reasonableness:

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

Fiscal Impact Statement:

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

Filed: August 31, 2010 2:35pm

Document No. 4143
DEPARTMENT OF NATURAL RESOURCES
 CHAPTER 123

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

123-40. Wildlife Management Area Regulations

Emergency Situation:

This amended regulation sets seasons, bag limits and methods of hunting and taking of wildlife on Wildlife Management Areas. Amendments are needed to allow a special deer herd reduction hunt on Croft State Natural Area. Because the hunts begin on September 15, it is necessary to file these regulations as emergency so they take effect immediately.

Text:

123-40. Wildlife Management Area Regulations

1.2 (X) Croft State Natural Area WMA

| | | |
|-----------------------------|---|---|
| Archery-Crossbow Deer Hunts | September 15-16 October 6-7 October 20-21 | 3 Deer Per Day, either-sex Max.1 antlered buck per day |
|-----------------------------|---|---|

Hunt Procedure/ Special Rules and Regulations

1. All hunters are required to check-in and obtain a daily permit at the checkpoint at the Maintenance Shop near the main gate on or prior to each day of the hunt period. The checkpoint will be open on the day of the hunt approximately 2 hours before official sunrise and the day before each hunt period from 5:00 pm to 8:00 pm.
2. All hunters must leave their hunt area immediately after dark and must report to the checkpoint to checkout no later than one hour after official sunset. Failure to checkout in a timely manner will result in a citation. Those persons needing to return to the hunt area to look for a wounded deer or to retrieve a dead deer must notify PRT or DNR personnel at that time.
3. Scouting is allowed during normal park hours and days prior to each hunt period. Daily admission fees apply, except days of applicant's hunt.
4. Parking is allowed only on park property inside the property boundaries and along roads inside the interior portion of the park. The daily hunt permit must be displayed on the dash of all vehicles parked on state park property. A parking area will be provided near the old ammo dump just off Dairy Ridge Road but parking is not allowed along Dairy Ridge Road. Do not park where a gate is being blocked.
5. Portable stands may be placed one day prior to your scheduled hunt and must be removed no later than one day following each hunt period. Screw-in steps must be removed and no permanent spikes or nails are allowed.
6. Only Archery equipment including crossbows is permitted. Hunters are allowed to carry only one type of equipment at a time.
7. Hunters must wear either a hat, coat or vest of international orange during all hunts except while occupying an elevated stand more than six feet above the surface level.
8. Hunters may use boats with electric trolling motors only to enhance hunter access. Running lights and all other safety equipment are required.

44 EMERGENCY REGULATIONS

9. The use of a trail dog on a leash will be allowed for the recovery of wounded deer from 11:00 am to 3:00 pm and after dark. You must notify PRT or DNR before a dog is utilized.

10. Hunters will not be allowed to use ATV's.

11. Camping is available at Croft State Natural Area.

12. The daily bag limit is 3 deer per day including no more than one antlered buck.

13. Field dressing of deer is allowed in the woods but entrails should not be left closer than 200 yards from any road, trail or facility. Hunters should not attempt to dig in the ground to bury entrails because of safety concerns regarding buried ordnance (See safety requirements sheet). Field dressing of deer will not be allowed at the check station near the Maintenance Shop.

14. All harvested deer must be promptly brought to the deer check station at the Shop near the main gate.

15. Firearms or alcoholic beverages are not allowed within the park.

16. Hunters who harvest antlerless deer (including does and button bucks) will be pre-selected to attend the following year's hunt if one is conducted.

17. All State Parks, Recreation and Tourism (PRT) and all Wildlife Management Area (WMA) rules and regulations apply.

Statement of Need and Reasonableness:

Periodically additional lands are made available to the public through the Wildlife Management Area Program. Since existing regulations only apply to specific wildlife management areas, new regulations must be filed to establish seasons, bag limits and methods of hunting and taking of wildlife on these new WMAs as well as expanding use opportunities on existing WMAs. Amendments are needed to allow a special deer herd reduction hunt on Croft State Park. Because the hunts begin on September 15, it is necessary to file these regulations as emergency so they take effect immediately.

Fiscal Impact Statement:

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