

SOUTH CAROLINA STATE REGISTER DISCLAIMER

While every attempt has been made to ensure the accuracy of this State Register, the printed version of the State Register and not the online version is the official version and the Legislative Council makes no warranties or representations regarding its accuracy or completeness, and each user of this product understands that the Legislative Council disclaims any liability for any damages in connection with its use. This information is not intended for commercial use and its dissemination by sale or other commercial transfer is not authorized, absent a written licensing agreement with the Legislative Council. For further information contact the Legislative Council at 803-212-4500.

SOUTH CAROLINA STATE REGISTER

PUBLISHED BY
THE LEGISLATIVE COUNCIL
of the
GENERAL ASSEMBLY

ASHLEY HARWELL-BEACH, DIRECTOR
DEIRDRE BREVARD SMITH, EDITOR
REBECCA FUDGER TURNER, ASSOCIATE EDITOR

P.O. BOX 11489
COLUMBIA, SC 29211
TELEPHONE (803) 212-4500

Published June 23, 2023

Volume 47 Issue No. 6

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.

2023 PUBLICATION SCHEDULE

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

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

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

REPRODUCING OFFICIAL DOCUMENTS

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

PUBLIC INSPECTION OF DOCUMENTS

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

ADOPTION, AMENDMENT AND REPEAL OF REGULATIONS

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

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

EMERGENCY REGULATIONS

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

REGULATIONS PROMULGATED TO COMPLY WITH FEDERAL LAW

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

EFFECTIVE DATE OF REGULATIONS

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

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

SUBSCRIPTIONS

The *South Carolina State Register* is available electronically through the South Carolina Legislature Online website at www.scstatehouse.gov, 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 the printed format is \$90.00 plus applicable sales tax. Payment must be made by check payable to the Legislative Council. To subscribe, complete the form below and mail with payment.

X-----X-----X

South Carolina State Register Subscription Order Form

Name	Title
Firm	
Mailing Address	
Billing Address (if different from mailing address)	
Contact Person(s)	E-mail Address
Phone Number	Fax Number
Number of subscriptions: (Cost is \$90.00 plus applicable sales tax per subscription. Checks payable to: Legislative Council)	
Printed	

Mail this form to:
South Carolina State Register
Deirdre Brevard Smith, Editor
P.O. Box 11489
Columbia, SC 29211
Telephone: (803) 212-4500
Fax: (803) 212-4501

REGULATIONS SUBMITTED TO GENERAL ASSEMBLY

Status and Legislative Review Expiration Dates.....1

EXECUTIVE ORDERS

Executive Order No. 2023-14 Lowering Flags for Chief Luther T. Reynolds3
 Executive Order No. 2023-15 Lowering Flags for Firefighter Muller3
 Executive Order No. 2023-16 Appointing York County Clerk of Court4
 Executive Order No. 2023-17 Appointing Greenville County Clerk of Court.....4
 Executive Order No. 2023-18 Establishing powerSC Working Group.....5
 Executive Order No. 2023-19 Activating SCNG in Support of Texas.....11

NOTICES

HEALTH AND ENVIRONMENTAL CONTROL, DEPARTMENT OF

Certificate of Need13
 Permit Extension Joint Resolution13

DRAFTING NOTICES

EDUCATION, STATE BOARD OF

Criteria for Entry into Programs of Special Education for Students with Disabilities15

FINANCIAL INSTITUTIONS, STATE BOARD OF

Borrower’s Preference Re Attorney and Insurance15
 Consolidated Report of Income and Expenses (Exempt)16
 Home Improvement Loans, Savings and Loan16
 Insurance and Fidelity Bond Protection16
 Investment of Surpluses17
 Limitations and Restrictions on Borrowing by Savings and Loan Institutions (Exempt)17
 Limitations and Restrictions on Loans, Savings and Loan.....18
 Limitations and Restrictions on Real Estate Mortgages (Exempt).....18
 Loan Secured by Real Estate Mortgages (Exempt).....18
 Mobile Home Loans, Savings and Loan19
 Notice of Intention to Withdraw Shares19
 Participation in RFC Loans20
 Published Reports of Condition, Savings and Loan (Exempt).....20
 Reports of Financial Condition (Exempt)21
 Servicemen’s Readjustment Act.....21

LABOR, LICENSING AND REGULATION, DEPARTMENT OF

Building Codes Council
 Building Codes Council.....21
Nursing, State Board of
 State Board of Nursing22

TABLE OF CONTENTS

Podiatry Examiners, Board of
 Board of Podiatry Examiners22

Psychology, State Board of Examiners in
 State Board of Examiners in Psychology23

Real Estate Commission, South Carolina
 South Carolina Real Estate Commission.....23

Social Work Examiners, State Board of
 State Board of Social Work Examiners.....23

Speech/Language Pathology and Audiology, Board of Examiners in
 Board of Examiners in Speech/Language Pathology and Audiology.....24

SOCIAL SERVICES, DEPARTMENT OF
 Residential Group Care Facilities for Children24
 Wilderness Therapeutic Camps for Children25

PROPOSED REGULATIONS

ELECTION COMMISSION, STATE
 Document No. 5192 R.45-1, Definitions.....26
 Document No. 5193 R.45-2, Instructions and Certification of Managers and Clerks in the
 Use of Vote Recorders27
 Document No. 5194 R.45-3, Tabulating Center Personnel29
 Document No. 5195 R.45-4, Certification of Program Instructions.....31
 Document No. 5196 R.45-5, Ballot Envelopes and Fold Over Ballot Cards33
 Document No. 5197 R.45-6, Defective Ballot Cards35
 Document No. 5198 R.45-7, Ballot Cards, Sealed After Tabulation37
 Document No. 5199 R.45-9, Write-in Ballots, Sealed After Tabulation.....38

HEALTH AND ENVIRONMENTAL CONTROL, DEPARTMENT OF
 Document No. 5191 Solid Waste Management Regulation (Solar Projects)40

MENTAL HEALTH, DEPARTMENT OF
 Document No. 5190 Parking Regulations44

FINAL REGULATIONS

CLEMSON UNIVERSITY
 Document No. 5108 Parking, Traffic, and Public Safety Regulations46

REGULATIONS SUBMITTED TO GENERAL ASSEMBLY 1

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

DOC. NO.	RAT. NO.	FINAL ISSUE	SUBJECT	EXP. DATE	AGENCY	HOUSE COMMITTEE	SENATE COMMITTEE
5116	SR47-5		Classified Waters	05/10/2023	Department of Health and Envir Control	Regs and Admin Procedures	Ag and Nat Resources
5119	SR47-5		Water Classifications and Standards	05/10/2023	Department of Health and Envir Control	Regs and Admin Procedures	Ag and Nat Resources
5124	SR47-5		Denial of Certification for Misconduct	05/10/2023	South Carolina Criminal Justice Academy	Regs and Admin Procedures	Judiciary
5125	SR47-5		Denial of Operator Certification	05/10/2023	South Carolina Criminal Justice Academy	Regs and Admin Procedures	Judiciary
5126	SR47-5		Final Agency Decisions	05/10/2023	South Carolina Criminal Justice Academy	Regs and Admin Procedures	Judiciary
5127	SR47-5		Holding Contested Case Hearings	05/10/2023	South Carolina Criminal Justice Academy	Regs and Admin Procedures	Judiciary
5128	SR47-5		Withdrawal of Certification of Law Enforcement Officers	05/10/2023	South Carolina Criminal Justice Academy	Regs and Admin Procedures	Judiciary
5129	SR47-5		Withdrawal of Operator Certification	05/10/2023	South Carolina Criminal Justice Academy	Regs and Admin Procedures	Judiciary
5130	SR47-5		Defined Program, Grades 9-12 and Graduation Requirements	05/10/2023	State Board of Education	Regs and Admin Procedures	Education
5120	SR47-5		WIC Vendors	05/10/2023	Department of Health and Envir Control	Regs and Admin Procedures	Family and Veterans' Services
5131	SR47-5		Continuing Obligation to Update, Request for Hearing, and Answer	05/10/2023	Workers' Compensation Commission	Regs and Admin Procedures	Judiciary
5140	SR47-5		Check-Cashing Service	05/10/2023	State Board of Financial Institutions-Consumer Finance Division	Regs and Admin Procedures	Banking and Insurance
5141	SR47-5		Check-Cashing Service: Purchase of Goods or Services	05/10/2023	State Board of Financial Institutions-Consumer Finance Division	Regs and Admin Procedures	Banking and Insurance
5137	SR47-5		Water Pollution Control Permits	05/10/2023	Department of Health and Envir Control	Regs and Admin Procedures	Medical Affairs
5121	SR47-5		Definitions; Practice Standards for Licensed Veterinary Technicians and Unlicensed Veterinary Aides; Licensure and Examinations for Veterinarians	05/10/2023	LLR-Board of Veterinary Medical Exam.	Regs and Admin Procedures	Ag and Nat Resources
5138	SR47-5		X-Rays (Title B)	05/10/2023	Department of Health and Envir Control	Regs and Admin Procedures	Medical Affairs
5158	SR47-5		Optometrists' Offices and Code of Professional Ethics	05/10/2023	LLR-Board of Examiners in Optometry	Regs and Admin Procedures	Medical Affairs
5157	SR47-5		Fee Schedule for R.10-3, R.10-14, R.10-30, R.10-33, R.10-40, and R.10-41	05/10/2023	LLR	Regs and Admin Procedures	Labor, Commerce and Industry
5150	SR47-5		Establishing Continuing Education for Academic Licenses	05/10/2023	LLR-State Board of Medical Examiners	Regs and Admin Procedures	Medical Affairs
5153	SR47-5		Code of Ethics	05/10/2023	LLR-State Athletic Commission	Regs and Admin Procedures	Labor, Commerce and Industry
5152	SR47-5		Corporate Self-Representation at Hearings Before the Department's Professional and Occupational Licensing Board	05/10/2023	LLR	Regs and Admin Procedures	Labor, Commerce and Industry
5149	SR47-5		Updating Regulations to Conform with the Enactment of S.812	05/10/2023	LLR-Board of Accountancy	Regs and Admin Procedures	Labor, Commerce and Industry
5155	SR47-5		Continuing Education, Licensing, Renewal, and Reinstatement	05/10/2023	LLR-Panel for Dietetics	Regs and Admin Procedures	Medical Affairs
5159	SR47-5		Commissioners of Pilotage	05/10/2023	LLR-Commissioners of Pilotage	Regs and Admin Procedures	Transportation
5133	SR47-5		Board of Landscape Architectural Examiners	05/10/2023	LLR-Board of Landscape Arch Examiners	Regs and Admin Procedures	Labor, Commerce and Industry
5132	SR47-5		Updating Regulations to Conform with the Enactment of S.227	05/10/2023	LLR-Panel for Massage/Bodywork	Regs and Admin Procedures	Labor, Commerce and Industry
5156	SR47-5		Board of Pharmacy	05/10/2023	LLR-Board of Pharmacy	Regs and Admin Procedures	Medical Affairs
5146	SR47-5		Benefit Ratio for Zero Taxable Wages	05/10/2023	Department of Employment and Workforce	Regs and Admin Procedures	Labor, Commerce and Industry
5147	SR47-5		Contributions: Interest	05/10/2023	Department of Employment and Workforce	Regs and Admin Procedures	Labor, Commerce and Industry
5162	SR47-5		Filing Claims for Benefits and Registration for Work	05/10/2023	Department of Employment and Workforce	Regs and Admin Procedures	Labor, Commerce and Industry
5163	SR47-5		Offers of Work	05/10/2023	Department of Employment and Workforce	Regs and Admin Procedures	Labor, Commerce and Industry
5171	SR47-5		South Carolina Board of Long Term Health Care Administrators	05/10/2023	LLR-South Carolina Board of Long Term	Regs and Admin Procedures	Medical Affairs

2 REGULATIONS SUBMITTED TO GENERAL ASSEMBLY

				Health Care Administrators		
5172	SR47-5	Term and Conditions for the Public's Use of State Lakes and Ponds Leased by the Department of Natural Resources	05/10/2023	Department of Natural Resources	Regs and Admin Procedures	Fish, Game and Forestry
5165	SR47-5	Wildlife Management Area Regulations; Bear Hunting Rules and Seasons	05/10/2023	Department of Natural Resources	Regs and Admin Procedures	Fish, Game and Forestry
5166	SR47-5	Use of Electric-Assisted Bicycles (e-bikes) in Certain Areas of SCDNR-Owned and SCDNR-Managed Lands	05/10/2023	Department of Natural Resources	Regs and Admin Procedures	Fish, Game and Forestry
5110	SR47-5	Licensure of Family Foster Homes and Approval of Adoptive Homes for Children in Foster Care	05/10/2023	Department of Social Services	Regs and Admin Procedures	Family and Veterans' Services
5109	SR47-5	Licensure of Residential Group Care Facilities for Children	05/10/2023	Department of Social Services	Regs and Admin Procedures	Family and Veterans' Services
5170	SR47-5	Board of Accountancy	05/10/2023	LLR	Regs and Admin Procedures	Labor, Commerce and Industry
5160	SR47-5	Fee Schedule for R.10-17, R.10-20, R.10-24, R.10-27, R.10-32, R.10-34, and R.10-42	05/10/2023	LLR	Regs and Admin Procedures	Labor, Commerce and Industry
5151	SR47-5	Handling Patient Records Upon the Death, Disappearance, or Incapacity of a Licensee	05/10/2023	LLR-State Board of Nursing	Regs and Admin Procedures	Medical Affairs
5161	SR47-5	Office of State Fire Marshal	05/10/2023	LLR-Office of State Fire Marshal	Regs and Admin Procedures	Labor, Commerce and Industry
5154	SR47-5	Barber Schools, Managers, Teachers and Instructors	05/10/2023	LLR-Board of Barber Examiners	Regs and Admin Procedures	Labor, Commerce and Industry
5142	SR47-5	Check-Cashing Service: Record-Keeping Requirements	05/10/2023	State Board of Financial Institutions-Consumer Finance Division	Regs and Admin Procedures	Banking and Insurance
5164	SR47-5	Representation before Appeal Tribunal and the Appellate Panel	05/10/2023	Department of Employment and Workforce	Regs and Admin Procedures	Labor, Commerce and Industry
5118	SR47-5	Vital Statistics	05/11/2023	Department of Health and Envir Control	Regs and Admin Procedures	Medical Affairs
5108	R41 SR47-6	Parking, Traffic, and Public Safety Regulations	01/10/2024	Clemson University	Regs and Admin Procedures	Education
5145		Child Support Guidelines	01/13/2024	Department of Social Services	Regs and Admin Procedures	Judiciary
5175		Plant Pests	03/11/2024	Clemson University	Regs and Admin Procedures	Ag and Nat Resources
5111		Campaign Practices and Reports	05/08/2024	State Ethics Commission		
5112		Contested Case Procedure	05/08/2024	State Ethics Commission		
5113		General	05/08/2024	State Ethics Commission		
5115		Statement of Economic Interests and Contract Disclosure Forms	05/08/2024	State Ethics Commission		
5114		Lobbyists, Lobbyist's Principals and Rating Entities	05/08/2024	State Ethics Commission		
Committee Request Withdrawal						
5136		Certification of Need for Health Facilities and Services	Tolled	Department of Health and Envir Control	Regs and Admin Procedures	Medical Affairs
Permanently Withdrawn						
5169		Motor Vehicle Closing Fees		Department of Consumer Affairs	Regs and Admin Procedures	Banking and Insurance
5148		Public Employment Office		Department of Employment and Workforce	Regs and Admin Procedures	Labor, Commerce and Industry
5167		Voting Systems		State Election Commission	Regs and Admin Procedures	Judiciary
5134		Use of the State Aviation Fund; Procedure for Compliance with Land Use in the Vicinity of Airports		South Carolina Aeronautics Commission	Regs and Admin Procedures	Transportation

Executive Order No. 2023-14

WHEREAS, the undersigned has been notified of the passing of Chief Luther T. Reynolds of the Charleston Police Department, who dutifully served as Chief of Police from April of 2018 until the time of his passing; and

WHEREAS, Chief Luther T. Reynolds dedicated his life to protecting and serving the public over the course of his distinguished thirty-five-year career in law enforcement, with both the Charleston Police Department and the Montgomery County Police Department; and

WHEREAS, Chief Luther T. Reynolds was a dedicated public servant, principled leader, decorated law enforcement officer, and devoted father and family man, and his passing warrants the people of this State further recognizing and appropriately honoring his extraordinary legacy and lifetime of distinguished service; and

WHEREAS, section 10-1-161(E) of the South Carolina Code of Laws, as amended, provides that “upon the death of a person of extraordinary stature, the Governor may order that the flags atop the State Capitol Building be lowered to half-staff at a designated time or for a designated period of time.”

NOW, THEREFORE, by virtue of the authority vested in me as Governor of the State of South Carolina and pursuant to the Constitution and Laws of this State and of these United States and the powers conferred upon me therein, I hereby order that the flags atop the State Capitol be lowered to half-staff from sunrise until sunset on Tuesday, May 30, 2023, in honor of Chief Luther T. Reynolds and in recognition of his extraordinary legacy and lifetime of public service. This Order is effective immediately.

GIVEN UNDER MY HAND AND THE GREAT SEAL OF THE STATE OF SOUTH CAROLINA, THIS 26th DAY OF MAY, 2023.

HENRY MCMASTER
Governor

Executive Order No. 2023-15

WHEREAS, the undersigned has been notified of the passing of Firefighter James Michael Muller of the Irmo Fire District, who dutifully served as a firefighter in this State and died in the line of duty; and

WHEREAS, Firefighter Muller dedicated his life to protecting and serving the people of the State of South Carolina as a seven-year veteran of the Irmo Fire District, and his loss warrants the people of this State appropriately recognizing his distinguished service and honoring his supreme sacrifice; and

WHEREAS, Title 4, Section 7(m) of the United States Code, as amended, provides that “[i]n the event of . . . the death of a first responder working in any State, territory, or possession who dies while serving in the line of duty, the Governor of that State, territory, or possession may proclaim that the National flag shall be flown at half-staff”; and

WHEREAS, section 1-3-470 of the South Carolina Code of Laws, as amended, authorizes the undersigned, on the day of burial or other service for any firefighter in this State who died in the line of duty, to order that all flags on state buildings be lowered to half-staff in tribute to the deceased firefighter and to request that flags over the buildings of the political subdivisions of this State similarly be flown at half-staff for this purpose.

4 EXECUTIVE ORDERS

NOW, THEREFORE, by virtue of the authority vested in me as Governor of the State of South Carolina and pursuant to the Constitution and Laws of this State and of these United States and the powers conferred upon me therein, I hereby order that all flags on state buildings be lowered to half-staff from sunrise until sunset on Wednesday, May 31, 2023, in tribute to Firefighter Muller and in honor of his selfless service, remarkable bravery, and supreme sacrifice in the line of duty. I request that all flags over the buildings of the political subdivisions of this State similarly be flown at half-staff for this purpose. This Order is effective immediately.

GIVEN UNDER MY HAND AND THE GREAT SEAL OF THE STATE OF SOUTH CAROLINA, THIS 30th DAY OF MAY, 2023.

HENRY MCMASTER
Governor

Executive Order No. 2023-16

WHEREAS, the undersigned has been notified that a vacancy will exist in the office of Clerk of Court of York County due to the resignation of David Hamilton, effective July 7, 2023; and

WHEREAS, in the event of a vacancy in the office of a county clerk of court, the undersigned is authorized to appoint a suitable person, who shall be an elector of the county, to serve as clerk of court pursuant to sections 1-3-220(2), 4-11-20(1), and 14-17-30 of the South Carolina Code of Laws, as amended; and

WHEREAS, Angela M. Bryant, of Smyrna, South Carolina, is a fit and proper person to serve as Clerk of Court of York County.

NOW, THEREFORE, by virtue of the authority vested in me as Governor of the State of South Carolina and pursuant to the Constitution and Laws of this State and the powers conferred upon me therein, I hereby appoint Angela M. Bryant to serve as Clerk of Court of York County, effective July 7, 2023, until a successor shall qualify as provided by law. This Order is effective immediately.

GIVEN UNDER MY HAND AND THE GREAT SEAL OF THE STATE OF SOUTH CAROLINA, THIS 6th DAY OF JUNE, 2023.

HENRY MCMASTER
Governor

Executive Order No. 2023-17

WHEREAS, the undersigned has been notified that a vacancy will exist in the office of Clerk of Court of Greenville County due to the resignation of Paul B. Wickensimer, effective June 30, 2023; and

WHEREAS, in the event of a vacancy in the office of a county clerk of court, the undersigned is authorized to appoint a suitable person, who shall be an elector of the county, to serve as clerk of court pursuant to sections 1-3-220(2), 4-11-20(1), and 14-17-30 of the South Carolina Code of Laws, as amended; and

WHEREAS, Mary Brice Garrett, of Simpsonville, South Carolina, is a fit and proper person to serve as Clerk of Court of Greenville County.

NOW, THEREFORE, by virtue of the authority vested in me as Governor of the State of South Carolina and pursuant to the Constitution and Laws of this State and the powers conferred upon me therein, I hereby appoint Mary Brice Garrett to serve as Clerk of Court of Greenville County, effective June 30, 2023, until a successor shall qualify as provided by law. This Order is effective immediately.

GIVEN UNDER MY HAND AND THE GREAT SEAL OF THE STATE OF SOUTH CAROLINA, THIS 6th DAY OF JUNE, 2023.

HENRY MCMASTER
Governor

Executive Order No. 2023-18

WHEREAS, the State of South Carolina has significant interests in ensuring the safety, security, efficiency, affordability, reliability, resiliency, and sustainability of the State’s energy resources, as well as enhancing and diversifying South Carolina’s power production capacity, the sufficiency of which is critical to protecting the public welfare, maintaining and advancing economic development and job growth, and fueling the State’s current and future prosperity; and

WHEREAS, South Carolina has recently experienced tremendous economic growth, with over 700 economic-development projects announcing more than \$32.5 billion in investment in the State since January 2017, collectively representing approximately 81,000 new jobs; and

WHEREAS, in 2022 alone, the State announced \$10.27 billion in total capital investment—accounting for 120 projects and the creation of 14,083 new jobs, breaking the record twice in the same year for the largest capital investment project—and this unprecedented economic activity not only represented the largest total capital investment in South Carolina’s history but also a 118% increase since 2017; and

WHEREAS, as evidenced both by new projects locating in the State and by established businesses continuing to expand, as well as the growth rate for the State’s manufacturing sector more than doubling the national average over the last five years, South Carolina is leading at a transformational time in commerce and cultivating an increasingly diverse and technologically advanced economy that will continue to create opportunities for future generations; and

WHEREAS, although South Carolina is uniquely positioned to attract additional investment and to foster further innovation and economic development, the State also must not take for granted the essential role of, and critical need for, sufficient power supplies and electric generation resources to secure the current and future prosperity of all South Carolinians; and

WHEREAS, to this end, additional proactive action and coordinated measures are necessary to ensure that the State will have an adequate supply of, and sufficient access to, safe, secure, efficient, affordable, reliable, diverse, and sustainable energy resources and that South Carolina’s electric generation, distribution, and transmission capacity and capability is prepared to accommodate enhanced economic activity, anticipated technological advances, and continued population growth, to include accounting for increases in demand from industrial and residential customers and electric-vehicle (“EV”) consumers; and

WHEREAS, in furtherance of the foregoing, the undersigned has concluded that the State of South Carolina must develop an updated comprehensive short- and long-term plan and coordinated strategy focused on enhancing the symbiotic relationship between energy production and economic development for the benefit of all South Carolinians, protecting and conserving the State’s natural and environmental resources, exploring the feasibility of incorporating or incentivizing innovation and technological advances related to energy

6 EXECUTIVE ORDERS

production, addressing the existing limitations on the State’s ability to receive and capability to utilize natural gas, considering current or future opportunities to incorporate additional nuclear power production into South Carolina’s diverse generation resources, and identifying any modifications to existing laws, regulations, policies, or procedures that may be necessary to govern effectively, and facilitate the growth of, the State’s energy economy; and

WHEREAS, on October 12, 2022, the undersigned issued Executive Order No. 2022-31, which directed the Department of Commerce to coordinate implementation of a strategic initiative designed to prioritize and enhance ongoing economic-development and recruitment efforts related to the EV industry, instructed DEW to evaluate the State’s existing and anticipated EV-related workforce availability and capacity needs, and established the Interagency EV Working Group to assist with developing a comprehensive plan regarding the strategic deployment of EV-related resources and infrastructure in South Carolina; and

WHEREAS, the undersigned has determined that it is appropriate to utilize a similar approach with respect to the State’s energy production and economic-development landscape by collectively exploring solutions to the complex challenges associated with meeting the energy needs of a rapidly growing economy, identifying specific initiatives and policy goals or considerations, and formalizing a process of interagency evaluation, coordination, collaboration, and cooperation and proactive, strategic action to address the issues cited herein; and

WHEREAS, particularly in view of the anticipated increases in demand for electricity due to the proliferation of EVs and the likely impacts of the same on the State’s energy sector, the strategic initiative and collaborative effort established herein may overlap with the interagency EV Working Group, such that both efforts will likely benefit from further coordination; and

WHEREAS, South Carolina has significant interests in recognizing and facilitating innovative market-based strategies to support the energy ecosystem, encouraging further investment and economic development in this critical sector, and prioritizing the evaluation and enhancement of the State’s energy-related infrastructure, resources, and workforce to account for existing needs and prepare for anticipated demands, including accommodating additional economic growth and commercial activity and utilizing technological advancements; and

WHEREAS, the General Assembly has recently acknowledged that the State of South Carolina must account for and address many of the aforementioned considerations, *see, e.g.*, 2022 S.C. Acts No. 220, § 3(A) (recognizing that “competitive electric rates, terms, and conditions and the ability to utilize renewable energy sources for electric power generation are necessary to attract prospective commercial or industrial entities to invest in South Carolina and to encourage and incent robust economic growth in the State”); 2021 S.C. Acts No. 46, § 2 (establishing the Joint Committee on the Electrification of Transportation to study, *inter alia*, “the impacts of [EVs] on customers, utilities, and the grid,” S.C. Code Ann. § 58-27-260(B)(1)(d), and directing the Public Service Commission (“PSC”) to initiate a proceeding to identify regulatory challenges and opportunities related to EVs, *id.* § 58-27-265, and instructing the Office of Regulatory Staff (“ORS”) to conduct a stakeholder process regarding similar issues, *id.* § 58-27-270); 2019 S.C. Acts No. 62, § 8 (authorizing the PSC and ORS “to initiate an independent study to evaluate the integration of renewable energy and emerging energy technologies into the electric grid for the public interest,” S.C. Code Ann. § 58-37-60(A)); and

WHEREAS, additional interagency collaboration is necessary to evaluate and collectively address the aforementioned and other issues specific to the State’s energy-related workforce and economic-development activities, to assist with and expand upon ongoing Administration and agency initiatives, and to inform future legislative action by providing the General Assembly with additional context regarding these significant policy matters and the State’s interests associated with the same; and

WHEREAS, section 48-52-210(A) of the South Carolina Code of Laws, as amended, provides that “[i]t is the policy of this State to have a comprehensive state energy plan that maximizes to the extent practical

environmental quality and energy conservation and efficiency and minimizes the cost of energy throughout the State” and, for purposes of implementing the same, adopts “the Plan for State Energy Policy”; and

WHEREAS, in furtherance of the foregoing policy, section 48-52-210(B) of the South Carolina Code of Laws, as amended, identifies twelve enumerated purposes of the Plan for State Energy Policy, including, *inter alia*, “ensur[ing] access to energy supplies at the lowest practical environmental and economic cost”; “ensur[ing] long-term access to adequate, reliable energy supplies”; “encourag[ing] the development and use of clean energy resources, including nuclear energy, energy conservation and efficiency, and indigenous, renewable energy resources”; “ensur[ing] that energy-related decisions promote the economic and environmental well-being of the State and maximize the ability of South Carolina to attract retirees, tourists, and industrial and service-related jobs”; “ensur[ing] that state government is organized appropriately to handle energy matters in the best public interest”; “ensur[ing] that governmental energy-related tax, expenditure, and regulatory policies are appropriate, and, wherever possible, maximize the long-range benefits of competition”; and “ensur[ing] that any future energy strategy that promotes carbon-free, nongreenhouse gas emitting sources includes nuclear energy, renewable resources, and energy conservation and efficiency”; and

WHEREAS, to facilitate implementation of the aforementioned policies and priorities, section 48-52-410 of the South Carolina Code of Laws, as amended, provides that the State Energy Office (“Energy Office”) established within ORS “shall serve as the principal energy planning entity for the State” and that “[i]ts primary purpose is to develop and implement a well-balanced energy strategy and to increase the efficiency of use of all energy sources throughout South Carolina through the implementation of the Plan for State Energy Policy”; and

WHEREAS, in accordance with section 48-52-420 of the South Carolina Code of Laws, as amended, the Energy Office shall cooperate with and support the Office of the Governor, the General Assembly, or other entities by, *inter alia*, promoting “continued and expanded energy research and development programs geared toward the energy needs of the State”; “examin[ing] and consider[ing] the desirability and feasibility of mechanisms for tax incentives, low-interest loans, and other financing means for cost-effective energy consideration and efficiency and use of renewable and indigenous energy resources, and advocat[ing] their implementation when deemed appropriate”; “promot[ing] the adoption and use of energy efficient building codes and certification procedures for builders, heating and cooling specialists, and building inspectors”; and “conduct[ing] long-range energy planning”; and

WHEREAS, pursuant to section 48-52-430 of the South Carolina Code of Laws, as amended, the Energy Office annually submits to the undersigned and others a “state energy action plan,” which summarizes the activities of the Energy Office “to carry out the Plan for State Energy Policy”; and

WHEREAS, although the Energy Office develops a “state energy action plan” on an annual basis, the latest version of South Carolina’s comprehensive State Energy Plan was prepared and published in 2016; and

WHEREAS, as part of the Infrastructure Investment and Jobs Act (“IIJA”), Public Law No. 117-58, 135 Stat. 429 (Nov. 15, 2021), the Energy Office was recently awarded \$6.8 million in additional formula funding through the United States Department of Energy’s State Energy Program, which will enable the Energy Office to enhance existing interagency collaboration and coordination designed to evaluate and address various energy-related matters, to include providing additional workforce development resources, and to conduct a comprehensive process to update South Carolina’s strategic State Energy Plan as contemplated by the South Carolina Energy Efficiency Act, codified as amended at S.C. Code Ann. §§ 48-52-10 *et seq.*; and

WHEREAS, it is necessary and appropriate for the Energy Office to utilize a portion of the funding provided to the State by the IIJA to facilitate interagency cooperation, collaboration, coordination, and engagement in connection with the further development of the aforementioned update to the State Energy Plan; and

8 EXECUTIVE ORDERS

WHEREAS, in addition to coordinating the State’s economic-development activities and initiatives, section 13-7-20 of the South Carolina Code of Laws, as amended, specifically designates the South Carolina Department of Commerce (“Department of Commerce”) “as the agency of the State which shall be responsible for the promotion and development of atomic energy resources in South Carolina” and assigns the Department of Commerce certain “powers and duties in the promotion and development of atomic energy industries, and resources,” including “[a]ssist[ing] the Governor, the General Assembly, and other agencies of state government in the development and promotion of atomic energy resources and industrial activities” and “[c]oordinat[ing] the atomic energy industrial development activities of the State”; and

WHEREAS, in recognition of the foregoing considerations and authorities, and in furtherance of the cited policies and priorities, the undersigned has determined that it is necessary and appropriate to initiate further proactive action to prioritize and formalize focused intergovernmental collaboration, cooperation, and coordination to develop comprehensive short- and long-term plans to ensure that South Carolina has sufficient energy capacity and readily available generation, distribution, and transmission resources to account for anticipated increases in consumer demand and facilitate future economic development, while also simultaneously advancing responsible environmental stewardship, enhancing resource diversity and productivity, promoting technological innovation and investment, and minimizing energy-related costs for consumers and ratepayers.

NOW, THEREFORE, by virtue of the authority vested in me as Governor of the State of South Carolina and pursuant to the Constitution and Laws of this State and the powers conferred upon me therein, I hereby order and direct as follows:

Section 1. Establishing “powerSC” Energy Resources and Economic Development Interagency Working Group

A. In furtherance of the State of South Carolina’s significant interests in ensuring the safety, security, efficiency, affordability, reliability, resiliency, sustainability, and sufficiency of the State’s energy resources, as well as enhancing and diversifying South Carolina’s power production capacity, and to support and facilitate additional collaboration with ongoing efforts and existing initiatives, I hereby authorize and direct the Department of Commerce to convene, and to coordinate the activities of, the powerSC Energy Resources and Economic Development Interagency Working Group (“powerSC”), which shall undertake the following actions and initiatives:

1. Coordinate and direct implementation of a strategic statewide initiative and collaborative effort involving critical stakeholders across the State’s energy ecosystem—including state- and investor-owned utilities, electric cooperatives, public power providers, private industry, conservation organizations, nonprofits, academia, and federal, state, and local government entities—designed to advance the principles and considerations detailed herein, including assessing and expanding South Carolina’s energy-related resources, workforce and economic-development activities, and competitive standing of South Carolina’s energy ecosystem and energy-related sector relative to other States, so as to ensure that South Carolina’s power-generation capacity and available energy supplies will not limit further economic growth and development;

2. Assist ORS and the Energy Office as part of the comprehensive process to update South Carolina’s strategic State Energy Plan by providing input regarding the requisite scope of work and by offering agency-specific perspectives and policy recommendations regarding the manner in which to account for and balance various considerations pertaining to the State’s energy resources, including, *inter alia*, economic development, demand forecasts, and generation diversity, as well as broader interests involving energy affordability, conservation, efficiency, reliability, resiliency, safety, security, and sustainability;

3. Explore the feasibility of facilitating additional coordination between and among the State’s utility providers to increase energy production capacity in a manner that would maximize economies of scale and minimize price variability and volatility;

4. Assess any existing or anticipated technologies or opportunities to incorporate additional natural gas pipeline or generation capacity and nuclear-power production into the State's current generation mix to increase the diversity of South Carolina's energy resources;

5. Identify loans, grants, and other funding streams available to the State, or political subdivisions or agencies, departments, or entities thereof, or to private parties pertaining to the construction, development, or deployment of new energy-generation facilities or other energy-related resources, technology, and infrastructure;

6. Evaluate the effectiveness of existing economic-development mechanisms and assess the potential application of the same to future energy-related investments in this State, while also considering whether additional economic-development mechanisms or incentives may further advance South Carolina's interests related to the energy ecosystem;

7. Analyze any state licensing or permitting processes governing the construction, operation, or expansion of energy-related infrastructure and facilities and identify any opportunities to reform or improve the same, including considering the feasibility of state agencies concurrently reviewing any relevant permit applications rather than initiating state-level review upon completion of any applicable review by federal agencies and evaluating whether any existing state-level application processes can be streamlined, accelerated, or otherwise modified to be more efficient, while still providing sufficient time for appropriate environmental review and analysis and maintaining responsible stewardship of the State's natural resources;

8. Study existing building codes and recommend any appropriate modifications or amendments that would enhance energy efficiency without unnecessarily increasing corresponding construction costs;

9. Confer with industry stakeholders, education providers, and other state agencies and departments to evaluate any existing or anticipated supply gaps in the State's energy-related workforce, consider the potential development and implementation of pilot programs or other initiatives to enhance and further develop the State's energy-related workforce, and assess the projected demand for any relevant education, training, credentials, or certifications;

10. Collaborate with federal, state, and local agencies, departments, or entities, as necessary and appropriate, in furtherance of the interests and objectives identified herein, including recommending and advocating for federal actions that would address any existing barriers to the creation or expansion of the State's energy resources;

11. Review any evaluations and recommendations produced by the Electricity Market Reform Measures Study Committee, Joint Committee on the Electrification of Transportation, or other similar legislative committees, and provide input to those bodies, as requested or otherwise appropriate, on matters of mutual interest; and

12. Report to the undersigned any recommended modifications or amendments to state laws, regulations, policies, or procedures that may be necessary or appropriate to facilitate or accelerate the adoption or implementation of the energy-related strategies and initiatives set forth herein.

B. In addition to the Department of Commerce, powerSC shall include representatives from the following agencies, departments, or entities:

1. ORS, including the Energy Office;
2. Environmental Affairs Administration, South Carolina Department of Health and Environmental Control, or the successor or equivalent component of the South Carolina Department of Environmental Services;
3. Division of Land, Water, and Conservation, South Carolina Department of Natural Resources, or the successor or equivalent component of the South Carolina Department of Environmental Services;
4. South Carolina Department of Transportation;
5. South Carolina Department of Employment and Workforce;
6. South Carolina Office of Resilience;
7. South Carolina Department of Labor, Licensing and Regulation; and
8. Office of the Governor.

In consultation with the Office of the Governor, the Department of Commerce may designate additional agencies or entities, or representatives thereof, to participate in powerSC, or components thereof, as necessary and appropriate.

10 EXECUTIVE ORDERS

C. The Department of Commerce and ORS, including the Energy Office, shall provide staff resources and administrative support to powerSC. Pursuant to article IV, section 17 of the South Carolina Constitution and sections 1-1-840 and 1-3-10 of the South Carolina Code of Laws, as amended, and in furtherance of the principles, considerations, and initiatives set forth above, I hereby authorize and direct any state agencies, departments, entities, or officials called upon for assistance by powerSC to cooperate with, accommodate, and assist powerSC in conducting or performing the activities required by this Section or otherwise undertaken to advance the interests and initiatives identified herein and to provide powerSC with any and all data, information, documents, or materials requested by powerSC in connection with the same.

D. PowerSC, or representatives or components thereof, shall proactively engage with, and solicit input from, the public to ensure that any recommendations or proposals are made in consideration of, and for the benefit of, public needs and purposes. PowerSC should invite input from members of the public and relevant stakeholders or interested parties, including state- and investor-owned utilities, electric cooperatives, public power providers, private industry, conservation organizations, nonprofits, academia, and federal, state, and local government entities, and should consider and incorporate the same as appropriate.

Section 2. General Provisions

A. This Order is not intended to create, and does not create, any individual right, privilege, or benefit, whether substantive or procedural, enforceable at law or in equity by any party against the State of South Carolina, its agencies, departments, political subdivisions, or other entities, or any officers, employees, or agents thereof, or any other person.

B. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this Order is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this Order, as the undersigned would have issued this Order, and each and every section, subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

C. This Order shall be implemented consistent with and to the maximum extent provided by applicable law and shall be subject to the availability of appropriations. This Order shall not be interpreted, applied, implemented, or construed in a manner so as to impair, impede, or otherwise affect the authority granted by law to an executive agency or department, or the officials or head thereof, including the undersigned.

D. I hereby expressly authorize the Office of the Governor to provide or issue any necessary and appropriate additional or supplemental guidance, rules, regulations, or restrictions regarding the application of this Order or to otherwise to provide clarification regarding the same, through appropriate means, without the need for further Orders.

E. This Order is effective immediately and shall remain in effect unless otherwise expressly stated herein or modified, amended, extended, or rescinded by subsequent Order.

**GIVEN UNDER MY HAND AND THE GREAT
SEAL OF THE STATE OF SOUTH CAROLINA,
THIS 9th DAY OF JUNE, 2023.**

**HENRY MCMASTER
Governor**

Executive Order No. 2023-19

WHEREAS, on May 12, 2023, the Governor of the State of Texas issued a proclamation renewing his prior disaster declaration and certification that the surge of individuals unlawfully crossing the Texas–Mexico border poses an ongoing and imminent threat of disaster for a number of Texas counties and for all state agencies affected by the disaster; and

WHEREAS, on May 16, 2023, the Governor of the State of Texas requested that other States provide military and law enforcement support to assist the State of Texas in managing these emergency conditions; and

WHEREAS, on June 5, 2023, in accordance with the provisions of the Emergency Management Assistance Compact (“EMAC”), S.C. Code Ann. §§ 25-9-420 *et seq.*, the Governor of the State of Texas formally requested that the State of South Carolina assist the State of Texas in securing the Southern Border and in addressing the related public safety and national security threats; and

WHEREAS, article IV, section 13 of the South Carolina Constitution designates the Governor as the “Commander-in-Chief of the organized and unorganized militia of the State”; and

WHEREAS, article XIII, section 3 of the South Carolina Constitution states that “[t]he Governor shall have the power to call out the volunteer and militia forces, either or both, to execute the laws, repel invasions, suppress insurrections and preserve the public peace”; and

WHEREAS, section 25-1-1820 of the South Carolina Code of Laws, as amended, provides that the South Carolina National Guard may be subject to active duty “for aiding civil officers in the execution of the laws, in which cases the Governor or local commander . . . shall order out for active service, by draft or otherwise, as many of the National Guard as necessity demands”; and

WHEREAS, section 25-1-1840 of the South Carolina Code of Laws, as amended, provides, in pertinent part, that “[i]n the event of (a) war, insurrection, rebellion, invasion, tumult, riot[,] or a mob, (b) a body of men acting together by force with intent to commit a felony to offer violence to persons or property or by force and violence to break and resist the laws of this State or the United States, (c) in case of the imminent danger of the occurrence of any such events[,] or (d) in the event of public disaster the Governor may order the National Guard of South Carolina or any part thereof into the active service of the State and cause them to perform such duty as he shall deem proper”; and

WHEREAS, South Carolina is prepared to provide the personnel, resources, and equipment necessary to assist the State of Texas and to respond to the cited circumstances and emergency conditions pursuant to the terms of the EMAC; and

WHEREAS, the critical, trying, and unusual state of affairs in Texas presents a public danger to other States, including the State of South Carolina, and a threat to public peace as described in article XIII, section 3 and article I, section 11 of the South Carolina Constitution and satisfies the statutory and common law criteria applicable to the undersigned’s authority to require service of the State’s military forces and to utilize them in accordance with that authority to alleviate public danger and threats to public peace; and

WHEREAS, upon consultation with the Adjutant General of South Carolina and the South Carolina Emergency Management Division (“EMD”), the undersigned has determined that it is necessary and appropriate for South Carolina National Guard personnel, resources, and equipment to respond to the aforementioned request for mutual aid and emergency assistance from the State of Texas.

NOW, THEREFORE, by virtue of the authority vested in me as Governor of the State of South Carolina and pursuant to the Constitution and Laws of this State and the powers conferred upon me therein, I hereby order and direct as follows:

12 EXECUTIVE ORDERS

Section 1. Activating the South Carolina National Guard to Provide Requested Assistance and Mutual Aid to the State of Texas

A. In accordance with the foregoing authorities and other applicable law, I hereby authorize and direct the Adjutant General to place specified units or personnel, or both, of the South Carolina National Guard on State Active Duty; to issue any supplemental orders he deems necessary and appropriate; and to utilize the requisite South Carolina National Guard personnel, resources, and equipment to fulfill the aforementioned mission in support of, and requested by, the State of Texas.

B. South Carolina National Guard personnel and equipment deployments and mission requirements shall be coordinated through EMD, in consultation with the Office of the Governor, in accordance with the terms of the EMAC.

Section 2. General Provisions

A. This Order is not intended to create, and does not create, any individual right, privilege, or benefit, whether substantive or procedural, enforceable at law or in equity by any party against the State of South Carolina, its agencies, departments, political subdivisions, or other entities, or any officers, employees, or agents thereof, or any other person.

B. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this Order is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this Order, as the undersigned would have issued this Order, and each and every section, subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

C. This Order shall be implemented consistent with and to the maximum extent provided by applicable law and shall be subject to the availability of appropriations. This Order shall not be interpreted, applied, implemented, or construed in a manner so as to impair, impede, or otherwise affect the authority granted by law to an executive agency or department, or the officials or head thereof, including the undersigned.

D. I hereby expressly authorize the Office of the Governor to provide or issue any necessary and appropriate additional or supplemental guidance, rules, regulations, or restrictions regarding the application of this Order or to otherwise to provide clarification regarding the same, through appropriate means, without the need for further Orders.

E. This Order is effective immediately and, in accordance with article 4 of the EMAC, shall remain in effect for so long as the activities for mutual aid are in progress, the state of emergency or disaster remains in effect in the State of Texas, or the loaned resources remain in the State of Texas, whichever is longer.

**GIVEN UNDER MY HAND AND THE GREAT
SEAL OF THE STATE OF SOUTH CAROLINA,
THIS 9th DAY OF JUNE, 2023.**

**HENRY MCMASTER
Governor**

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

In accordance with Section 44-7-200(D), Code of Laws of South Carolina, the public is hereby notified that a Certificate of Need application has been accepted for filing and publication on June 23, 2023, 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 Certificate of Need Program, 2600 Bull Street, Columbia, South Carolina 29201, at (803) 545-4200, or by email at coninfo@dhec.sc.gov.

The Department did not receive any new applications for filing.

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 June 23, 2023. "Affected persons" have 30 days from the above date to submit requests for a public hearing to Certificate of Need Program, 2600 Bull Street, Columbia, South Carolina 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 or email coninfo@dhec.sc.gov.

Affecting Charleston County

Medical University Hospital Authority d/b/a MUSC Medical Center
Renovation of 17,950 sf for the addition of 40 general acute care beds for a total of 725 acute care beds at a total project cost of \$3,484,220.00.

Trident Medical Center, LLC d/b/a Trident Medical Center
Addition of 9 rehabilitation beds for a total of 23 rehabilitation beds at a total project cost of \$12,085,000.00.

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

The Permit Extension Joint Resolution of 2023, ratified by the South Carolina General Assembly on May 17, 2023, and approved by the Governor on May 19, 2023, suspends the running of the time periods and any associated vested right of development approvals that are current and valid at any point during the period beginning January 1, 2020, and ending December 31, 2023.

Section 5 of the joint resolution requires the South Carolina Department of Health and Environmental Control to list the types of development approvals that are provided for in the joint resolution.

For the following types of development approvals, the joint resolution suspends the running of the time period of the approval during the four-year period from January 1, 2020, through December 31, 2023. For development approvals that were issued before January 1, 2020, the time period is suspended and any time that remained on January 1, 2020, starts running again on January 1, 2024. For development approvals issued between January 1, 2020, and December 31, 2023, the time period will begin to run on January 1, 2024.

Permit Regulation	Permit Type/Description
Solid Waste Management	
R.61-107.19	Structural Fill

14 NOTICES

Permit Regulation	Permit Type/Description
Air Quality	
R.61-62.1.II.A	Construction Permits. Except that, the joint resolution does not extend the following permits or approvals: <ul style="list-style-type: none"> • Construction permits issued under R. 61-62.5 Standard No. 7 Prevention of Significant Deterioration; • Construction permits issued under R. 61-62.43 Maximum Achievable Control Technology (MACT) Determinations for Constructed and Reconstructed Major Sources;
R.61-62.1.II.D	General Construction Permits
R.61-62.1.II.E.	Synthetic Minor Construction Permits
R.61-62.1.II.I.	Registration Permits
Water	
R.61-58	Drinking Water Construction Permits
R.61-67	Wastewater Construction Permits
R.61-51	Recreational Waters Construction Permits
R.61-43	Construction of Agricultural Animal Facilities
R.19-450	Permits for Construction in Navigable Waters
R.61-87	Underground Injection Control Permit to Construct
R.61-113	Groundwater Withdrawal Permit to Construct
R.72-3	Permit to Construct, Repair, Alter, or Remove a Dam
Ocean and Coastal Resource Management (OCRM)	
R.30	Direct Critical Area Permits, including individual and general permits. Except that, the joint resolution does not affect permits issued pursuant to R.30-12.N Access to Coastal Islands
Environmental Health	
R.61-56	Permit to Construct and Operate: Onsite Wastewater System (Septic Tank Permits)

If there are any questions concerning this notice, please contact Kristy Ellenberg, via electronic mail at ellenbke@dhec.sc.gov or by phone at (803) 898-8161.

**STATE BOARD OF EDUCATION
CHAPTER 43**

Statutory Authority: 1976 Code Sections 59-21-510, 59-33-10, and 59-33-30

Notice of Drafting:

The State Board of Education proposes to amend Regulation 43-243.1, Criteria for Entry into Programs of Special Education for Students with Disabilities.

Interested persons may submit their comments in writing to Peter Keup, Director, Office of Special Education Services, 1919 Blanding St., Columbia, SC 29201 or by e-mail to pekeup@ed.sc.gov on or before 5:00 p.m. on July 31, 2023.

Synopsis:

State Board of Education Regulation 43-243.1 aligns the state rules, regulations, and policies for entry into programs of special education for students with disabilities to the purposes and requirements of the Individuals with Disabilities Education Improvement Act of 2004 regulation 34 CFR Parts 300 and 301. The Criteria for Entry into Programs of Special Education for Students with Disabilities has not been updated since 2011 and according to the United States Education Department, Office of Special Education Programs (OSEP) it does not align with guidance they have provided. We are requesting revisions to account for developments in the field, guidance from OSEP, and to provide clarity on and to support uniform implementation of the eligibility criteria for the thirteen disability categories identified in the IDEA.

Legislative review is required.

**STATE BOARD OF FINANCIAL INSTITUTIONS
CHAPTER 15**

Statutory Authority: 1976 Code Section 34-1-110

Notice of Drafting:

The South Carolina State Board of Financial Institutions proposes to delete R.15-24 in its entirety. Interested persons may submit written comments to Kathy Bickham, Commissioner of Banking, State Board of Financial Institutions, 1205 Pendleton Street, Suite 306, Columbia, S.C. 29201. To be considered, comments must be received no later than 5:00 P.M. on July 24, 2023, the close of the drafting comment period.

Synopsis:

R.15-24 requires lenders and lending institutions to allow borrowers to choose their own legal counsel and insurance agents in relation to loans of five thousand dollars or more. The State Board of Financial Institutions proposes to delete this regulation because the underlying state law references in this regulation are no longer correct, and the subject matter of the regulation is now addressed in the Consumer Protection Code. Therefore, this regulation is obsolete.

Legislative review of this proposal will be required.

16 DRAFTING NOTICES

STATE BOARD OF FINANCIAL INSTITUTIONS
CHAPTER 15
Statutory Authority: 1976 Code Section 34-1-110

Notice of Drafting:

The South Carolina State Board of Financial Institutions proposes to amend R.15-27. Interested persons may submit written comments to Kathy Bickham, Commissioner of Banking, State Board of Financial Institutions, 1205 Pendleton Street, Suite 306, Columbia, S.C. 29201. To be considered, comments must be received no later than 5:00 P.M. on July 24, 2023, the close of the drafting comment period.

Synopsis:

R.15-27 addresses “Consolidated Report of Income and Expenses” for banks, which are referred to as “Reports of Condition” in the current Code. The State Board of Financial Institutions proposes amending this regulation to establish a consistent rule for submission of Reports of Condition for banks, savings banks, savings and loan associations, and trust companies, which shall be the same as is required for their federally-chartered counterparts.

Legislative review of this proposal is not required pursuant to Section 1-23-120(H)(2) and Section 34-1-110(A)(1) and (2), as it seeks to permit “state-chartered banks to engage in any activity authorized for national banks by federal law,” and “state-chartered savings and loan associations to engage in any activity authorized for federally chartered savings and loan associations by federal law.”

STATE BOARD OF FINANCIAL INSTITUTIONS
CHAPTER 15
Statutory Authority: 1976 Code Section 34-1-110

Notice of Drafting:

The South Carolina State Board of Financial Institutions proposes to delete R.15-23 in its entirety. Interested persons may submit written comments to Kathy Bickham, Commissioner of Banking, State Board of Financial Institutions, 1205 Pendleton Street, Suite 306, Columbia, S.C. 29201. To be considered, comments must be received no later than 5:00 P.M. on July 24, 2023, the close of the drafting comment period.

Synopsis:

R.15-23 addresses home improvement loans made by savings and loan and building and loan associations. The State Board of Financial Institutions proposes to delete this regulation because the federal law referenced therein has changed, and the 15% cap for outstanding home improvement loans is no longer applicable.

Legislative review of this proposal will be required.

STATE BOARD OF FINANCIAL INSTITUTIONS
CHAPTER 15
Statutory Authority: 1976 Code Section 34-1-110

Notice of Drafting:

The South Carolina State Board of Financial Institutions proposes to delete R. 15-6 in its entirety. Interested persons may submit written comments to Kathy Bickham, Commissioner of Banking, State Board of Financial

Institutions, 1205 Pendleton Street, Suite 306, Columbia, S.C. 29201. To be considered, comments must be received no later than 5:00 P.M. on July 24, 2023, the close of the drafting comment period.

Synopsis:

R.15-6 sets forth insurance and fidelity bond rules for state-chartered cash depositories. The South Carolina Code no longer provides for a cash depository charter, and there are no such remaining institutions chartered in South Carolina. The proposed deletion will remove this regulation, as it is no longer necessary.

Legislative review of this proposal will be required.

STATE BOARD OF FINANCIAL INSTITUTIONS

CHAPTER 15

Statutory Authority: 1976 Code Section 34-1-110

Notice of Drafting:

The South Carolina State Board of Financial Institutions proposes to delete R.15-5 in its entirety. Interested persons may submit written comments to Kathy Bickham, Commissioner of Banking, State Board of Financial Institutions, 1205 Pendleton Street, Suite 306, Columbia, S.C. 29201. To be considered, comments must be received no later than 5:00 P.M. on July 24, 2023, the close of the drafting comment period.

Synopsis:

R.15-5 sets forth surplus investment rules for state-chartered cash depositories. The South Carolina Code no longer provides for a cash depository charter, and there are no such remaining institutions chartered in South Carolina. The proposed deletion will remove this regulation, as it is no longer necessary.

Legislative review of this proposal will be required.

STATE BOARD OF FINANCIAL INSTITUTIONS

CHAPTER 15

Statutory Authority: 1976 Code Section 34-1-110

Notice of Drafting:

The South Carolina State Board of Financial Institutions proposes to delete R.15-2 in its entirety. Interested persons may submit written comments to Kathy Bickham, Commissioner of Banking, State Board of Financial Institutions, 1205 Pendleton Street, Suite 306, Columbia, S.C. 29201. To be considered, comments must be received no later than 5:00 P.M. on July 24, 2023, the close of the drafting comment period.

Synopsis:

R.15-2 prohibits state-chartered savings and loan institutions from borrowing money without written approval by the State Board of Financial Institutions. Deleting this regulation will allow these institutions to borrow money without written approval by the State Board of Institutions, in the same manner as a state-chartered bank.

Legislative review of this proposal is not required pursuant to Section 1-23-120(H)(2) and Section 34-1-110(A)(2), as it seeks to permit “state-chartered savings and loan associations to engage in any activity authorized... for state-chartered banks by this title or regulation or operational instruction of the State Board of Financial Institutions.”

18 DRAFTING NOTICES

STATE BOARD OF FINANCIAL INSTITUTIONS CHAPTER 15

Statutory Authority: 1976 Code Section 34-1-110

Notice of Drafting:

The South Carolina State Board of Financial Institutions proposes to delete R.15-9 in its entirety. Interested persons may submit written comments to Kathy Bickham, Commissioner of Banking, State Board of Financial Institutions, 1205 Pendleton Street, Suite 306, Columbia, S.C. 29201. To be considered, comments must be received no later than 5:00 P.M. on July 24, 2023, the close of the drafting comment period.

Synopsis:

R.15-9 sets limitations on loans by savings and loan associations. The State Board of Financial Institutions proposes to delete this regulation because the limitations set forth therein conflict with the provisions of Section 34-28-510.

Legislative review of this proposal will be required.

STATE BOARD OF FINANCIAL INSTITUTIONS CHAPTER 15

Statutory Authority: 1976 Code Section 34-1-110

Notice of Drafting:

The South Carolina State Board of Financial Institutions proposes to amend R.15-41. Interested persons may submit written comments to Kathy Bickham, Commissioner of Banking, State Board of Financial Institutions, 1205 Pendleton Street, Suite 306, Columbia, S.C. 29201. To be considered, comments must be received no later than 5:00 P.M. on July 24, 2023, the close of the drafting comment period.

Synopsis:

R.15-41 sets forth rules for credit unions when making loans or advancing credit secured by a mortgage of real estate. The State Board of Financial Institutions proposes to amend this regulation to provide parity to federal credit unions and consistency among institutions in South Carolina by incorporating the Interagency Appraisal and Evaluation Guidelines.

Legislative review of this proposal is not required pursuant to Section 1-23-120(H)(2) and Section 34-1-110(A)(3), as it seeks to permit “cooperative credit unions to engage in any activity authorized for federally chartered credit unions by federal law or by regulation of the National Credit Union Administration.”

STATE BOARD OF FINANCIAL INSTITUTIONS CHAPTER 15

Statutory Authority: 1976 Code Section 34-1-110

Notice of Drafting:

The South Carolina State Board of Financial Institutions proposes to amend R.15-7. Interested persons may submit written comments to Kathy Bickham, Commissioner of Banking, State Board of Financial Institutions, 1205 Pendleton Street, Suite 306, Columbia, S.C. 29201. To be considered, comments must be received no later than 5:00 P.M. on July 24, 2023, the close of the drafting comment period.

Synopsis:

R.15-7 will be amended to provide that state-chartered banks, savings banks, and savings and loans shall have parity with federal banks when appraising real estate for purposes of securing a loan. The Board of Financial Institutions proposes to amend this regulation to require the use of the Interagency Appraisal and Evaluation Guidelines, which was jointly adopted by the Office of the Comptroller of the Currency, Board of Governors of the Federal Reserve System, Federal Deposit Insurance Corporation, and the National Credit Union Administration.

Legislative review of this proposal is not required pursuant to Section 1-23-120(H)(2) and Section 34-1-110(A)(1) and (2), as it seeks to permit “state-chartered banks to engage in any activity authorized for national banks by federal law or regulation of the Comptroller of the Currency” and to permit “state-chartered savings and loan associations to engage in any activity authorized... for state-chartered banks by this title or regulation or operational instruction of the State Board of Financial Institutions.”

**STATE BOARD OF FINANCIAL INSTITUTIONS
CHAPTER 15**

Statutory Authority: 1976 Code Section 34-1-110

Notice of Drafting:

The South Carolina State Board of Financial Institutions proposes to delete R.15-19 in its entirety. Interested persons may submit written comments to Kathy Bickham, Commissioner of Banking, State Board of Financial Institutions, 1205 Pendleton Street, Suite 306, Columbia, S.C. 29201. To be considered, comments must be received no later than 5:00 P.M. on July 24, 2023, the close of the drafting comment period.

Synopsis:

R.15-19 establishes rules for savings and loans when financing the purchase of a mobile home. The State Board of Financial Institutions proposes to delete this regulation because it references outdated state and federal laws, as well as a federal regulatory entity that no longer exists, and because the subject matter is addressed in Section 34-28-510.

Legislative review of this proposal will be required.

**STATE BOARD OF FINANCIAL INSTITUTIONS
CHAPTER 15**

Statutory Authority: 1976 Code Section 34-1-110

Notice of Drafting:

The South Carolina State Board of Financial Institutions proposes to delete R.15-40 in its entirety. Interested persons may submit written comments to Kathy Bickham, Commissioner of Banking, State Board of Financial Institutions, 1205 Pendleton Street, Suite 306, Columbia, S.C. 29201. To be considered, comments must be received no later than 5:00 P.M. on July 24, 2023, the close of the drafting comment period.

Synopsis:

R.15-40 establishes rules for credit unions dealing with deposit withdrawals and loans when the institution is at risk of failure. The State Board of Financial Institutions proposes to delete this regulation because restrictions on withdrawal in emergency are already addressed in Code Section 34-26-210(2).

20 DRAFTING NOTICES

Legislative review of this proposal will be required.

STATE BOARD OF FINANCIAL INSTITUTIONS

CHAPTER 15

Statutory Authority: 1976 Code Section 34-1-110

Notice of Drafting:

The South Carolina State Board of Financial Institutions proposes to delete R.15-10 in its entirety. Interested persons may submit written comments to Kathy Bickham, Commissioner of Banking, State Board of Financial Institutions, 1205 Pendleton Street, Suite 306, Columbia, S.C. 29201. To be considered, comments must be received no later than 5:00 P.M. on July 24, 2023, the close of the drafting comment period.

Synopsis:

R.15-10 governs bank participation in loans made by the Reconstruction Finance Corporation, which is no longer in existence. The State Board of Financial Institutions proposes deletion of this regulation as its provisions are obsolete.

Legislative review of this proposal will be required.

STATE BOARD OF FINANCIAL INSTITUTIONS

CHAPTER 15

Statutory Authority: 1976 Code Section 34-1-110

Notice of Drafting:

The South Carolina State Board of Financial Institutions proposes to delete R.15-8 in its entirety. Interested persons may submit written comments to Kathy Bickham, Commissioner of Banking, State Board of Financial Institutions, 1205 Pendleton Street, Suite 306, Columbia, S.C. 29201. To be considered, comments must be received no later than 5:00 P.M. on July 24, 2023, the close of the drafting comment period.

Synopsis:

R.15-8 establishes requirements for savings and loan associations to publish a “report of condition” in the newspaper when called upon to do so by the “chief examiner.” The State Board of Financial Institutions proposes deleting this regulation as it is obsolete; moreover, the requirement does not exist for state-chartered banks.

Legislative review of this proposal is not required pursuant to Section 1-23-120(H)(2) and Section 34-1-110(A)(2), as it seeks to permit “state-chartered savings and loan associations to engage in any activity authorized... for state-chartered banks by this title or regulation or operational instruction of the State Board of Financial Institutions.”

STATE BOARD OF FINANCIAL INSTITUTIONS
CHAPTER 15
Statutory Authority: 1976 Code Section 34-1-110

Notice of Drafting:

The South Carolina State Board of Financial Institutions proposes a new regulation to be added to Chapter 15, Article 2, tentatively numbered R.15-53. Interested persons may submit written comments to Kathy Bickham, Commissioner of Banking, State Board of Financial Institutions, 1205 Pendleton Street, Suite 306, Columbia, S.C. 29201. To be considered, comments must be received no later than 5:00 P.M. on July 24, 2023, the close of the drafting comment period.

Synopsis:

The State Board of Financial Institutions intends to propose a regulation requiring that state-chartered credit unions file reports of financial condition with the Agency on a quarterly basis, as federal credit unions are required to do. This requirement may be fulfilled by submitting the same quarterly report of financial condition which the credit union provides to the National Credit Union Administration.

Legislative review of this proposal is not required pursuant to Section 1-23-120(H)(2) and Section 34-1-110(A)(3), as it seeks to permit “cooperative credit unions to engage in any activity authorized for federally chartered credit unions by federal law or by regulation of the National Credit Union Administration.”

STATE BOARD OF FINANCIAL INSTITUTIONS
CHAPTER 15
Statutory Authority: 1976 Code Section 34-1-110

Notice of Drafting:

The South Carolina State Board of Financial Institutions proposes to delete R.15-11 in its entirety. Interested persons may submit written comments to Kathy Bickham, Commissioner of Banking, State Board of Financial Institutions, 1205 Pendleton Street, Suite 306, Columbia, S.C. 29201. To be considered, comments must be received no later than 5:00 P.M. on July 24, 2023, the close of the drafting comment period.

Synopsis:

R.15-11 sets forth provisions for state-chartered banks related to the Servicemen’s Readjustment Act of 1944, a federal law which has lapsed. The State Board of Financial Institutions proposes deletion of this regulation as its provisions are obsolete.

Legislative review of this proposal will be required.

DEPARTMENT OF LABOR, LICENSING AND REGULATION
BUILDING CODES COUNCIL
CHAPTER 8
Statutory Authority: 1976 Code Sections 6-8-20(A) and 40-1-70

Notice of Drafting:

The South Carolina Building Codes Council proposes to add to, amend and/or repeal certain sections of Chapter 8 of the Code of Regulations. Interested persons may submit comments to the administrator for the

22 DRAFTING NOTICES

Council, Molly F. Price, South Carolina Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, S.C. 29211-1329.

Synopsis:

The South Carolina Building Codes Council plans to propose regulations that will add to or amend certain sections of Chapter 8 and will repeal others, in accordance with Council's findings when conducting a review of regulations pursuant to 1-23-120(J).

Legislative review of this proposal will be required.

DEPARTMENT OF LABOR, LICENSING AND REGULATION STATE BOARD OF NURSING

CHAPTER 91

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

Notice of Drafting:

The South Carolina Board of Nursing proposes to add to, amend, and/or repeal its regulations following its five-year regulatory review conducted in accordance with S.C. Code Section 1-23-120(J). Interested persons may submit comments to Carol Moody, Administrator, State Board of Nursing, Post Office Box 12367, Columbia, S.C. 29211-2367.

Synopsis:

The South Carolina Board of Nursing proposes to add to, amend and/or repeal its regulations following its five-year regulatory review conducted in accordance with S.C. Code Section 1-23-120(J).

Legislative review of this proposal will be required.

DEPARTMENT OF LABOR, LICENSING AND REGULATION BOARD OF PODIATRY EXAMINERS

CHAPTER 134

Statutory Authority: 1976 Code Sections 40-1-70, 40-51-40, 40-51-67, 40-51-70, and 40-51-210

Notice of Drafting:

The South Carolina Board of Podiatry Examiners proposes repealing R.134-40 and R.134-50, repealing and amending sections of R.134-30, amending R.134-10, and adding a regulation regarding hyperbaric oxygen treatments. The Board may amend or repeal additional regulations in accordance with its regulatory review conducted pursuant to S.C. Code Section 1-23-120(J). Interested persons may submit written comments to Maggie Murdock, Administrator, Board of Podiatry Examiners, South Carolina Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, S.C. 29211-1329.

Synopsis:

The purpose of the amendments is to update requirements concerning licensure and examinations and to add guidance concerning the scope of practice for Podiatry.

Legislative review of this amendment is required.

**DEPARTMENT OF LABOR, LICENSING AND REGULATION
STATE BOARD OF EXAMINERS IN PSYCHOLOGY
CHAPTER 100**

Statutory Authority: 1976 Code Sections 40-1-70 and 40-55-40(d)

Notice of Drafting:

The Board of Examiners in Psychology proposes to add to, amend, and/or repeal its regulations in Chapter 100 of the Code of Regulations. Interested parties may submit comments to Pam Dunkin, Administrator, Board of Examiners in Psychology, South Carolina Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, SC 29211.

Synopsis:

The Board of Examiners in Psychology proposes to add to, amend, and/or repeal its regulations in Chapter 100 of the Code of Regulations.

Legislative review of this amendment is required.

**DEPARTMENT OF LABOR, LICENSING AND REGULATION
SOUTH CAROLINA REAL ESTATE COMMISSION
CHAPTER 105**

Statutory Authority: 1976 Code Sections 40-1-70 and 40-57-60

Notice of Drafting:

The Real Estate Commission proposes to amend its regulations to comport with S.C. Code Section 27-50-10(2) requiring the Commission to promulgate a regulation for the residential property condition disclosure statement form. Interested persons may submit comments to Meredith Buttler, Administrator, Real Estate Commission, South Carolina Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, SC 29211.

Synopsis:

The Real Estate Commission proposes to amend its regulations to comport with S.C. Code Section 27-50-10(2) requiring the Commission to promulgate a regulation for the residential property condition disclosure statement form.

Legislative review of this amendment is required.

**DEPARTMENT OF LABOR, LICENSING AND REGULATION
STATE BOARD OF SOCIAL WORK EXAMINERS
CHAPTER 110**

Statutory Authority: 1976 Code Sections 40-1-70 and 40-63-70

Notice of Drafting:

The Board of Social Work Examiners proposes to add to, amend, and/or repeal its regulations in Chapter 110 of the Code of Regulations. Interested parties may submit comments to Pam Dunkin, Administrator, Board of Social Work Examiners, South Carolina Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, SC 29211.

24 DRAFTING NOTICES

Synopsis:

The Board of Social Work Examiners proposes to add to, amend, and/or repeal its regulations in Chapter 110 of the Code of Regulations.

Legislative review of this amendment is required.

**DEPARTMENT OF LABOR, LICENSING AND REGULATION
BOARD OF EXAMINERS IN SPEECH/LANGUAGE PATHOLOGY AND AUDIOLOGY
CHAPTER 115**

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

Notice of Drafting:

The South Carolina Board of Examiners in Speech/Language Pathology and Audiology proposes to: amend R.115-2, R.115-4, R.115-6, and R.115-7. Interested persons may submit comments to Mack Williams, Administrator, Board of Examiners in Speech-Language Pathology and Audiology, South Carolina Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, S.C. 29211-1329.

Synopsis:

The South Carolina Board of Examiners in Speech/Language Pathology and Audiology proposes to: amend R.115-2, R.115-4, R.115-6, and R.115-7.

Legislative review of this amendment is required.

**DEPARTMENT OF SOCIAL SERVICES
CHAPTER 114**

Statutory Authority: 1976 Code Section 63-11-30

Notice of Drafting:

The Department of Social Services proposes to amend regulations that address licensure of Residential Group Care Facilities for Children, South Carolina Code of Regulations 114-590 through 114-595. Interested persons may submit comments to Dawn Barton, Director, South Carolina Department of Social Services, Office of Permanency Management, P.O. Box 1520, Columbia, SC 29202 or via email at dawn.barton@dss.sc.gov. To be considered, comments must be received no later than 5:00 p.m. on Friday, July 7, 2023, the close of the drafting comment period.

Synopsis:

As the administrator of the State's foster care system, the Department of Social Services is responsible for establishing and promulgating rules and regulations for the licensure of Residential Group Care Facilities for Children. The above referenced regulations, regarding licensure of Residential Group Care Facilities, need amendments to ease unduly burdensome requirements and to increase capacity of qualified, appropriate placements for children who are in the State's foster care system. These amendments further the Department's mission to promote the safety, permanency, stability, and well-being of children who are in the State's foster care system.

Legislative review of these amendments is necessary.

DEPARTMENT OF SOCIAL SERVICES
CHAPTER 114
Statutory Authority: 1976 Code Section 63-11-30

Notice of Drafting:

The Department of Social Services proposes to amend regulations that address licensure of Wilderness Therapeutic Camps for Children, South Carolina Code of Regulations 114-600. Interested persons may submit comments to Dawn Barton, Director, South Carolina Department of Social Services, Office of Permanency Management, P.O. Box 1520, Columbia, SC 29202 or via email at dawn.barton@dss.sc.gov. To be considered, comments must be received no later than 5:00 p.m. on Friday, July 7, 2023, the close of the drafting comment period.

Synopsis:

As the administrator of the State's foster care system, the Department of Social Services is responsible for establishing and promulgating rules and regulations for the licensure of Wilderness Therapeutic Camps for Children. The above referenced regulations, regarding licensure of Wilderness Therapeutic Camps for Children, need amendments to enhance consistency in licensing standards among child serving organizations licensed by the department and reduce burdensome requirements.

The proposed amendments promote the application of a consistent set of rules and regulations for the licensure of Wilderness Therapeutic Camps for Children, thereby promoting the safety, permanency, stability, and well-being of children who are in the State's foster care system.

Legislative review of these amendments is necessary.

26 PROPOSED REGULATIONS

Document No. 5192
STATE ELECTION COMMISSION
CHAPTER 45
Statutory Authority: 1976 Code Sections 7-3-10 and 7-3-20

45-1. Definitions.

Preamble:

The State Election Commission (SEC) proposes to amend Regulation 45-1 to remove obsolete and irrelevant definitions and to add new definitions.

Section-by-Section Discussion:

Amend Regulation 45-1.

The Notice of Drafting was published in the *State Register* on May 26, 2023.

Notice of Public Hearing and Opportunity for Public Comment:

If a public hearing is requested pursuant to Section 1-23-110(A)(3) of the 1976 Code of Laws, as amended, a hearing will be conducted at 1122 Lady Street, Suite 500, Columbia, South Carolina on August 16, 2023, at 10:00 AM. Interested persons may submit written comments to Howard M. Knapp, Executive Director, South Carolina State Election Commission, P.O. Box 5987 Columbia, S.C. 29250. To be considered, all comments must be received no later than 5:00 PM on July 24, 2023. If a qualifying request pursuant to Section 1-23-110(A)(3) is not timely received, the hearing will be canceled.

Preliminary Fiscal Impact Statement:

The SEC does not anticipate any additional cost to the State or its political subdivisions as a result of the proposed amendment of Regulation 45-1.

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION: Regulation 45-1 “Definitions”.

Purpose: To remove obsolete definitions no longer relevant to South Carolina elections and add new definitions.

Legal Authority: 1976 Code Sections 7-3-10 and 7-3-20. See also Section 7-1-10.

Plan for Implementation: After amendment of the regulation, the SEC will advise the 46 county boards of voter registration and elections of the amendment.

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

The existing regulation contains definitions that are obsolete and irrelevant having been written and implemented for a voting system that no longer exists and is not used to conduct elections in South Carolina. The regulation will be amended to strike the obsolete definitions and to add definitions that are relevant under current law.

DETERMINATION OF COSTS AND BENEFITS:

The SEC does not anticipate that any additional cost to the State or its political subdivisions will result from the proposed amendment of Regulation 45-1.

UNCERTAINTIES OF ESTIMATES:

None.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

None.

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

None.

Statement of Rationale:

The State Election Commission (SEC) proposes to update this regulation by striking definitions that are either no longer accurate with regards to the current voting system or no longer descriptive of any of the voting system's component parts or procedures, and by providing new definitions relevant to current law and the conduct of elections in South Carolina.

Text:

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

Document No. 5193
STATE ELECTION COMMISSION
CHAPTER 45

Statutory Authority: 1976 Code Sections 7-3-10, 7-3-20, 7-13-1490, and 7-13-1655

45-2. Instructions and Certification of Managers and Clerks in the Use of Vote Recorders.

Preamble:

The State Election Commission (SEC) proposes to amend Regulation 45-2 to remove obsolete content and instructions and replace it with new content relating to the sale of voter registration lists. The title of Regulation 45-2 will be amended to "Sale of Lists Program."

Section-by-Section Discussion:

Strike and amend Regulation 45-2.

The Notice of Drafting was published in the *State Register* on May 26, 2023.

28 PROPOSED REGULATIONS

Notice of Public Hearing and Opportunity for Public Comment:

If a public hearing is requested pursuant to Section 1-23-110(A)(3) of the 1976 Code of Laws, as amended, a hearing will be conducted at 1122 Lady Street, Suite 500, Columbia, South Carolina on August 16, 2023, at 10:00 AM. Interested persons may submit written comments to Howard M. Knapp, Executive Director, South Carolina State Election Commission, P.O. Box 5987 Columbia, S.C. 29250. To be considered, all comments must be received no later than 5:00 PM on July 24, 2023. If a qualifying request pursuant to Section 1-23-110(A)(3) is not timely received, the hearing will be canceled.

Preliminary Fiscal Impact Statement:

The SEC does not anticipate any additional cost to the State or its political subdivisions as a result of the proposed repeal of Regulation 45-2.

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION: Regulation 45-2, "Instructions and Certification of Managers and Clerks in the Use of Vote Recorders", title to be amended as "Sale of Lists Program."

Purpose: The State Election Commission (SEC) proposes to amend this regulation by striking its provisions, including the title, and providing new regulatory content relevant to current law and conduct of elections in South Carolina. The subject of the amended regulation will be the sale of lists program conducted by the SEC.

Legal Authority: 1976 Code Sections 7-3-10, 7-3-20, 7-13-1490, and 7-13-1655.

Plan for Implementation: After amendment of the regulation, the SEC will advise the 46 county boards of voter registration and elections of the amendment.

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

The existing regulation is obsolete, having been written and implemented for a voting system that no longer exists. The equipment and associated materials used by counties to conduct elections for which the regulation was written are either no longer in use or exist in different forms the current regulation does not sensibly address. Consequently, the current contents of the regulation are useless and cannot be implemented by any electoral authority conducting elections in South Carolina. Therefore, the regulation must be amended with new regulatory content.

DETERMINATION OF COSTS AND BENEFITS:

The SEC does not anticipate that any additional cost to the State or its political subdivisions will result from the proposed repeal of Regulation 45-2.

UNCERTAINTIES OF ESTIMATES:

None.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

None.

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

None.

Statement of Rationale:

The existing regulation is obsolete, having been written and implemented for a voting system that no longer exists. The equipment and associated materials used by counties to conduct elections for which the regulation was written are either no longer in use or exist in different forms the current regulation does not sensibly address. Consequently, the current contents of the regulation are useless and cannot be implemented by any electoral authority conducting elections in South Carolina. Therefore, the current contents of the regulation are being struck and amended with new regulatory provisions relevant to current law and practices. The title of the amended regulation will also be struck and amended to be “Sale of Lists Program.”

Text:

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

Document No. 5194
STATE ELECTION COMMISSION
CHAPTER 45

Statutory Authority: 1976 Code Sections 7-3-10, 7-3-20, 7-13-1490, and 7-13-1655

45-3. Tabulating Center Personnel.

Preamble:

The State Election Commission (SEC) proposes to amend Regulation 45-3 to remove obsolete content and instructions and replace it with new content relating to current standards for ballots used in South Carolina Elections. The title of R.45-3 will become “Ballot Standards”.

Section-by-Section Discussion:

Strike and amend the content of Regulation 45-3 with new content, including the regulation title.

The Notice of Drafting was published in the *State Register* on May 26, 2023.

Notice of Public Hearing and Opportunity for Public Comment:

If a public hearing is requested pursuant to Section 1-23-110(A)(3) of the 1976 Code of Laws, as amended, a hearing will be conducted at 1122 Lady Street, Suite 500, Columbia, South Carolina on August 16, 2023, at 10:00 AM. Interested persons may submit written comments to Howard M. Knapp, Executive Director, South Carolina State Election Commission, P.O. Box 5987 Columbia, S.C. 29250. To be considered, all comments must be received no later than 5:00 PM on July 24, 2023. If a qualifying request pursuant to Section 1-23-110(A)(3) is not timely received, the hearing will be canceled.

30 PROPOSED REGULATIONS

Preliminary Fiscal Impact Statement:

The SEC does not anticipate any additional cost to the State or its political subdivisions as a result of the proposed amendment of Regulation 45-3.

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION: Regulation 45-3, current title “Tabulating Center Personnel”, title to be amended as “Ballot Standards”. South Carolina State Election Commission.

Purpose: The State Election Commission (SEC) proposes to amend this regulation by striking its provisions, including the title, and providing new regulatory content relevant to current law and conduct of elections in South Carolina. The subject of the amended regulation will be standards for ballots used in South Carolina elections.

Legal Authority: 1976 Code Sections 7-3-10, 7-3-20, 7-13-1490, and 7-13-1655.

Plan for Implementation: After amendment of the regulation, the SEC will advise the 46 county boards of voter registration and elections of the amendment.

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

The existing regulation is obsolete, having been written and implemented for a voting system that no longer exists. The equipment and associated materials used by counties to conduct elections for which the regulation was written are either no longer in use or exist in different forms the current regulation does not sensibly address. Consequently, the current contents of the regulation are useless and cannot be implemented by any electoral authority conducting elections in South Carolina. Therefore, the regulation must be amended with new regulatory content.

DETERMINATION OF COSTS AND BENEFITS:

The SEC does not anticipate that any additional cost to the State or its political subdivisions will result from the proposed amendment of Regulation 45-3.

UNCERTAINTIES OF ESTIMATES:

None.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

None.

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

None.

Statement of Rationale:

The existing regulation is obsolete, having been written and implemented for a voting system that no longer exists. The equipment and associated materials used by counties to conduct elections for which the regulation was written are either no longer in use or exist in different forms the current regulation does not sensibly address.

Consequently, the current contents of the regulation are useless and cannot be implemented by any electoral authority conducting elections in South Carolina. Therefore, the current contents of the regulation are being struck and amended with new regulatory provisions relevant to current law and practices. The title of the regulation will also be struck and amended to be “Ballot Standards.”

Text:

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

Document No. 5195
STATE ELECTION COMMISSION
CHAPTER 45

Statutory Authority: 1976 Code Sections 7-3-10, 7-3-20, 7-13-1490, and 7-13-1655

45-4. Certification of Program Instructions.

Preamble:

The State Election Commission (SEC) proposes to amend Regulation 45-4 by striking its current contents and replacing it with new content relating to the conduct of protest hearings. The title of R.45-4 will be amended to “Protest Hearings”.

Section-by-Section Discussion:

Strike and amend the content of Regulation 45-4, including the title.

The Notice of Drafting was published in the *State Register* on May 26, 2023.

Notice of Public Hearing and Opportunity for Public Comment:

If a public hearing is requested pursuant to Section 1-23-110(A)(3) of the 1976 Code of Laws, as amended, a hearing will be conducted at 1122 Lady Street, Suite 500, Columbia, South Carolina on August 16, 2023, at 10:00 AM. Interested persons may submit written comments to Howard M. Knapp, Executive Director, South Carolina State Election Commission, P.O. Box 5987 Columbia, S.C. 29250. To be considered, all comments must be received no later than 5:00 PM on July 24, 2023. If a qualifying request pursuant to Section 1-23-110(A)(3) is not timely received, the hearing will be canceled.

Preliminary Fiscal Impact Statement:

The SEC does not anticipate any additional cost to the State or its political subdivisions as a result of the proposed amendment of Regulation 45-4.

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION: Regulation 45-4, “Certification of Program Instructions”, title to amendment to “Protest Hearings”.

Purpose: The State Election Commission (SEC) proposes to amend this regulation by striking its provisions, including the title, and providing new regulatory content relevant to current law and conduct of elections in

32 PROPOSED REGULATIONS

South Carolina. The subject of the amended regulation will be certain procedures required that relate to the conduct of protest hearings.

Legal Authority: 1976 Code Sections 7-3-10, 7-3-20, 7-13-1490, and 7-13-1655.

Plan for Implementation: After amendment of the regulation, the SEC will advise the 46 county boards of voter registration and elections of the amendment.

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

The existing regulation is obsolete, having been written and implemented for a voting system that no longer exists. The equipment and associated materials used by counties to conduct elections for which the regulation was written are either no longer in use or exist in different forms the current regulation does not sensibly address. Consequently, the current contents of the regulation are useless and cannot be implemented by any electoral authority conducting elections in South Carolina. Therefore, the regulation must be amended with new regulatory content.

DETERMINATION OF COSTS AND BENEFITS:

The SEC does not anticipate that any additional cost to the State or its political subdivisions will result from the proposed amendment of Regulation 45-4.

UNCERTAINTIES OF ESTIMATES:

None.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

None.

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

None.

Statement of Rationale:

The existing regulation is obsolete, having been written and implemented for a voting system that no longer exists. The equipment and associated materials used by counties to conduct elections for which the regulation was written are either no longer in use or exist in different forms the current regulation does not sensibly address. Consequently, the current contents of the regulation are useless and cannot be implemented by any electoral authority conducting elections in South Carolina. Therefore, the current contents of the regulation are being struck and amended with new regulatory provisions relevant to current law and practices. The title of the amended regulation will also be struck and amended to be "Protest Hearings."

Text:

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

Document No. 5196
STATE ELECTION COMMISSION
CHAPTER 45

Statutory Authority: 1976 Code Sections 7-3-10, 7-3-20, 7-13-1490, and 7-13-1655

45-5. Ballot Envelopes and Fold Over Ballot Cards.

Preamble:

The State Election Commission (SEC) proposes to amend Regulation 45-5 by striking its current contents and replacing it with new content relating to the conduct of oaths required of certain persons engaged to work during elections or on election-related matters. The title of R.45-5 will be amended to “Administration of Election Official’s Oaths”.

Section-by-Section Discussion:

Strike and amend the content of Regulation 45-5, including the title.

The Notice of Drafting was published in the *State Register* on May 26, 2023.

Notice of Public Hearing and Opportunity for Public Comment:

If a public hearing is requested pursuant to Section 1-23-110(A)(3) of the 1976 Code of Laws, as amended, a hearing will be conducted at 1122 Lady Street, Suite 500, Columbia, South Carolina on August 16, 2023, at 10:00 AM. Interested persons may submit written comments to Howard M. Knapp, Executive Director, South Carolina State Election Commission, P.O. Box 5987 Columbia, S.C. 29250. To be considered, all comments must be received no later than 5:00 PM on July 24, 2023. If a qualifying request pursuant to Section 1-23-110(A)(3) is not timely received, the hearing will be canceled.

Preliminary Fiscal Impact Statement:

The SEC does not anticipate any additional cost to the State or its political subdivisions as a result of the proposed amendment of Regulation 45-5.

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION: Regulation 45-5, “Ballot Envelopes and Fold Over Ballot Cards.” Title to become “Administration of Election Official’s Oaths”.

Purpose: The State Election Commission (SEC) proposes to amend this regulation by striking its provisions, including the title, and providing new regulatory content relevant to current law and conduct of elections in South Carolina. The subject of the amended regulation will be the administration of oaths to certain persons engaged to work during elections or on election-related matters.

Legal Authority: 1976 Code Sections 7-3-10, 7-3-20, 7-13-1490, and 7-13-1655.

Plan for Implementation: After amendment of the regulation, the SEC will advise the 46 county boards of voter registration and elections of the amendment.

34 PROPOSED REGULATIONS

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

The existing regulation is obsolete, having been written and implemented for a voting system that no longer exists. The equipment and associated materials used by counties to conduct elections for which the regulation was written are either no longer in use or exist in different forms the current regulation does not sensibly address. Consequently, the current contents of the regulation are useless and cannot be implemented by any electoral authority conducting elections in South Carolina. Therefore, the regulation must be amended with new regulatory content.

DETERMINATION OF COSTS AND BENEFITS:

The SEC does not anticipate that any additional cost to the State or its political subdivisions will result from the proposed amendment of Regulation 45-5.

UNCERTAINTIES OF ESTIMATES:

None.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

None.

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

None.

Statement of Rationale:

The existing regulation is obsolete, having been written and implemented for a voting system that no longer exists. The equipment and associated materials used by counties to conduct elections for which the regulation was written are either no longer in use or exist in different forms the current regulation does not sensibly address. Consequently, the current contents of the regulation are useless and cannot be implemented by any electoral authority conducting elections in South Carolina. Therefore, the current contents of the regulation are being struck and amended with new regulatory provisions relevant to current law and practices. The title of the amended regulation will also be struck and amended to be “Administration of Election Official’s Oaths.”

Text:

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

Document No. 5197
STATE ELECTION COMMISSION
CHAPTER 45

Statutory Authority: 1976 Code Sections 7-3-10, 7-3-20, 7-13-1490, and 7-13-1655

45-6. Defective Ballot Cards.

Preamble:

The State Election Commission (SEC) proposes to amend Regulation 45-6 by striking its current contents and replacing it with new content relating to certain reports to be made to the SEC that will be required of county boards of voter registration and elections. The title of R.45-6 will become “County Reports”.

Section-by-Section Discussion:

Strike and amend the content of Regulation 45-6, including the title.

The Notice of Drafting was published in the *State Register* on May 26, 2023.

Notice of Public Hearing and Opportunity for Public Comment:

If a public hearing is requested pursuant to Section 1-23-110(A)(3) of the 1976 Code of Laws, as amended, a hearing will be conducted at 1122 Lady Street, Suite 500, Columbia, South Carolina on August 16, 2023, at 10:00 AM. Interested persons may submit written comments to Howard M. Knapp, Executive Director, South Carolina State Election Commission, P.O. Box 5987 Columbia, S.C. 29250. To be considered, all comments must be received no later than 5:00 PM on July 24, 2023. If a qualifying request pursuant to Section 1-23-110(A)(3) is not timely received, the hearing will be canceled.

Preliminary Fiscal Impact Statement:

The SEC does not anticipate any additional cost to the State or its political subdivisions as a result of the proposed amendment of Regulation 45-6.

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION: Regulation 45-6, “Defective Ballot Cards”, title to become “County Reports”.

Purpose: The State Election Commission (SEC) proposes to amend this regulation by striking its provisions, including the title, and providing new regulatory content relevant to current law and conduct of elections in South Carolina. The subject of the amended regulation will be certain reports to the SEC required of county boards of voter registration and elections.

Legal Authority: 1976 Code Sections 7-3-10, 7-3-20, 7-13-1490, and 7-13-1655.

Plan for Implementation: After amendment of the regulation, the SEC will advise the 46 county boards of voter registration and elections of the amendment.

36 PROPOSED REGULATIONS

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

The existing regulation is obsolete, having been written and implemented for a voting system that no longer exists. The equipment and associated materials used by counties to conduct elections for which the regulation was written are either no longer in use or exist in different forms the current regulation does not sensibly address. Consequently, the current contents of the regulation are useless and cannot be implemented by any electoral authority conducting elections in South Carolina. Therefore, the regulation must be amended with new regulatory content.

DETERMINATION OF COSTS AND BENEFITS:

The SEC does not anticipate that any additional cost to the State or its political subdivisions will result from the proposed amendment of Regulation 45-6.

UNCERTAINTIES OF ESTIMATES:

None.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

None.

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

None.

Statement of Rationale:

The State Election Commission (SEC) proposes to amend Regulation 45-6 to remove instructions no longer relevant to the current voting system used in South Carolina. The existing regulation is obsolete, having been written and implemented for a voting system that no longer exists. The equipment and associated materials used by counties to conduct elections for which the regulation was written are either no longer in use or exist in different forms the current regulation does not sensibly address. Consequently, the current contents of the regulation are useless and cannot be implemented by any electoral authority conducting elections in South Carolina. Therefore, the current contents of the regulation are being struck and amended with new regulatory provisions relevant to current law and practices. The title of the amended regulation will also be struck and amended to be "County Reports."

Text:

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

Document No. 5198
STATE ELECTION COMMISSION
CHAPTER 45

Statutory Authority: 1976 Code Sections 7-3-10, 7-3-20, 7-13-1490, and 7-13-1655

45-7. Ballot Cards, Sealed After Tabulation.

Preamble:

The State Election Commission (SEC) proposes to amend Regulation 45-7 by striking its current contents and replacing it with new content regulating the use of ballot drop boxes. The title of R.45-7 will be amended to “Ballot Drop Boxes”.

Section-by-Section Discussion:

Strike and amend the content of Regulation 45-7, including the title.

The Notice of Drafting was published in the *State Register* on May 26, 2023.

Notice of Public Hearing and Opportunity for Public Comment:

If a public hearing is requested pursuant to Section 1-23-110(A)(3) of the 1976 Code of Laws, as amended, a hearing will be conducted at 1122 Lady Street, Suite 500, Columbia, South Carolina on August 16, 2023, at 10:00 AM. Interested persons may submit written comments to Howard M. Knapp, Executive Director, South Carolina State Election Commission, P.O. Box 5987 Columbia, S.C. 29250. To be considered, all comments must be received no later than 5:00 PM on July 24, 2023. If a qualifying request pursuant to Section 1-23-110(A)(3) is not timely received, the hearing will be canceled.

Preliminary Fiscal Impact Statement:

The SEC does not anticipate any additional cost to the State or its political subdivisions as a result of the proposed amendment of Regulation 45-7.

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION: Regulation 45-7, “Ballot Cards, Sealed After Tabulation”, title to become “Ballot Drop Boxes”.

Purpose: The State Election Commission (SEC) proposes to amend this regulation by striking its provisions, including the title, and providing new regulatory content relevant to current law and conduct of elections in South Carolina. The subject of the amended regulation will be the use of ballot drop boxes.

Legal Authority: 1976 Code Sections 7-3-10, 7-3-20, 7-13-1490, and 7-13-1655.

Plan for Implementation: After amendment of the regulation, the SEC will advise the 46 county boards of voter registration and elections of the amendment.

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

The existing regulation is obsolete, having been written and implemented for a voting system that no longer exists. The equipment and associated materials used by counties to conduct elections for which the regulation

38 PROPOSED REGULATIONS

was written are either no longer in use or exist in different forms the current regulation does not sensibly address. Consequently, the current contents of the regulation are useless and cannot be implemented by any electoral authority conducting elections in South Carolina. Therefore, the regulation must be amended with new regulatory content.

DETERMINATION OF COSTS AND BENEFITS:

The SEC does not anticipate that any additional cost to the State or its political subdivisions will result from the proposed amendment of Regulation 45-7.

UNCERTAINTIES OF ESTIMATES:

None.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

None.

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

None.

Statement of Rationale:

The existing regulation is obsolete, having been written and implemented for a voting system that no longer exists. The equipment and associated materials used by counties to conduct elections for which the regulation was written are either no longer in use or exist in different forms the current regulation does not sensibly address. Consequently, the current contents of the regulation are useless and cannot be implemented by any electoral authority conducting elections in South Carolina. Therefore, the current contents of the regulation are being struck and amended with new regulatory provisions relevant to current law and practices. The title of the amended regulation will also be struck and amended to be “Ballot Drop Boxes.”

Text:

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

Document No. 5199
STATE ELECTION COMMISSION
CHAPTER 45

Statutory Authority: 1976 Code Sections 7-3-10, 7-3-20, 7-13-325, 7-13-1490, and 7-13-1655

45-9. Write-in Ballots, Sealed After Tabulation.

Preamble:

The State Election Commission (SEC) proposes to amend Regulation 45-9 to remove obsolete content and instructions and replace it with new content relating to the use by candidates of nicknames and derivative names on ballots. The title for R.45-9 will be amended to “Candidate Nicknames”.

Section-by-Section Discussion:

Strike and amend Regulation 45-9.

The Notice of Drafting was published in the *State Register* on May 26, 2023.

Notice of Public Hearing and Opportunity for Public Comment:

If a public hearing is requested pursuant to Section 1-23-110(A)(3) of the 1976 Code of Laws, as amended, a hearing will be conducted at 1122 Lady Street, Suite 500, Columbia, South Carolina on August 16, 2023, at 10:00 AM. Interested persons may submit written comments to Howard M. Knapp, Executive Director, South Carolina State Election Commission, P.O. Box 5987 Columbia, S.C. 29250. To be considered, all comments must be received no later than 5:00 PM on July 24, 2023. If a qualifying request pursuant to Section 1-23-110(A)(3) is not timely received, the hearing will be canceled.

Preliminary Fiscal Impact Statement:

The SEC does not anticipate any additional cost to the State or its political subdivisions as a result of the proposed amendment of Regulation 45-9.

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION: Regulation 45-9. "Write-in Ballots, Sealed After Tabulation". Title to become "Candidate Nicknames".

Purpose: The State Election Commission (SEC) proposes to amend this regulation by striking its provisions, including the title, and providing new regulatory content relevant to current law and conduct of elections in South Carolina. The subject of the amended regulation will be nicknames used by candidates for electoral office that are to be printed on ballots.

Legal Authority: 1976 Code Sections 7-3-10, 7-3-20, 7-13-325, 7-13-1490, and 7-13-1655.

Plan for Implementation: After amendment of the regulation, the SEC will advise the 46 county boards of voter registration and elections of the amendment.

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

The existing regulation is obsolete, having been written and implemented for a voting system that no longer exists. The equipment and associated materials used by counties to conduct elections for which the regulation was written are either no longer in use or exist in different forms the current regulation does not sensibly address. Consequently, the current contents of the regulation are useless and cannot be implemented by any electoral authority conducting elections in South Carolina. Therefore, the regulation must be amended with new regulatory content.

DETERMINATION OF COSTS AND BENEFITS:

The SEC does not anticipate that any additional cost to the State or its political subdivisions will result from the proposed amendment of Regulation 45-9.

40 PROPOSED REGULATIONS

UNCERTAINTIES OF ESTIMATES:

None.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

None.

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

None.

Statement of Rationale:

The existing regulation is obsolete, having been written and implemented for a voting system that no longer exists. The equipment and associated materials used by counties to conduct elections for which the regulation was written are either no longer in use or exist in different forms the current regulation does not sensibly address. Consequently, the current contents of the regulation are useless and cannot be implemented by any electoral authority conducting elections in South Carolina. Therefore, the current contents of the regulation are being struck and amended with new regulatory provisions relevant to current law and practices. The title of the amended regulation will also be struck and amended to be “Candidate Nicknames.”

Text:

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

Document No. 5191

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL CHAPTER 61

Statutory Authority: 2022 Act No. 119, Section 5, effective January 27, 2022

61-107.20. Solar Energy Systems. (New)

Preamble:

Pursuant to 2022 Act No. 119, Section 5, the Department of Health and Environmental Control (“Department”) is directed to develop rules to guide all South Carolinians invested in, selling, installing, and using photovoltaic (“PV”) modules and energy storage system batteries in the management of end-of-life PV modules and energy storage system batteries on solar projects, and the decommissioning of solar projects in excess of thirteen acres. The Department proposes new regulation R.61-107.20, *Solar Energy Systems*, to create basic guidelines for large solar energy systems. The new regulation is designed to establish a registration requirement, and facilitate all large solar energy systems have a decommissioning plan, which includes financial assurance, removal of PV modules and accompanying equipment, and remediation of the land, if necessary. The Administrative Procedures Act, S.C. Code Section 1-23-120(A), requires General Assembly review of this proposed new regulation.

The Department had a Notice of Drafting published in the March 24, 2023, South Carolina State Register.

Section-by-Section Discussion of Proposed New Regulation:

Section	Type of Change	Purpose
Regulation Number, Regulation Title, and Statutory Authority	Addition	Assigns a regulation number and title, and establishes the Department’s statutory authority.
Table of Contents	Addition	Gives an overview of the contents and organization of the regulation.
A. Applicability	Addition	This part lays out the pertinent activities by providing guidance, rules, and requirements for compliance with this regulation.
B. Definitions	Addition	This part defines the terms used throughout the regulation and presents the terms in alphabetical order.
C. General Provisions	Addition	This part describes the general requirements that apply to all large solar energy systems.
D. Registration	Addition	This part describes the registration requirements that apply to all large solar energy systems.
E. Decommissioning Requirements	Addition	This part describes requirements for a facility’s decommissioning of a large solar energy system after certain conditions are met.
F. Financial Assurance	Addition	This part describes the minimum financial assurance standards for compliance with Section E.
G. Severability	Addition	This part protects the remaining portion of the regulation should any part or language be found invalid.
H. Violations and Penalties	Addition	This part establishes the penalties for violation of this regulation or any permit, order, or standard issued pursuant to the regulation.

Notice of Public Hearing and Opportunity for Public Comment:

Interested persons may submit comment(s) on the proposed new regulation to Juli Blalock of the Bureau of Land and Waste Management; S.C. Department of Health and Environmental Control, 2600 Bull Street, Columbia, S.C. 29201; swregdev@dhec.sc.gov. To be considered, the Department must receive the comment(s) by 5:00 p.m. on July 24, 2023, the close of the comment period.

The S.C. Board of Health and Environmental Control will conduct a public hearing on the proposed new regulation during its September 7, 2023, 10:00 a.m. meeting. Interested persons may make oral and/or submit written comments at the public hearing. Persons making oral comments should limit their statements to five (5)

42 PROPOSED REGULATIONS

minutes or less. The meeting will take place in the Board Room of the DHEC Building, located at 2600 Bull Street, Columbia, S.C. 29201. Due to admittance procedures, all visitors must enter through the Bull Street main entrance and register at the front desk. The Department will publish a meeting agenda twenty-four (24) hours in advance indicating the order of its scheduled items at: <http://www.scdhec.gov/Agenda>. Public hearing procedures are subject to change in response to COVID-19 protocols. If applicable, the Department will provide notice of these changes twenty-four (24) hours in advance of the public hearing.

The Department publishes a Monthly Regulation Development Update tracking the status of its proposed new regulations, amendments, and repeals and providing links to associated State Register documents at <http://www.scdhec.gov/Agency/RegulationsAndUpdates/RegulationDevelopmentUpdate/>.

Preliminary Fiscal Impact Statement:

The requirements of this regulation would cause a cost assessment to the State General Fund. Staff anticipates there will be no cost to the Department to implement the directives of the Act and this proposed regulation. There are no fees established by the Act and this proposed regulation. Additional costs to state government are unanticipated.

Statement of Need and Reasonableness:

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

DESCRIPTION OF REGULATION: New Solid Waste Management Regulation, Solar Energy Systems.

Purpose: The purpose of this new regulation is to comply with the requirements of 2022 Act No. 119, Section 5, which directs the Department to develop rules for solar projects in excess of thirteen acres. The new regulation is designed to establish a registration requirement for large solar sites, and facilitate that all large solar energy systems have a decommissioning plan, which includes financial assurance, removal of PV modules and accompanying equipment, and remediation of the land, if necessary.

Legal Authority: 2022 Act No. 119, Section 5, effective January 27, 2022.

Plan for Implementation: The new regulation will take legal effect upon General Assembly approval and upon publication in the State Register. Department personnel will then take appropriate steps to inform the regulated community of the new regulation. Additionally, a copy of the regulation will be posted on the Department's website, accessible at www.scdhec.gov/regulations-table. Printed copies may also be requested, for a fee, from the Department's Freedom of Information Office.

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

In 2022, the General Assembly passed Act No. 119, which in Section 5 instructs the Department to prepare regulations for the management of end-of-life PV modules and energy storage system batteries on solar projects in excess of thirteen acres. The Department proposes new regulation R.61-107.20, Solar Energy Systems, to establish basic requirements for large solar energy systems. This proposed regulation would require the Department to oversee a registration process for those who qualify as large solar energy systems, as well as the decommissioning of these sites at their end-of-life. This regulation is needed to comply with the requirements of 2022 Act No. 119 and will give the Department a basic framework with which to manage large solar energy systems and facilitate local approval for such sites.

DETERMINATION OF COSTS AND BENEFITS:

Internal costs: Implementation of this proposed regulation will not require additional resources beyond those allowed for by Act 119. The Department estimates that there are 78 current facilities that would need oversight under this regulation. This proposed regulation would require the Department to oversee a registration process for large solar energy systems as well as the decommissioning of these sites at their end-of-life. The Act does not establish a fee that would fund the implementation of this regulation.

External costs: There will be a cost for facilities that qualify as large solar energy systems. Costs include complying with registration requirements and decommissioning requirements that require these facilities to remove all solar panels and accompanying equipment, which includes providing a financial assurance mechanism to the Department. There are no registration or operating fees in this proposed regulation.

External benefits: With the state participating in oversight of large solar energy systems, there will be less of a burden on local government resources to manage such sites. It will benefit the residents of South Carolina as this proposed regulation assists in facilitating the proper disposal of solar panels at the end of their useful life.

UNCERTAINTIES OF ESTIMATES:

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

EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH:

This proposed new regulation will provide rules to facilitate the proper disposal of end-of-life large solar energy systems.

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

If this proposed new regulation does not become effective, the rules for large solar energy systems required by 2022 Act No. 119, Section 5 will not be implemented. The Department will not have any regulatory framework to manage the creation and operation of large solar energy systems.

Statement of Rationale:

Here below is the Statement of Rationale pursuant to S.C. Code Section 1-23-110(A)(3)(h):

The requirements of 2022 Act No. 119, Section 5, directs the Department to develop regulations to guide all South Carolinians invested in, selling, installing, and using photovoltaic (“PV”) modules and energy storage system batteries in the management of end-of-life PV modules and energy storage system batteries on solar projects, and the decommissioning of solar projects in excess of thirteen acres. R.61-107.20, Solar Energy Systems, will establish basic oversight rules over large solar energy systems, including a registration requirement, and a requirement for a decommissioning plan, which includes financial assurance, removal of PV modules and accompanying equipment, and remediation of the land, if necessary. This new regulation will allow the Department to have knowledge of existing facilities and establishes a framework with which to manage end-of-life PV modules and energy storage system batteries.

Text:

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

44 PROPOSED REGULATIONS

Document No. 5190
DEPARTMENT OF MENTAL HEALTH
CHAPTER 87

Statutory Authority: 1976 Code Sections 44-9-100, 44-11-70, and 56-21-70

87-2. Parking Regulations.

Preamble:

The Department of Mental Health proposes to update its Parking Regulations found in Regulation 87-2 in order to update the bond penalties and remove superfluous offenses. The updated penalties are based on a survey of the parking regulations and penalty schedules of other large state agencies and municipalities and reflect the prevailing amounts for such penalties.

The Notice of Drafting was published in the *State Register* on December 23, 2022.

Notice of Public Hearing and Opportunity for Public Comment:

Written comments on the proposed regulation may be submitted to Robin Crawford, Legislative Liaison, 2414 Bull St., Suite 402, Columbia, SC 29201. To be considered, comments must be received no later than August 1, 2023.

A public hearing on the proposed regulations will be held during the monthly meeting of the South Carolina Mental Health Commission on August 4, 2023, at 10:30 A.M. at the Department of Mental Health's offices at 2414 Bull St., Columbia, SC 29201.

Preliminary Fiscal Impact Statement:

There will be no additional costs incurred by the State or any of its political subdivisions for the promulgation of this regulation.

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION: 87-2. Parking Regulations.

Purpose: This regulation serves as the basis for the Department's Division of Public Safety to enforce orderly parking on Department properties throughout the state.

Legal Authority: 1976 Code Sections 44-9-100, 44-11-70, and 56-21-70.

Plan for Implementation: The regulation will take effect upon General Assembly approval and publication in the *State Register*. Department personnel will take appropriate steps to inform the regulated community of the regulation, including posting a notice on the Department's website.

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

The proposed regulation is necessary and reasonable to eliminate unnecessary offense categories and to effectively deter disorderly parking on Department property.

DETERMINATION OF COSTS AND BENEFITS:

Implementation of this regulation will not require additional resources or result in additional costs to the Department, State, or its political subdivisions. The updates to the regulation will promote more orderly and efficient use of parking at Department properties and ensure appropriate access to persons served by the agency.

UNCERTAINTIES OF ESTIMATES:

It is possible the Department may need to pursue enforcement of the regulation requirements. A finite amount of costs is undetermined due to uncertainty in estimating the number of matters that will warrant administrative action or litigation; however, this is also true under the current regulations.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

This regulation will have no effect on the environment or public health.

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

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

Statement of Rationale:

Regulation 87-2 provides for violations and penalties for common parking violations. The Department proposes to update the list of offenses and the penalties to be assessed in order to bring them in line with those of other large institutions throughout the state.

Text:

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

46 FINAL REGULATIONS

Document No. 5108
CLEMSON UNIVERSITY
CHAPTER 27
Statutory Authority: 1976 Code Section 59-119-320

Article 19. Parking and Traffic Regulations.

Synopsis:

The proposed regulation changes will update outdated language and procedures related to parking permits and allow for more efficiencies and up-to-date communication of information directly related to parking areas, permits and restrictions for students, visitors, contractors, vendors, etc.

Section-by-Section Discussion:

27-3000.1. General Information

Add new text as listed below.

27-3000.2. Applicability

Delete and add new text as listed below.

27-3000.3. Definitions

Deleted and add new text as listed below.

27-3000.4. Official Traffic Control Devices

Deleted and add new text as listed below.

27-3001.1. Parking and Transportation Services Department

Delete and add new text as listed below.

27-3001.2. Motor Vehicles Required to Display a Parking Permit

Deleted and add new text as listed below.

27-3001.3. Accessible Parking for Persons With Disabilities

Deleted and add new text as listed below.

27-3001.7. Loading Zones

Delete and add new text as listed below.

27-3002.1. General

Delete and add new text as listed below.

27-3002.2. Special Event Parking Areas

Deleted and add new text as listed below.

27-3002.3. Employee/Student Parking Areas

Delete and add new text as listed below.

27-3002.4. Visitor Parking Areas

Delete and add new text as listed below.

27-3002.5. Service Vehicle Parking Areas

Deleted and add new text as listed below.

27-3002.6. Accessible Parking for Individuals with Disabilities
Add new text as listed below.

27-3002.7. Timed Parking Areas
Delete and add new text as listed below.

27-3002.8. Motorcycle Parking Areas
Add next text as listed below.

27-3003. OPERATION OF MOTOR VEHICLES
Add new text as listed below.

27-3003.5. Pedestrians
Add new text as listed below.

27-3004.2. Notice of Violations
Delete and add new text as listed below.

27-3004.3. Schedule of Parking Penalties
Delete and add new text as listed below.

27-3004.4. Payment of Penalties
Add new text as listed below.

27-3004.6. Delinquent Vehicles
Delete and add new text as listed below.

27-3004.7. Vehicle Towing and Impounding
Delete and add new text as listed below.

27-3005.3. Appeals
Delete and add new text as listed below.

27.3005.4. Appointment of Boards and Committees
Delete and add new text as listed below.

27-3006. Non-Motorized Vehicles
Delete and add new text as listed below.

The Notice of Drafting was published in the *State Register* on February 25, 2022.

Instructions:

Print the regulation as shown below. All other items remain unchanged.

Text:

27-3000. GENERAL.

27-3000.1. General Information.

48 FINAL REGULATIONS

It is the intent that these regulations for the maintenance of public safety and order on the roadways and pedestrian areas of University controlled property. These regulations repeal and supersede all prior Parking and Traffic Codes at Clemson University. The operation of motor vehicles on the campus of Clemson University is a privilege granted by the Board of Trustees of Clemson University. The privilege is extended to faculty, staff, students, visitors, contractors and vendors to the campus. Failure to adhere to these regulations as well as the laws of the State may result in the issuance of a warning or citation with penalties as provided herein, and may also result in the loss of parking privileges on the campus of Clemson University.

27-3000.2. Applicability.

These regulations apply to the drivers, owners or registrants of all motor vehicles on the Clemson University campus and are in effect and enforced twenty-four hours a day, every day of the calendar year, unless otherwise provided in these regulations and posted online on the Parking and Transportation Services or other applicable Clemson University webpages. The person registering the vehicle, (or for unregistered vehicles, the owner), is responsible for all citations issued against the vehicle.

27-3000.3. Definitions.

A. Approved or Affiliated Campus Organization: Means any organization that is registered and duly recognized by Tiger Quest.

B. Campus: All University property located within the jurisdictional boundaries of the Municipal Corporation of Clemson University as established by Section 59-119-310, South Carolina Code of Laws (1976), as amended. Tillman Hall is the University Building referred to in this section.

C. Construction Employee: Any person employed by a company which is engaged in the construction, renovation, or repair to campus buildings or other facilities.

D. Contract Employee: Any person, not a student or employee, who renders on-campus services to Clemson University through the provisions of a contract for services.

E. Crosswalk: means that part of the roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the street measured from the curbs or, in the absence of curbs, from the edges of the traversable roadway; or any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing y lines or other markings on the surface.

F. Employee: Any person, other than a student, who renders services to Clemson University for remuneration. This category includes all faculty, administrative and staff personnel employed by the University, and contract employees.

G. Fire Lane: An area specifically designated by sign(s) and/or street markings containing the phrase "Fire Lane". Fire Lanes are reserved for use by emergency vehicles for emergency access to campus facilities.

H. Law enforcement officer or police: shall mean an officer or employee hired by the University, state or any of its political subdivisions.

I. Loading Zone: An area specifically designated by sign(s) and/or pavement marking with the phrase "Loading Zone".

J. Motor Vehicle: Every device in, upon or by which any person or property is or may be transported or drawn upon a street, connecting surface or highway, except devices moved by human power or used exclusively upon stationary rails or tracks.

K. Municipal Court: The Municipal Court has been established by the governing body of the Municipal Corporation of Clemson University (59-119-310) in accordance with Section 14-25-5 et seq.

L. Non-motorized vehicle – see Section 27-3006.

M. Official traffic-control device: means all signs, signals, markings and devices not inconsistent with this Article, placed or erected by authority of a University official or other public body official having jurisdiction, for the purpose of regulating, warning or guiding traffic.

N. Parking Review Judicial Officer: That person appointed by the President of Clemson University to direct the operation of the Parking Review Boards and to hear appeals from the decisions of the Parking Review Boards.

O. Parking: The standing of a motor vehicle, whether occupied or not.

P. Parking Review Board: Parking Review Boards shall consist of students, faculty and staff, nominated by their respective governing organizations, and shall operate as a board subordinate to the Parking Review Judicial Officer. Parking and Transportation Services serves as the liaison to assist in the establishment of the board members and administrative support for the Parking Review Boards who shall hear all initial appeals of parking citations. Parking Review Boards shall operate under procedures as approved by the President of Clemson University.

Q. Parking Citation: A citation for violation of the Clemson University parking regulations and a notice of right to appeal within fifteen calendar days of the date of violation.

R. Past Due Citation: A parking citation which has not been paid, or for which the appellate process has not been initiated within fifteen calendar days of the date of violation.

S. Parking Enforcement Officer: An employee of Clemson University authorized to issue parking citations.

T. Permit: Refers to proper evidence of permission required and issued by Clemson University to conduct an activating, including parking, fundraising and selling on Clemson University property, and /or conducting any activities on Clemson University property which requires a permit pursuant to current or future enacted policy and/or regulation(s).

U. Service Vehicle: A motor vehicle used primarily to effect repairs and/or maintain campus buildings and facilities.

V. Sidewalk: That portion of a street between curblines or the lateral lines of a roadway and the adjacent property lines intended for the use of pedestrians.

W. Soliciting: The activity of any person or persons, whether purporting to act on behalf of a charitable organization or not, traveling by foot or any other manner, who requests, directly or indirectly, money, credit, property, financial assistance, remuneration or other thing of value.

X. Student: Any person, other than a full-time employee of Clemson University, who is an intern or enrolled either full or part-time and includes persons enrolled to audit one or more classes.

Y. Traffic: Means pedestrians, vehicles and other conveyances, either singly or together, while using any street for purposes of travel.

Z. Uniform Traffic Ticket (UTT): Means the approved Uniform Traffic Ticket (UTT) pursuant to S. C. Code of Laws Section 56-7-10 (A) – (C) (1976, as amended).

AA. Vendor: Any person, not an employee, student or contract employee, who provides sales and/or repair services to Clemson University.

BB. Vending: Means the business of selling goods, food or drink or services, whether from a stationary cart or not, while on Clemson University property or stopped in or upon any street, parking space, right of way or any other portion of Clemson University property or adjacent to Clemson University property with the intent or engaging in the activity to reach anyone present on Clemson University property for said vending business.

CC. Virtual Permit: Is a non-physical permit that is issued to a driver permitting the specific vehicle (identified by license plate, validation codes or other identification methods) assigned to that permit to park in such parking places and for such periods as the virtual permit allows.

DD. Vehicle – Shall refer to either motorized or non-motorized as appropriate.

EE. Visitor (Guest): Any person other than a student, employee, construction employee, contract employee, or vendor who parks a motor vehicle on campus.

27-3000.4. Official Traffic Control Devices.

A. Any person who operates or parks a vehicle on the campus shall obey any official traffic sign or other control device properly placed in accordance with the provisions of this regulation except when otherwise directed by a Parking Enforcement Officer or Law Enforcement Officer actively engaged in directing traffic on campus. Whenever a particular section of these regulations does not state that signs are required, such section is effective without signs being provided.

B. University Facilities Department shall be responsible for the placement and maintenance of all traffic control signage, markers and other traffic control devices upon campus as shall be deemed necessary to control traffic. The University Police Department, in accordance with procedures approved by the President of Clemson University, shall enforce such signs, markers, and other traffic control devices upon campus as shall be necessary

50 FINAL REGULATIONS

to control traffic. No person shall, without lawful authority, alter, knock down, or remove any official parking or traffic control device.

27-3001. PARKING PERMITS.

27-3001.1. Parking and Transportation Services Department.

The Parking and Transportation Services Department is responsible for issuing vehicle parking permits, receiving parking citation payments, and maintaining records of parking permits and parking citations issued to violators of the Clemson University Parking Regulations. The department serves as liaison for all campus related transit services. The department also serves as the liaison for the Judicial Review Officer in handling first level appeals and the management and administrative support for the Parking Review Board. Parking and Transportation Services is responsible for the maintenance and designation of parking spaces and campus parking facilities.

27-3001.2. Motor Vehicles Required to Display a Parking Permit.

A. All persons, with the exception of visitors or guests who park in a marked untimed “Visitor” space for less than three hours, who park or let stand a vehicle on campus must immediately obtain and display a valid parking permit. If the offices of Parking and Transportation Services are closed, a temporary permit may be obtained at the Parking and Transportation Services website at www.clemson.edu/parking.

B. Visitors must display a valid departmental guest parking permit to park on campus except when parked:

- (1) At a timed “visitor” space provided that payment is made for the duration of stay up to the limit posted;
- (2) For a period of time less than three (3) hours in areas specifically marked untimed spaces designated as visitor parking, unless otherwise indicated by sign or pavement marking;
- (3) In areas designated as public parking for a special event;
- (4) In undesignated timed spaces.

C. Vehicles owned or leased by, or under the control of, University departments, that are identified with the approved University vehicle identification permanently affixed to the exterior of the vehicle, shall not be exempt from the requirement to display a parking permit.

D. Physical Permits, decals, hang tags, and/or placards and license plates must be clearly displayed in accordance with instructions provided by the Department of Parking and Transportation Services. Any alteration of a permit, decal, hang tag, placard or license plate shall render it invalid.

E. Students may register any vehicle except a vehicle which belongs to another student.

27-3001.3. Accessible Parking for Persons With Disabilities.

Vehicles parked in spaces reserved for individuals with disabilities are required to prominently display a valid disability access parking placard or license plate, issued by an official State Agency. In addition to spaces specifically reserved for disability access, any vehicle displaying a valid disability access permit may park in any employee, student, visitor or timed parking space. Persons with temporary impairments may obtain a time-limited disability access parking permit, not to exceed the State of South Carolina Department of Motor Vehicles minimum time limit to apply for a State issued permit. Documentation must be submitted for review and approval to the Clemson University Office of Access and Equity or other designated office for employees or to Clemson University Student Accessibility Services. Upon receiving the appropriate approval, Parking and Transportation Services will issue a permit for the approved amount of time. Individuals needing accessible parking for longer than the maximum amount of time allowed must obtain a state-issued permit from the Department of Motor Vehicles or the officially designated state agency. For all faculty, staff or students, a current University decal or parking permit is required in addition to a disability access parking placard when parked in designated accessible parking spaces.

27-3001.7. Loading Zones.

A. Service vehicles and delivery vehicles displaying a valid permit may park in loading zones for up to two hours. All other vehicles must display a valid loading permit prior to parking in a loading zone.

B. Persons who wish to park near a University building to load or unload a motor vehicle may obtain temporary permission from Parking and Transportation Services or from the University Police Department if the Parking and Transportation Services Office is not open. Permission will not be granted, or will be rescinded, if the motor vehicle is parked in a manner which obstructs a fire lane, impedes vehicular or pedestrian traffic, or is parked in any other unsafe manner.

27-3002. PARKING AREAS.

27-3002.1. General.

A. Vehicles may be parked only in areas designated as parking areas by signs or street markings, except when otherwise directed by a Parking Enforcement Officer or Law Enforcement Officer actively engaged in directing traffic on campus.

B. Vehicles may park only in areas or spaces for which the physical decal, virtual permit or license plate is valid. Decals and/or permits and license plates and or VIN# must be clearly visible and displayed in accordance with instructions issued by Parking and Transportation Services.

C. Parking is prohibited in areas posted or marked as "Fire Lane" and in areas not designated as parking areas by sign or pavement marking.

D. Vehicles parked in violation of these regulations may be towed and impounded at the owner's expense and risk, and shall not be released until all unpaid parking citations and towing and impound fees (including daily storage/impound) have been paid.

27-3002.2. Special Event Parking Areas.

A. Special event parking areas shall be designated by sign(s) and/or as directed by a Parking Enforcement Officer or Law Enforcement Officer actively engaged in directing traffic on campus.

B. Unauthorized motor vehicles may not park in areas posted as reserved for special event parking during the time period designated by the sign(s) and/or in traffic control officer(s).

C. Athletic Event Parking Areas: Unauthorized vehicles may not park in areas designated reserved for athletic event parking as of 12:01 a.m. the day of home football games and as posted prior to the start of any other sporting events.

D. Vehicles authorized to park in areas reserved for special events shall be identified with placards or permits as approved by the Parking Services Department and issued by the event host prior to day of the event.

27-3002.3. Employee/Student Parking Areas.

A. Employee parking areas shall be designated by sign(s) and/or green pavement markings. Areas posted as "Reserved for employees 24 hours" shall not be available for parking except for those vehicles displaying a permit or decal valid for service vehicle or employee parking zones. Vehicles must display a valid employee or service vehicle permit to park in employee parking areas except:

(1) Vehicles displaying a valid commuting student decal may park in employee parking areas, except those posted as "reserved", between the hours as posted on the Parking and Transportation Services website.

(2) Vehicles displaying a valid resident student decal may park in employee parking areas, except those posted as "reserved ", between the hours as posted on the Parking and Transportation Services website.

(3) Vehicles displaying a valid resident student decal may park in the following parking areas as posted on the Parking and Transportation Services website between the hours as posted unless otherwise restricted by these regulations (see R. 27-3002.2).

B. Commuting student parking areas shall be designated by sign(s) and/or orange pavement markings. Commuting students may park in areas designated for commuter parking as posted online on the Parking and

52 FINAL REGULATIONS

Transportation Services website. Vehicles must display a valid commuting student parking decal or purchase a virtual permit to park in commuting student parking areas.

C. Resident student parking areas shall be designated by sign(s) and/or pavement markings. Vehicles must display a valid resident student parking decal or have a valid virtual permit to park in resident student parking areas.

(1) Apartment residents must display a valid student parking decal or have a valid virtual permit to the apartment area as posted for their residence.

27-3002.4. Visitor Parking Areas.

A. Visitor parking areas shall be designated by sign(s) and/or pavement markings. These areas are reserved for bona fide visitors. Vehicles bearing a current university decal shall not park in any visitor areas between the hours of 7:00 AM and 9:00 PM.

B. Visitors must display a valid departmental guest parking permit to park on campus except when parked:

- (1) At a timed "visitor" space provided that payment is made for the duration of stay up to the limit posted;
- (2) For a period of time less than three (3) hours in areas specifically marked untimed spaces designated as visitor parking, unless otherwise indicated by sign or pavement marking;
- (3) In areas designated as public parking for a special event;
- (4) In undesignated timed spaces.

C. Visitors may not park in service vehicle parking areas or in parking areas posted as "Reserved for employees 24 hours".

27-3002.5. Service Vehicle Parking Areas.

Service vehicle parking areas are marked by sign(s) and/or pavement markings. Vehicles bearing a valid permit to park in service vehicle parking are the only vehicles authorized to park in these areas.

27-3002.6. Accessible Parking for Individuals with Disabilities.

Accessible parking areas reserved for individuals with disabilities are marked by sign(s) and/or pavement markings incorporating the international disability access symbol and includes the markings associated with van accessible spaces. Obstructing access to a parking area reserved for individuals with disabilities is prohibited. Vehicles displaying an official disability access license plate, permit or placard are the only vehicles authorized to park in these areas.

27-3002.7. Timed Parking Areas.

Timed parking areas are marked by meter, sign(s) and/or pavement markings. Visitors may park in undesignated timed parking areas without displaying a permit, unless otherwise indicated by sign or pavement marking. Employees and students are required to display a current parking permit when parked in timed parking areas. Motor vehicles parked in timed areas may not park longer than the posted/marked time limit except as posted.

27-3002.8. Motorcycle/Moped/Golf Cart Parking Areas.

Motorcycles, mopeds and golf cart parking areas are marked by sign(s) and/or pavement markings. Motorcycles, mopeds and golf carts require a permit and may not park in any area except those areas specifically designated for their use.

27-3003. PEDESTRIANS & OPERATION OF MOTOR VEHICLES.

27-3003.5. Pedestrians.

Pedestrians on campus must obey applicable state laws and traffic control signals. No pedestrian shall suddenly leave a curb, a sidewalk or other place of safety and walk or run into the path of a motor vehicle which is so close as to constitute an immediate hazard.

27-3004. VIOLATIONS AND PENALTIES.

27-3004.2. Notice of Violations.

A. A Parking Enforcement Officer or Law Enforcement Officer may issue parking citations or warning notices for violations of parking regulations.

B. Lawful issuance of a parking citation is a notice of violation of the parking regulations and notice of the right to appeal the citation to the appropriate appellate authority within ten calendar days after date of violation. Any person cited for a violation of the parking regulations may waive the right to appeal by paying the assessed penalty within ten days from the date of the violation. All unpaid parking citations for which the appeals process has not been initiated become past due on the sixteenth calendar day after the date of violation.

C. Uniform Traffic Ticket as defined above shall be utilized by law enforcement in citations and/or arrest(s) for violation(s) of regulation(s) contained herein. No other ticket may be used for these offenses. Nothing contained herein shall bar the use of a warrant by law enforcement as deemed necessary.

27-3004.3. Schedule of Parking Penalties.

A. Penalties for parking offenses shall be determined by the Board of Trustees or its designees. A schedule of parking penalties for parking offenses shall be available for inspection as posted online on the Parking and Transportation Services website.

B. Any person who knowingly provides false information to obtain parking privileges shall be subject to a penalty not to exceed five hundred dollars. In addition, parking privileges may be suspended for a period of up to four years.

27-3004.4. Payment of Parking Penalties.

A. Penalties for parking violations are payable online, in person or by mail at the offices of Parking and Transportation Services. After business hours, penalties assessed for towed vehicles may be paid online or at the Clemson University Police Department.

B. Penalties for moving violations are payable in person or by mail at the Clemson University Municipal Court.

27-3004.6. Delinquent Violations.

A. Persons who fail to pay the assessed penalty within fifteen calendars after the citation or who fail to initiate the appeal process within ten calendar days after the date of the parking violation have waived any right to appeal the citation.

B. Persons with one or more past due parking citations (citations which have not been paid for within 15 calendar days or for which the appellate process has not been initiated within ten calendar days of the date of violation) may not register a vehicle to park on campus until all past due penalties are paid.

C. Persons with three (3) or more past due parking citations, may not park a vehicle on campus. No vehicle with three (3) or more past due parking citations may be parked on campus and will be subject to being towed.

27-3004.7. Vehicle Towing and Impounding.

A. In addition to any other remedy herein provided, Clemson University may have a vehicle towed, impounded and stored at the owner's expense and risk under the following conditions:

1. If the vehicle is illegally parked.

54 FINAL REGULATIONS

2. If the vehicle is presumed to be abandoned.
 3. If the vehicle is not properly registered to include proper license plates and valid decal or permit.
 4. If the vehicle is parked in such a manner as to constitute a serious hazard to vehicular or pedestrian traffic, obstructing movement or operation of emergency equipment, obstructing the collections of trash at established locations, or parked in a marked fire lane.
 5. If three (3) or more parking citations issued against an operator, owner or vehicle are past due.
 6. If a vehicle is parked in a reserved space/area without an appropriate decal or permit.
- B. Motor vehicles which have been towed and impounded will not be released until all unpaid parking citations, tow charges and impound fees have been paid. Vehicles impounded and not claimed within thirty days may be disposed of in accordance with South Carolina state statutes.

27-3005. APPEALS, BOARDS AND COMMITTEES.

27-3005.3. Parking Appeals.

- A. Any person cited for a violation of the parking regulations may waive the right to appeal by paying the assessed penalty within ten calendar days from the date of the violation.
- B. The President of Clemson University may establish one or more Parking Review Boards to hear appeals of parking citations. A schedule of locations, procedures and board meeting times and dates shall be available during business hours in the office Parking and Transportation Services.
- C. Any person desiring to appeal the decision of the Parking Review Board must petition the Parking Review Judicial Officer within five calendar days of the decision by the Parking Review Board. The petition must clearly and concisely state the ground(s) for appeal. The Parking Review Judicial Officer may summarily decline to entertain any such appeal.

27-3005.4. Appointment of Boards and Committees.

- A. The President of Clemson University is designated the authority to administer and enforce these regulations and may further delegate this authority if he chooses to do so.
- B. The President of Clemson University may appoint such boards and committees as he deems necessary to assist in the administration of the rules and regulations contained herein.
- C. The Parking Advisory Committee is an advisory committee to make recommendations to the Executive Vice President for Finance & Operations concerning parking improvements and changes, and parking restrictions.

27-3006. Non-Motorized Vehicles.

A. General

1. Clemson University recognizes non-motorized vehicles as important and legitimate means of transportation, provided they are operated with due regard and concern for the safety of the general public.
2. Pedestrians in cross walks, on sidewalks, and at all other locations designated for pedestrian traffic shall have the right-of-way over non-motorized vehicles.

B. Definitions

1. Non-motorized vehicle--any wheeled vehicle which relies wholly or in part upon human or animal power for propulsion. This includes skates, cycles, skate boards and similar devices, but does not include wheelchairs operated by mobility impaired persons.
2. Cycles--includes unicycles, bicycles, tricycles, and other similar wheeled vehicles, regardless of the number of wheels.
3. Skates--includes roller skates, roller blades, in-line skates, skate boards, and similar devices, regardless of the number of wheels.

C. Non-motorized cycles

1. Non-motorized cycles are governed by state law. The cyclist has a right to use the streets and highways just as a motorist. However, the relative size of the cycle and the lack of safety devices make it extremely important that cycles be operated in accordance with the letter of the law.

2. Cycles may be ridden only in streets, highways, parking lots, and designated cycling paths. Cycles may not be ridden on any sidewalk unless that specific section of the sidewalk has been designated as a part of a cycling path.

3. Cycles and cyclists shall in all respects comply with applicable state laws and regulations, including but not limited to: turn signals, lighting, brakes, lane changing, etc.

4. Bicycle racks are provided throughout campus for parking. All parked bicycles should be locked in the rack.

D. Skates

1. Skates may be operated on campus in designated areas.

2. Skates may not be operated in campus buildings at any time.

E. Prohibited Activities

1. Acrobatic maneuvers, stunts, trick riding, speed runs, or other movements designed to display or demonstrate the operator's physical ability to manipulate the non-motorized vehicle are prohibited on university property, except in areas specifically designated for such operations.

2. The operators of non-motorized vehicles are responsible for controlling the speed of such device so as not to endanger any pedestrian.

F. Penalties

Any person violating the provisions of this regulation may, upon conviction, be fined not more than \$200.00. Additionally, the violation shall be reported to appropriate authorities for administrative action as deemed appropriate.

Non-motorized vehicles are legitimate means of transportation and may be operated on campus sidewalks and paths, provided they are used solely as a means of transportation and not for purposes otherwise prohibited by law or these regulations.

Fiscal Impact Statement:

None.

Statement of Rationale:

The proposed regulation changes will create a structure where the University has the opportunity to continue its efforts to solicit voluntary compliance to maintain public safety and order on the campus, while also providing the means to take enforcement efforts if education and compliance does not eliminate the concern. The changes also reflect the changes in technologies, communication and expectations of students, employees and visitors on campus as it relates to traffic control and permitted parking on the campus.