

SOUTH CAROLINA STATE REGISTER DISCLAIMER

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SOUTH CAROLINA STATE REGISTER

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

SOUTH CAROLINA STATE REGISTER

An official state publication, the *South Carolina State Register* is a temporary update to South Carolina's official compilation of agency regulations--the *South Carolina Code of Regulations*. Changes in regulations, whether by adoption, amendment, repeal or emergency action must be published in the *State Register* pursuant to the provisions of the Administrative Procedures Act. The *State Register* also publishes the Governor's Executive Orders, notices or public hearings and meetings, and other documents issued by state agencies considered to be in the public interest. All documents published in the *State Register* are drafted by state agencies and are published as submitted. Publication of any material in the *State Register* is the official notice of such information.

STYLE AND FORMAT

Documents are arranged within each issue of the *State Register* according to the type of document filed:

Notices are documents considered by the agency to have general public interest.

Notices of Drafting Regulations give interested persons the opportunity to comment during the initial drafting period before regulations are submitted as proposed.

Proposed Regulations are those regulations pending permanent adoption by an agency.

Pending Regulations Submitted to the General Assembly are regulations adopted by the agency pending approval by the General Assembly.

Final Regulations have been permanently adopted by the agency and approved by the General Assembly.

Emergency Regulations have been adopted on an emergency basis by the agency.

Executive Orders are actions issued and taken by the Governor.

2004 PUBLICATION SCHEDULE

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

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

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

REPRODUCING OFFICIAL DOCUMENTS

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

PUBLIC INSPECTION OF DOCUMENTS

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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.

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REGULATIONS SUBMITTED TO GENERAL ASSEMBLY 1

In order by General Assembly review expiration date
The history, status, and full text of these regulations are available on the
South Carolina General Assembly Home Page: www.scstatehouse.net

DOC No.	RAT FINAL No. ISSUE	SUBJECT	EXP. DATE	AGENCY
2886		Pilot and Apprentice Age Limitations and Pilot Registration	1/11/05	LLR: Commissioners of Pilotage
2887		Residential Builders Commission	1/11/05	LLR: Residential Builders Commission
* 2753		LIFE Scholarship Program	1/15/05	Commission on Higher Education
2889		Barrier Free Design, Building Codes Council	1/17/05	LLR: Building Codes Council
2890		Chapter Revisions	1/17/05	LLR: Manufactured Housing Board
2873		Air Pollution	1/30/05	Department of Health and Envir Control
* 2800		Environmental Protection Fees	2/27/05	Department of Health and Envir Control
2905		Credit for Reinsurance	3/14/05	Department of Insurance
2900		Student Attendance	3/22/05	Board of Education
2897		State Primary Drinking Water	3/28/05	Department of Health and Envir Control
2908		Continuing Insurance Education	4/03/05	Department of Insurance
2906		Repeal Video Poker Regulations	4/03/05	Department of Revenue
2907		ABL - Drive Thru Prohibited	4/03/05	Department of Revenue
2909		Adoption of National Explosives Standards	4/03/05	LLR: Office of State Fire Marshal
2899		Certification Program for Public Librarians	4/10/05	State Library
* 2801		Individual Sewage Treatment and Disposal Systems	4/19/05	Department of Health and Envir Control
2903		Total Maximum Daily Loads for Pollutants in Water	4/24/05	Department of Health and Envir Control
2901		Child Care Centers Licensing Regulations	5/08/05	Department of Social Services
2928		Spec Project Stds of Tidelands and Coastal Waters -Docks	5/11/05	Department of Health and Envir Control
2929		State of Policy; Spec Proj Stds of Tidelnds Coastl Wtrs - Marinas	5/11/05	Department of Health and Envir Control

* Resolutions to disapprove not enacted during 2004 Session

2 EXECUTIVE ORDERS

2004-31

WHEREAS, Section 53-5-20 of the South Carolina Code of Laws allows the Governor to declare Christmas Eve of each year a holiday for state government employees; and

WHEREAS, Act 295 of 2004, provides that “[n]otwithstanding Section 53-5-20, the Governor is authorized to declare Thursday, December 23, 2004, as the Christmas Eve holiday for state government employees,” in order to give them three consecutive days off during the holiday season, as in previous years; and

WHEREAS, I encourage all state government employees to celebrate the holiday season by spending time with family and friends and to reflect on the blessings of the past year and look forward to the arrival of the New Year.

NOW, THEREFORE, pursuant to Act 295 of 2004, I hereby declare Thursday, December 23, 2004, as the Christmas Eve holiday for state government employees.

GIVEN UNDER MY HAND AND THE GREAT
SEAL OF THE STATE OF SOUTH CAROLINA,
THIS 19th DAY OF NOVEMBER, 2004.

MARK SANFORD
Governor

2004-32

WHEREAS, Milton Farley resigned as a member of Berkeley County Council, District 1, effective October 31, 2004; and

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

WHEREAS, Phillip Farley, a resident of Hanahan, South Carolina, is a fit and proper person to serve as a member of Berkeley County Council.

NOW, THEREFORE, pursuant to the authority vested in me by the Constitution and Statutes of this State, I hereby appoint Phillip Farley as a member of Berkeley County Council, District 1, effective immediately. This appointment shall remain effective until Milton Farley’s successor qualifies and takes office.

GIVEN UNDER MY HAND AND THE GREAT
SEAL OF THE STATE OF SOUTH CAROLINA,
THIS 6th DAY OF DECEMBER, 2004.

MARK SANFORD
Governor

2004-33

WHEREAS, Section 1-3-240(B) of the South Carolina Code of Laws states: "[a]ny person appointed to a state office by a Governor, either with or without the advice and consent of the Senate, other than those officers enumerated in subsection (C), may be removed from office by the Governor at his discretion by an Executive Order removing the officer"; and

WHEREAS, membership on the Board of Directors of the South Carolina Public Service Authority is a state office appointed by the Governor that is not listed among the exempt state offices enumerated in Section 1-3-240(C) of the South Carolina Code of Laws; and

WHEREAS, Thomas Graham Edwards of Moncks Corner, Berkeley County, South Carolina, was previously appointed to the Board of Directors on April 22, 2003; and

WHEREAS, Guerry E. Green of Pawley's Island, Georgetown County, South Carolina is a fit and proper person to serve as a member of the Board of Directors of the South Carolina Public Service Authority.

NOW, THEREFORE, pursuant to the powers conferred upon me by the Constitution and Statutes of the State of South Carolina, I hereby remove Thomas Graham Edwards from the Board of Directors of the South Carolina Public Service Authority and declare the seat previously held by Thomas Graham Edwards to be vacant.

FURTHER, I hereby appoint on an interim basis Guerry E. Green to replace Thomas Graham Edwards as a member of the Board of Directors of the South Carolina Public Service Authority pursuant to Section 1-3-210 of the South Carolina Code of Laws.

This Order shall take effect immediately.

GIVEN UNDER MY HAND AND THE GREAT
SEAL OF THE STATE OF SOUTH CAROLINA,
THIS 10th DAY OF DECEMBER, 2004.

MARK SANFORD
Governor

4 NOTICES

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

In accordance with Section 44-7-200(C), Code of Laws of South Carolina, the public is hereby notified that a Certificate of Need application has been accepted for filing and publication December 24, 2004, 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 Mr. Albert N. Whiteside, Director, Division of Planning and Certification of Need, 2600 Bull St., Columbia, SC 29201 at (803) 545-4200.

Affecting Dillon County

Establishment of an ambulatory surgery center with one (1) endoscopy room restricted to gastroenterology procedures only.

Dillon Family Medicine, P.A. Endoscopy Center

Dillon, South Carolina

Project Cost: \$711,800

Affecting Lexington County

Replacement of mobile Magnetic Resonance Imaging (MRI) services with a fixed Philips Achieva 1.5T MRI.

Lexington Medical Center Irmo

Columbia, South Carolina

Project Cost: \$2,426,000

Affecting Richland County

Addition of a 3.0T Magnetic Resonance Imaging (MRI) unit in collaboration with the University of South Carolina to be located within Five Richland Medical Park.

Palmetto Health Richland

Columbia, South Carolina

Project Cost: \$3,438,000

Affecting York County

Construction of a 64 bed acute care hospital to include one (1) diagnostic cardiac catheterization laboratory, one Magnetic Resonance Imaging (MRI) unit and one Computed Tomography (CT) Scanner to be located at the Intersection of SC Highway 160 and Highway 21 Bypass.

Fort Mill Medical Center

Fort Mill, South Carolina

Project Cost: \$107,158,233

In accordance with S.C. DHEC Regulation 61-15, the public and affected persons are hereby notified that the review cycle has begun for the following project(s) and a proposed decision will be made within 60 days beginning December 24, 2004. "Affected persons" have 30 days from the above date to submit comments or requests for a public hearing to Mr. Albert N. Whiteside, Director, Division of Planning and Certification of Need, 2600 Bull Street, Columbia, S.C. 29201. For further information call (803) 545-4200.

Affecting Greenville County

Addition of sixty (60) nursing home beds that do not participate in the Medicaid (Title XIX) Program for a total of one hundred eighty (180) nursing home beds.

NHC HealthCare/Mauldin
Greenville, South Carolina
Project Cost: \$4,804,800

Purchase of a CyberKnife Stereotactic Radiosurgery System and construction of a building to house the system.

St. Francis Hospital, Inc.
Greenville, South Carolina
Project cost: \$5,143,278

Affecting Lexington County

Replacement of mobile Magnetic Resonance Imaging (MRI) services with a fixed Philips Achieva 1.5T MRI.

Lexington Medical Center Irmo
Columbia, South Carolina
Project Cost: \$2,426,000

Affecting Richland County

Construction to establish an ambulatory surgery center with three (3) operating rooms (ORs).

Midlands Orthopaedics Surgery Center, LLC
Columbia, South Carolina
Project Cost: \$6,978,000

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL**Public Notice**

Pursuant to SC Code §49-21-40 and R. 121-12.7, the South Carolina Department of Health and Environmental Control gives notice that the Town of Winnsboro has filed a Class I Interbasin Transfer Application to transfer water from the Broad River basin to the Catawba-Wateree River basin. The Interbasin Transfer Application is for renewal of an existing Interbasin Transfer Registration of 3.1 million gallons per day that expires November 15, 2005. Raw water is withdrawn from Mill Creek Reservoir and Sand Creek in the Broad River basin and treated at the Winnsboro Water Treatment Plant. Treated water is distributed to the Town of Winnsboro service area which lies in both the Broad and Catawba-Wateree basins. Treated water is sold wholesale to the Towns of Ridgeway and Blythewood which lie in the Broad and Catawba-Wateree basins and also to Mid-County and Jenkinsville Water Companies, both in the Broad River basin. Wastewater from the Town of Winnsboro service area is treated at Winnsboro Wastewater Treatment Plant and discharged to Jackson Creek in the Broad River basin. Wastewater from the Town of Ridgeway is treated and discharged to Cedar Creek in the Broad River basin. Wastewater from the Town of Blythewood is treated and discharged to the Catawba-Wateree basin. The requested duration of the permit is for twenty (20) years to withdraw a daily average of 3.1 million gallons of water a day.

Any person may request a copy of the application by submitting a statement to the address below specifying how he or she will be affected. Any person may submit comments on the application; to be considered, comments must be received by the Department by the close of business on April 29, 2005. Any person wishing to receive notification of the permit decision should submit a request for such notification (which may be included with your comments) to the address below.

6 NOTICES

Comments should be directed to:

Tricia H. Kilgore
SCDHEC
2600 Bull Street
Columbia, SC 29201

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

PUBLIC NOTICE

Section IV of R.61-98, the State Underground Petroleum Environmental Response Bank (SUPERB) Site Rehabilitation and Fund Access Regulation, requires that the Department of Health and Environmental Control evaluate and certify site rehabilitation contractors to perform site rehabilitation of releases from underground storage tanks under the State Underground Petroleum Environmental Response Bank (SUPERB) Act. Pursuant to Section IV.B.1., the Department is required to place a list of those contractors requesting certification on public notice and accept comments from the public for a period of thirty (30) days. If you wish to provide comments regarding the companies and individuals listed below, please submit your comments in writing, no later than January 24, 2005 to:

Contractor Certification Program
South Carolina Department of Health and Environmental Control
Underground Storage Tank Program
Attn: Barbara Boyd
2600 Bull Street
Columbia, SC 29201

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

Class I

Class II

Ground Engineering Solutions, Inc.

STATE BOARD OF EDUCATION**CHAPTER 43**

Statutory Authority S.C. Code Ann. §§59-5-60 (2004), 59-1-445 (2004), 59-18-310 (2004), 59-18-320 (2004), 59-18-330 (2004), 59-18-340 (2004), 59-20-60 (4)(c) (2004), 59-30-10 (2004) and 20 U.S.C. § 6301 *et seq.* (2002)

Notice of Drafting:

The State Department of Education proposes to draft amendments to Regulation 43-262, Assessment Program. Interested persons may submit comments to Theresa Siskind, Office of Assessment, 1429 Senate Street, Rutledge Building, Room 607, Columbia, South Carolina 29201 or by e-mail to tsiskind@sde.state.sc.us. To be considered all comments must be received no later than 5:00 P.M. on January 24, 2005, the close of the drafting comment period.

Synopsis:

The regulation is being amended to strike the requirement for students with disabilities who are served with an Individualized Education Program (IEP) to retake the exit examination a specific number of times if all of the following conditions are met: a) the student has not passed any subtests of the HSAP after initial participation, b) the student has not earned any Carnegie units in the core curriculum, and c) the student is not enrolled in any core curriculum courses required for high school graduation. The regulation as amended requires the IEP team to determine annually the student's participation in re-taking High School Assessment Program (HSAP) until such time as the student earns at least one unit in the core curriculum required for high school graduation.

This amendment insures that students with IEPs are afforded the same opportunity as all students to retake the exit examination based on annual determination by the student's IEP team.

Legislative review of this proposal will be required.

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

Statutory Authority: 1976 Code Section 44-56-30

R. 61-79 HAZARDOUS WASTE MANAGEMENT REGULATIONS**Notice of Drafting:**

The Department of Health and Environmental Control proposes to amend R.61-79, Hazardous Waste Management Regulations, to adopt federal amendments through June 30, 2004. Interested persons are invited to present their views in writing to John Litton, Director of the Division of Waste Management, Bureau of Land and Waste Management, Department of Health and Environmental Control, 2600 Bull Street, Columbia, SC 29201. To be considered, comments must be received by January 28, 2005.

Synopsis:

The United States Environmental Protection Agency (USEPA) promulgates amendments to 40 CFR 124, 260 through 266, 268, 270, and 273 throughout each calendar year. Recent federal amendments affect: an exclusion at 261 Appendix IX of six wastewater treatment plant sludges at six automobile assembly plants in Michigan; national emission standards for air pollutants for certain vehicle surface coating operations and other NESHAP-related amendments. The Department is considering the adoption of amendments to

8 DRAFTING

facilitate the National Environmental Performance Track Program with an addition to 262.34 "Accumulation Time," and new language at (j) and (k) and (l) to provide for flexibility regarding storage time in certain cases without requiring a storage permit. Clarification will be made at 261.5(j) to reflect federal clarifying amendments addressing recycled used oil. These rules have been published in the Federal Register between July 1, 2003, and June 30, 2004. Finally, The Department intends to remove the text after 266 Subpart E, replace the text with a reference to R.61-107.279, and replace cross references to 266 Subpart E with references to R.61-107.279, to reflect federal language in 40 CFR 266.

The Department will also make minor clarifications and corrections to R.61-79 to more closely reflect the federal regulations, update cross references to the State's Air Quality regulations and other cross references.

The Department intends to amend R.61-79 to maintain conformity with federal requirements and ensure compliance with federal standards. No preliminary assessment report, fiscal impact statement, nor legislative review of this amendment will be required.

DEPARTMENT OF LABOR, LICENSING AND REGULATION BOARD OF COSMETOLOGY

CHAPTER 35

Statutory Authority: 1976 Code Section 40-13-60

Notice of Drafting:

The Department of Labor, Licensing, and Regulation, South Carolina Board of Cosmetology proposes to amend Regulation 35-1 through 35-26 relating to cosmetology schools and continuing education for licensees. Interested persons may submit comments to Randy Bryant, Assistant Deputy Director, South Carolina Department of Labor, Licensing and Regulation, Office of Business and Related Services, South Carolina Board of Cosmetology, 110 Centerview Drive, Columbia, South Carolina 29210.

Synopsis:

The South Carolina Board of Cosmetology proposes to update and clarify existing regulations and to make the current regulations agree with current statutory language.

DEPARTMENT OF LABOR, LICENSING AND REGULATION BOARD OF DENTISTRY

CHAPTER 39

Statutory Authority: 1976 Code Sections 40-1-40 and 40-15-40

Notice of Drafting:

The Board of Dentistry is proposing to amend Regulation 39-17 regarding guidelines for sedation and general anesthesia. Written comments may be submitted to Rion Alvey, Board Administrator, at 110 Centerview Drive, Third Floor, Columbia, South Carolina, 29211-1329.

Synopsis:

The purpose of the amendment to Regulation 39-17 is to amend the guidelines for sedation and general anesthesia to conform to national guidelines.

Document No. 2959
BUDGET AND CONTROL BOARD
 CHAPTER 19

Statutory Authority: S.C. Code Sections 44-6-170, 44-6-175 and 44-6-200, as amended

19-8. Data Reporting Requirements Pertaining to South Carolina Hospitals
 19-10. Data Reporting Requirements Pertaining to Submission of Ambulatory Encounter Data
 19-11. Data Release for Medical Encounter Data & Financial Reports

Preamble:

The South Carolina Budget and Control Board proposes to amend and replace in its entirety Regulation 19-8, Data Reporting Requirements Pertaining to South Carolina Hospitals. The proposed amendment will clarify requirements for all affected health care providers or payers as addressed below:

- (1) The proposed amendment will provide clarification of the requirement to submit health care data;
- (2) The proposed amendment will bring compliance with the federal administrative simplification regulations promulgated under Health Insurance Portability and Accountability Law of 1996;

The South Carolina Budget and Control Board proposes to amend and replace in its entirety Regulation 19-10, Data Reporting Requirements Pertaining to Submission of Ambulatory Encounter Data. The proposed amendment will clarify requirements for all affected health care providers or payers as addressed below:

- (1) The proposed amendment will provide clarification of the requirement to submit health care data;
- (2) The proposed amendment will bring compliance with the federal administrative simplification regulations promulgated under Health Insurance Portability and Accountability Law of 1996;
- (3) The proposed amendment will delete prior requirements that were applicable for the first submission of ambulatory encounter data.

The South Carolina Budget and Control Board proposes to amend and replace in its entirety Regulation 19-11, Data Release for Medical Encounter Data & financial Reports. The proposed amendment will clarify requirements for all affected health care providers or payers as addressed below:

- (1) The proposed amendment will provide clarification of the requirement to submit health care data with the inclusion of Health Care Insurers;
- (2) The proposed amendment will clarify the duties of the Data Oversight Council;
- (3) The proposed amendment will change the classification of data from unrestricted to encounter-level;
- (4) The proposed amendment will bring compliance with the federal administrative simplification regulations promulgated under Health Insurance Portability and Accountability Law of 1996.

Notices of Drafting for the proposed amendment were published in the State Register on November 26, 2004. Comments were considered in formulating the proposed revisions. See Discussion of Proposed Revisions below and Statement of Need and Reasonableness herein.

Section-by-Section Discussion

- (1) Provide clarification of the requirement to submit health care data.

19-801.F The name of the United States Department of Health and Human Services, Health Care Financing Administration is changed to the Centers for Medicare and Medicaid Services.

10 PROPOSED REGULATIONS

(2) Bring into compliance with the federal administrative simplifications regulations promulgated under the Health Insurance Portability and Accountability Law of 1996.

19-810.A The data elements to be collected are deleted from the regulations. The Data Oversight Council through the document, *The Principles and Protocol for the Release of Health Care Data* will list the data elements to be reported. *The Principles and Protocol for the Release of Health Care Data* shall allow for review and input by interested parties on the data elements to be reported taking into consideration all applicable federal, state laws and regulations. The Data Oversight Council will rely, to the extent possible, on data elements currently being reported among health care entities.

19-810.B The existing text of item B is revised to require that the specifications of reporting data will be in accordance with Health Insurance Portability and Accountability Law of 1996.

(1) Provide clarification of the requirement to submit health care data.

19-1010.B The word “Rooms” is deleted and Department included in a licensed facility is added.

19-1020.C Deleted as no longer applicable.

19-1020.D Deleted as no longer applicable.

19-1020.E Deleted as no longer applicable.

19-1020.F Changed to 19-1020.C.

19-1020.G Deleted as no longer applicable.

19-1050 Correction to Article citation.

19-1060 Correction to Article citation

(2) Bring into compliance with the federal administrative simplifications regulations promulgated under the Health Insurance Portability and Accountability Law of 1996.

19-1020.A Ambulatory encounter level data for all outpatients format is changed to delete “South Carolina UB-93 Manual” most recent revision and/or instruction for the HCFA Form 1500, as well as the HCFA Form 4-85 utilized by Home Health agencies and added in accordance with, but not limited to, the specifications promulgated by the Secretary of the Department of Health and Human Services in accordance with the Health Insurance Portability and Accountability Law of 1996, as well as the specifications of the Director of the Centers for Medicare and Medicaid Services and as specified in the Medically Indigent Assistance Act for the State of South Carolina.

19-1020.B The data elements to be collected are deleted from the regulations. The existing text of item B is revised to require that the specifications of reporting data will be in accordance with Health Insurance Portability and Accountability Law of 1996 using the *The Principles and Protocol for the Release of Health Care Data*. *The Principles and Protocol for the Release of Health Care Data* shall allow for review and input by interested parties on the data elements to be reported taking into consideration all applicable federal, state laws and regulations. The Data Oversight Council will rely, to the extent possible, on data elements currently being reported among health care entities.

Section-by-Section Discussion

(1) Provide clarification of the requirement to submit health care data with the inclusion of Health Care Insurers.

19-1101. Definition of Health Care Insurer and Health Care Insurer Identifiers is added.

19-1120.C Health care insurers are added.

(2) Clarify the duties of the Data Oversight Council.

19-1110.A Add the statement The Data Oversight Council will rely, to the extent possible, on data elements currently being reported among health care entities.

19-1110.B Add the statement *The Principles and Protocol for the Release of Health Care Data* shall allow for review and input by interested parties on the data elements to be reported taking into consideration all applicable federal, state laws and regulations. The Data Oversight Council will rely, to the extent possible, on data elements currently being reported among health care entities.

19-1110-D. The following are added after patient, health care facility, health care professional, and health insurers, excluding Medicare, Medicaid and any other governmental health insurers.

(3) Change the classification of data from unrestricted to encounter-level.

19-1120.A Change unrestricted to encounter-level

19-1120.A(1) Change unrestricted to encounter-level

19-1130.B Change unrestricted to encounter-level

19-1130.C Change unrestricted to encounter-level

19-1130.C(1) Change unrestricted to encounter-level

19-1130.D Change unrestricted to encounter-level

(4) Bring into compliance with the federal administrative simplifications regulations promulgated under the Health Insurance Portability and Accountability Law of 1996.

19-1120.C Delete

19-1120.D Change to 19.1120.C. Change wording to delete data elements listed. Add the sentence All identifiers may be released back to the entity providing the data or controlling the enumeration of the data.

19-1130.A Add to the end as specified in *The Principles and Protocol for the Release of Health Care Data*.

19-1130.C Add to the end appropriate individuals as specified in *The Principles and Protocol for the Release of Health Care Data* for each classification of data.

19-1130.C(1) Add distinction of confidentiality for patients and appropriate confidentiality for health care facilities, professionals and health insurers.

19-1130.C(1) (a) through (k) Delete

19-1130.E Delete

19-1130.E(1) through (6) Delete

19-1130.F Change to 19-1130.E. Add mechanism for the release of report formats using *The Principles and Protocol for the Release of Health Care Data*.

Notice of Public Hearing and Opportunity for Public Comment:

Interested members of the public and regulated community are invited to make oral or written comments on the proposed regulation at a public hearing to be conducted the South Carolina Budget and Control Board, on January 28, 2005 to be held in the Conference Room, 1919 Blanding Street, Columbia, S.C. The public hearing commences at 10 a.m. at which time the Board will receive public comments. The order of presentation for public hearings will be published ten days in advance of the meeting. Persons desiring to make oral comments at the hearing are asked to limit their statements to five minutes or less, and as a courtesy are asked to provide written copies of their presentation for the record.

Interested persons are also provided an opportunity to submit written comments on the proposed amendments by writing to Mary Tyrell at South Carolina Budget and Control Board, Office of Research and Statistics, 1919 Blanding Street, Columbia SC 29201 or by calling (803) 898-9955. Comments must be received no later than 4:00 p.m. January 26, 2005. Comments received shall be considered by the staff in formulating the final proposed regulation for public hearing on January 28, 2005, as noticed above. Comments received by the deadline shall be submitted to the Board in a summary of public comments and department responses for consideration at the public hearing.

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Preliminary Fiscal Impact Statement:

The South Carolina Budget and Control Board, Office of Research and Statistics estimates the costs incurred by the State and its political subdivisions in complying with the proposed regulation will be approximately \$0.00.

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATIONS: 19-8. Data Reporting Requirements Pertaining to South Carolina Hospitals, 19-10 Data Reporting Requirements Pertaining To Submission Of Ambulatory Encounter Data, 19-11 Data Release For Medical Encounter Data & Financial Reports

Purpose of Regulations: These regulations provide the structure for the reporting and release of encounter data by hospitals, home health agencies, ambulatory surgery centers, operators of imaging equipment requiring a Certificate of Need and other services/equipment that require a Certificate of Need. The changes to these regulations are to bring the existing regulations into compliance with federal regulations for the electronic transmission of health care data for billing, Health Insurance Portability and Accountability Law of 1996, Administrative Simplifications Regulations. These changes will not require any additional data to be reported. These changes provide a means for adopting federal changes in a timely manner.

Legal Authority: The legal authority for these regulations is S.C. Code Sections 44-6-170, 44-6-175 and 44-6-200, as amended.

Plan for Implementation: These regulations have been in effect since 1995. The proposed changes will be implemented upon approval.

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

These regulations will have no impact on competitiveness of health care providers. As all health care providers are required to submit data, no one section or group is provided a competitive advantage. The release mechanism for these data is based on the premise that all parties are treated equally. This means if data are released to one provider or class of providers that all affected parties have equal access to the same information. The information collected by these regulations is targeted to improving health care services to all South Carolinians not for the competitive advantage of health care providers.

The cost of complying with these regulations is minimal as the mechanism for collection and submission of data is the information used by the provider to bill the patient and/or health insurance company. There should be no effect on the employment of individuals in the health care market because of these regulations. Neither these changes nor the original regulations require additional personnel to collect, to report or to otherwise meet the requirements of these regulations.

The revenue for implementation and enforcement of these regulations is from the Medicaid Expansion Fund. No additional revenue is required to implement these changes in regulations.

The short-term and long-term economic impacts upon affected parties are negligible. The objective of the proposed changes is to bring the existing regulations into line with federal mandates for billing health care encounters. Using the information prepared for billing minimizes any expenses related to these changes. Under the existing regulations and the old federal laws, changes were limited to no more than once a year with substantial changes occurring every ten years. Under the Administrative Simplification Regulation, U.S. Health Insurance Portability and Accountability Law of 1996, there are now twelve different organizations that provide oversight to reporting of health care information. Changes may be done by any or all of these organizations multiple times a year with combined changes occurring once a year. The changes to these regulations are to

provide a mechanism whereby the Office of Research and Statistics can incorporate these changes on a timely basis. The timely adoption of these federal changes will mean that health care providers in South Carolina will not have to keep two differing data sets, one under the old rules for reporting to the Office of Research and Statistics and one for billing patients and insurance companies. These changes are meant to reduce the data-reporting burden on health care providers. Consequently, all health care providers affected by these regulations should benefit by the changes in the regulations.

DETERMINATION OF COSTS AND BENEFITS:

The estimated cost of implementing these changes to the proposed regulations is \$0.00. Health care providers have been reporting these data since 1996. The changes to the regulations do not change what is to be reported or how it is to be reported. The data collected through these regulations provide health care providers, health care researchers and public policy makers and other interested parties information on the utilization of health care services by the citizens of South Carolina. Numerous grants, public programs and other private service delivery organizations have used these data to target populations of interest, evaluate the effectiveness of programs, quantify the prevalence and incidence of diseases, and develop service delivery programs for South Carolinians.

These regulations are considered to be the most cost-effective and feasible means for allocating public and private resources as they rely on business practices currently being used by effected parties. Reporting by health care providers is done using the information that is required to bill patients and insurance companies. Using data in the same format as required for billing and only those items required for billing, imposes no additional burden on health care providers for the collection of data. Health care providers may send this information directly to the Office of Research and Statistics or they may use a third party billing service to forward the data. With the implementation of the federal Health Insurance Portability and Accountability Law of 1996 all health care providers must bill electronically unless the health care provider has a paper based office. The health care providers that are required to report bill electronically. To comply with these regulations, the impacted health care providers may send electronic information directly to the Office of Research and Statistics or may use a third party billing service.

UNCERTAINTIES OF ESTIMATES:

As these proposed changes rely on data already electronically collected and stored by health care providers, in formats required by the administrative simplification act under the Health Insurance Portability and Accountability Law of 1996, the uncertainties of estimates for the collection and reporting of these data are marginal.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

These proposed changes in regulations should have no effect on the environment and public health.

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

The only detrimental effect on the environment and public health if the regulations are not implemented lies in the fact that the Department of Health and Environment Control (DHEC) are one of the principal users of these data. Various programs within DHEC use these data for public health surveillance, evaluation of programs such as in the maternal child health areas and for examining health consequences of environmental issues. Unlike other state public health agencies, DHEC does not have the expense of collecting these data and formatting into a uniform format.

Statement of Rationale:

A Statement of Rationale may be secured by contacting Ms. Mary Tyrell, Office of Research & Statistics, 1919 Blanding Street, Columbia, SC 29201. The proposed revisions will enable health care providers to report information using recognized standards, promulgated under the Health Insurance Portability and Accountability Law of 1996 that are currently being used for electronic medical payment transactions. All health care providers

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that bill electronically are required to comply with these national standards. The rationale for these regulations is to bring the current reporting system in line with these standards.

Text:

The full text of this regulation is available on the South Carolina General Assembly Home Page:

<http://www.scstatehouse.net/regnsrch.htm>. Full text may also be obtained from the promulgating agency.

Document No. 2957

DEPARTMENT OF MOTOR VEHICLES

Chapter 90

Statutory Authority: 1976 Code Section 56-10-640

Article 1: Motorist Insurance Identification Database

Preamble:

The Department proposes to add Article 1 to Chapter 90. These regulations were previously codified as Chapter 38, Article 3, Subarticle 15 and outline procedures to be followed by the Department and the Insurance Industry to implement the Motorist Insurance Identification Database Program Act of 2002. A Notice of Drafting for the proposed regulations was published in the State Register on November 26, 2004. A discussion of the proposed regulations with reference to revisions from the original text and Statement of Need and Reasonableness is contained herein.

Section-by-Section Discussion

- 90-001. Provides an introduction. Previously R.38-260. Change in agency name from South Carolina Department of Public Safety to South Carolina Department of Motor Vehicles.
- 90-002. Provides definitions. Previously R.38-261. New text is being added as item F and G.
- 90-003. Outlines the communication options available to insurers and provides detailed information regarding each communication option. Previously R.38-262 and R.38-263.0, R.38-263.1 and R.38-263.2. Title is being revised to add "Options for Insurers". Detailed information regarding each option previously numbered as R.38-263.0, R.38-263.1 and R.38-263.2 is being renumbered as 90-003.1, 90-003.2 and 90-003.3 with minor editorial changes to the existing text.
- 90-004. Discusses file formatting options. Previously R.38-264. Existing text will remain the same.
- 90-005. Discusses data security. Previously R.38-265. Existing text will remain the same.
- 90-006. Outlines the types of transactions to be reported. Previously R.38-266. New text is being added as item 90-006.A.2.a.3 and 90-006.C.1.
- 90-007. Outlines the types of policies to be reported. Previously R.38-267. Item C is being deleted and minor editorial changes are being made.
- 90-008. Relates to the data elements to be used. Previously R.38-268. Existing text will remain the same.
- 90-009. Discusses the Implementation Guide. Previously R.38-269. Existing text will remain the same. The only change is the capitalization of the words Working and Group.

- 90-010. Outlines the reporting options for compliance reporting. This section did not exist previously. New text is being added to provide detail to insurers and agencies on the choices of reporting options available to them.
- 90-011. Outlines the frequency of reporting for cancellation and compliance transactions. This section did not exist previously. New text is being added to clarify the submission frequency for transactions.
- 90-012. Allows for the addition of reporting other types of insurance or compliance transactions. This section did not exist previously. New text is being added to allow the Working Group to direct that enhancements be made to the SC ALIR system to allow for the reporting of additional types of transactions.

Notice of Public Hearing and Opportunity for Public Comment:

The South Carolina Department of Motor Vehicles will conduct a public hearing for the purpose of receiving oral comments, data, views or arguments on January 24, 2005 at 10:00 a.m. if requested in accordance with the provisions of Section 1-23-110 by twenty-five persons, by a governmental sub-division or agency, or by an association having not less than twenty-five members. Requests for a hearing must be in writing and received by the Department of Motor Vehicles by 5:00 p.m. on January 10, 2005. The public hearing will be held at the Administrative Law Judge Court, 1205 Pendleton Street, Brown Building, Second Floor, Suite 224, Columbia, South Carolina 29201. Please submit comments and hearing requests to Mr. John H. Caldwell, South Carolina Department of Motor Vehicles, 10311 Wilson Boulevard, Blythewood, South Carolina 29016.

Preliminary Fiscal Impact:

The Department of Motor Vehicles estimates the costs incurred by the State and its political subdivisions in complying with the proposed regulation will be minimal.

Statement of Rationale:

The basis of the proposed regulation is to transfer authority for the implementation of the Motorist Insurance Identification Database Act of 2002 from the Department of Public Safety to the Department of Motor Vehicles.

All changes to the existing regulation text have been proposed based on the recommendation of the Working Group as provided for in R.38-269.

Statement of Need and Reasonableness:

This statement of need and reasonableness was determined by staff analysis pursuant to S.C. Code Section 1-23-115(C)(1) through (3) and (9) through (11).

DESCRIPTION OF REGULATION: 90-001. Motorist Insurance Identification Database

Purpose: Proposed regulation will replace and supersede Chapter 38, Article 3, Subarticle 15, Motorist Insurance Identification Database which was promulgated by the Department of Public Safety. Administration of this regulation has been transferred to the Department of Motor Vehicles and as such must be promulgated by the responsible agency.

Legal Authority: Section 56-10-640 allows the Department of Motor Vehicles to promulgate regulations on this matter.

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Plan for Implementation: The proposed regulations will take effect upon approval by the General Assembly and publication in the *State Register*. The proposed regulations will be implemented pursuant to the procedures outlined in the Implementation Guide.

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

The proposed regulation will place the responsibility for administering the Motorist Insurance Identification Database program under the proper regulatory authority.

The proposed regulation will provide clarification of the frequency that certain transactions must be transmitted to the Department.

The proposed regulation will provide the ability of the Working Group to direct that enhancements be made to the SC ALIR system that would allow for the reporting of additional insurance or compliance transactions.

DETERMINATION OF COSTS AND BENEFITS:

There will be a benefit to the Department of Motor Vehicles, the Insurance Industry and the general public with the ability to allow for additional transactions to be processed through the SC ALIR system.

UNCERTAINTIES OF ESTIMATES:

None.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

None.

DETRIMENTAL EFFECTS ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATIONS ARE NOT IMPLEMENTED:

None.

Text:

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

Document No. 2955

DEPARTMENT OF PUBLIC SAFETY

CHAPTER 38

Statutory Authority: 1976 Code Section 23-6-20 and Section 56-10-640

Article 3 Division of Motor Vehicles, Subarticle 15 Motorist Insurance Identification Database Regulations

Preamble:

The Department of Public Safety proposes to repeal regulations 38-260 through 38-269. A Notice of Drafting for the Proposed Regulations was published in the State Register on November 26, 2004. A discussion of the proposed regulations and statement of need and reasonableness is contained herein.

Section by Section Discussion

38-260. Repealed
 38-261. Repealed
 38-262. Repealed
 38-263.0 Repealed
 38-263.1 Repealed
 38-263.2 Repealed
 38-264. Repealed
 38-264.1 Repealed
 38-264.2 Repealed
 38-265. Repealed
 38-266. Repealed
 38-267. Repealed
 38-268. Repealed
 38-269. Repealed

Preliminary Fiscal Impact:

The Department anticipates no fiscal impact as a result of these regulations. The responsibility for administering the provisions of the South Carolina Automobile Liability Insurance Reporting System now falls under the Department of Motor Vehicles. The Department of Motor Vehicles is currently publishing new regulations on this matter under their regulation chapter (Chapter 90).

Notice of Public Hearing

The South Carolina Department of Public Safety will conduct a public hearing for the purpose of receiving oral comments, data, views or arguments on January 27, 2005 if requested in accordance with the provisions of Section 1-23-110 by twenty-five persons, by a governmental sub-division or agency, or by an association having not less than twenty-five members. Requests for a hearing must be in writing and received by the Department of Public Safety by 5:00 p.m. on January 24, 2005. The public hearing will be held at the Administrative Law Judge Division, 1205 Pendleton Street, Brown Building, Second Floor, Columbia, South Carolina 29201. Written comments will be accepted until 5:00 p.m., January 24, 2005. Please submit comments and hearing requests to Ms. Rachel Erwin, South Carolina Department of Public Safety, P.O. Box 1993, Blythewood, South Carolina 29016.

Statement of Need and Reasonableness

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

DESCRIPTION OF REGULATION:

Purpose: To facilitate the movement of these regulations under the Department of Motor Vehicles in accordance with the Department of Motor Vehicles Reform Act of 2003.

Authority: Section 23-6-20 allows the Department of Public Safety to promulgate regulations on this matter.

Plan for Implementing: The Department of Public Safety is repealing these regulations. The Department of Motor Vehicles will administer the new regulations published under their regulation chapter.

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Text:

38-260. Repealed
38-261. Repealed
38-262. Repealed
38-263.0 Repealed
38-263.1 Repealed
38-263.2 Repealed
38-264. Repealed
38-264.1 Repealed
38-264.2 Repealed
38-265. Repealed
38-266. Repealed
38-267. Repealed
38-268. Repealed
38-269. Repealed

Document No. 2958

DEPARTMENT OF REVENUE

CHAPTER 117

Statutory Authority: 1976 Code Section 12-4-320

Preamble:

The South Carolina Department of Revenue is considering adding SC Regulation 117-875 concerning voluntary income tax check off funds. Act No. 248, Part IB, Section 64, Proviso 64.16, "Voluntary Tax Contribution K-12," and Proviso 64.17, "Voluntary Tax Contribution for PRT," stated that these check off provisos would be implemented by the Department by regulation. This regulation, if approved, would also be used for other check offs currently provided in Chapter 6 of Title 12 and any future check offs.

Discussion

The South Carolina Department of Revenue is considering adding SC Regulation 117-875 concerning voluntary income tax check off funds. Act No. 248, Part IB, Section 64, Proviso 64.16, "Voluntary Tax Contribution K-12," and Proviso 64.17, "Voluntary Tax Contribution for PRT," stated that these check off provisos would be implemented by the Department by regulation. This regulation, if approved, would also be used for other check offs currently provided in Chapter 6 of Title 12 and any future check offs.

Text:

117-875. All voluntary contributions designated on the individual income tax return, as provided by law, are determined at least annually by the Department. The total amount shall be credited to the appropriate check off fund at the earliest possible time.

Notice of Public Hearing:

The S.C. Department of Revenue has scheduled a public hearing before the Administrative Law Court in the Edgar Brown Building (1205 Pendleton Street – Suite 224) on the Capitol Complex in Columbia, South Carolina for March 23, 2005 at 10:00 a.m. if the requests for a hearing meet the requirements of Code Section 1-23-110(A)(3). The public hearing, if held, will address a proposal by the Department to add SC Regulation 117-875 concerning the distribution of monies to voluntary check off funds.

The department will be asking the Administrative Law Court, in accordance with S.C. Code Ann. Section 1-23-111(2000), to issue a report that the proposal to add the regulation is needed and reasonable.

Comments:

All comments concerning this proposal should be mailed to the following address by January 28, 2005:

S.C. Department of Revenue
Legislative Services - Mr. Meredith Cleland
P.O. Box 125
Columbia, South Carolina 29214

Preliminary Fiscal Impact Statement:

There will be no impact on state or local political subdivisions expenditures in complying with this proposed legislation.

Summary of the Preliminary Assessment Report:

A preliminary assessment report is not required for this proposal.

Preliminary Assessment Report:

A preliminary assessment report is not required for this proposal.

Statement of Rationale:

The purpose of this proposal is to add SC Regulation 117-875 concerning voluntary income tax check off funds to state that all voluntary contributions designated on the individual income tax return, as provided by law, are determined at least annually by the Department and that the total amount shall be credited to the appropriate check off fund at the earliest possible time. This proposal to add this regulation is needed since Act No. 248, Part ID, Section 64, Proviso 64.16, "Voluntary Tax Contribution K-12," and Proviso 64.17, "Voluntary Tax Contribution for PRT," stated that these check off provisos would be implemented by the Department by regulation. This regulation, if approved, is reasonable since it would also be used to consistently distribute monies to other check offs currently provided in Chapter 6 of Title 12 and any future check offs.

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Filed: November 22, 2004, 10:00 am

Document No. 2952
DEPARTMENT OF NATURAL RESOURCES
CHAPTER 123

Statutory Authority: 1976 Code Sections 50-11-10

Emergency Situation:

This emergency regulation amends and supersedes South Carolina Department of Natural Resources Regulation Number 123-40. Chapter 123 regulations set open and closed seasons, bag limits and methods of taking wildlife; define special use restrictions related to hunting and methods for taking wildlife. Because the waterfowl season begins on November 24, 2004, it is necessary to file this regulation as emergency.

HUNTING IN WILDLIFE MANAGEMENT AREAS

Wildlife Management Area Regulations.

10.20 On Tom Yawkey Wildlife Center, Mosquito Creek, its tributaries, canals and marsh between Cat Island and South Island from Winyah Bay to North Santee Bay is closed to waterfowl hunting.

Statement of Need and Reasonableness:

A previous sanctuary agreement prohibited all waterfowl hunting within the Tow Yawkey Wildlife Center. This regulation will allow continued provision of sanctuary for wildlife within a more limited geographic area while allowing waterfowl hunting in some previously protected areas. Because the waterfowl season begins November 24, 2004 it is necessary to file this regulation as emergency so it will take effect immediately.

Fiscal Impact Statement:

This amendment of Regulation 123.40 will result in increased public hunting opportunities that should generate additional State revenue through license sales. In addition, the local economy should benefit from sales of hunting supplies, food and overnight accommodations. Sales taxes on these items will also directly benefit government.

Filed: November 29, 2004, 11:40 am

Document No. 2953
DEPARTMENT OF NATURAL RESOURCES
CHAPTER 123

Statutory Authority: 1976 Code Sections 50-1-200, 50-1-210, 50-3-100, 50-11-10, 50-11-65, 50-11-105, 50-11-310, 50-11-335, 50-11-350, 50-11-430, 50-11-500, 50-11-520, 50-11-530, 50-11-854 and 50-11-2200.

Emergency Situation:

These emergency regulations amend and supersede South Carolina Department of Natural Resources Regulation Numbers 123-40 and 123-52. These regulations set open and closed seasons, bag limits and methods of taking wildlife; define special use restrictions related to hunting and methods for taking wildlife on Department-owned

Wildlife Management Areas. Because the hunting seasons on many of these areas continue until Jan. 1 it is necessary to re-file these regulations as emergency.

HUNTING IN WILDLIFE MANAGEMENT AREAS

Wildlife Management Area Regulations.

1.1 The following regulations amend South Carolina Department of Natural Resources regulation Numbers 123-40 and 123-52.

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

(A) Game Zone 1

Chauga, Franklin L. Gravely, Caesar's Head and Keowee WMAs

Archery Only Hunts For Deer on WMA (No dogs)	Dec. 23 – Jan. 1	Total of 2 deer for all archery only hunts. 2 per day, either-sex.
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Glassy Mountain Archery Only Area – Chestnut Ridge Heritage Preserve

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

Archery Only Hunts For Deer (No dogs)	Oct. 1 – Oct. 16 Oct. 31 – Dec. 22 Dec. 23 – Jan. 1	Total 2 deer, 2 per day, either-sex.
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(S) Other Small WMAs

Chesterfield, Kershaw & Marlboro Counties

Archery Only Hunts	Sept. 1 – 30	Total of 3 deer for all Archery hunts, either-sex Sept. 15 – 30, 2 per day.
Still Gun Hunts And Archery (No dogs)	Oct. 1 – Jan. 1	Total 10 deer for all gun hunts, 2 per day, buck only except on either-sex days as specified in Reg. 4.2. Limit may not include more than 5 bucks. Male deer require 2 inches of visible antler above the hairline to be legal. Male fawns (button bucks) are considered antlerless deer, legal only during either-sex hunts; however, they apply toward the buck limit. Archers are allowed to take either-sex during entire period; however, daily and

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season bag limits apply.

(D) Draper WMA

Deer	Game Zone 4 seasons.	Game Zone 4 limits.
Small Game		
Quail	Sat. after Thanksgiving, 2 nd Sat. and 4 th Wed. in Dec., 1 st Wed. in Jan. Sunrise until 4:00pm.	10 per day
Rabbit	1 st Wed. after Thanksgiving, 1 st and 3 rd Wed. in Dec., Wed. and Sat. beginning 2 nd Sat. in Jan. to Mar. 1.	3 per day

(G) Francis Marion National Forest

During still gun hunts for deer there shall be no hunting or shooting from, on or across any road open to vehicle traffic. No buckshot on still gun hunts. During deer hunts when dogs are used buckshot only is permitted.

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

Wambaw WMA

Dog Hunts (Shotguns only) Still gun hunts only East of Hwy 17. Rifles allowed.	1 st Fri. and Sat. after Aug. 15, 2 nd Fri. and Sat. following the opening date on the WMA and Fri. and Sat. every 3 rd week Every 3 rd week thereafter through Jan. 1.	2 deer per day, buck only, except either-sex the Sat. of the 2 nd and 4 th Northampton dog hunt.
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Northampton WMA

Dog Hunts (Shotguns only)	1 st Fri. and Sat. following the 2 nd Wambaw hunt and Fri. and Sat. every 3 rd week thereafter through Jan. 1.	2 deer per day, buck only, except either-sex the Sat. of the 2 nd and 4 th Northampton dog hunt.
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Santee WMA

Dog Hunts (Shotguns only)	1 st Fri. and Sat. following the 1st Northampton hunt and Fri. and Sat. every 3 rd week thereafter through Jan. 1.	2 deer per day, buck only, except either-sex the Sat. of the 2 nd and 4 th Northampton dog hunt.
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(N) Bear Island WMA

All hunters must sign in and out at the Bear Island Office. Hunting in designated areas only.

Deer

Archery	1 st Fri. and Oct. – 2 nd Sat. in Oct.	3 deer, either-sex. Hogs.
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Still Gun Hunts (No dogs) Rifles only.	Last 10 days in Oct.	3 deer either-sex, only 1 buck. Hogs
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(W) Marsh Furniture WMA

Special Hog Still Gun Hunt	3 rd Mon. in Nov. – following Sat. Mar. 1 st – 3 rd Sat. in Mar.	Hogs only, no limit, no buckshot, no bay or catch dogs.
Small Game Seasons open only for rabbit, squirrel, opossum, quail and woodcock.	Thanksgiving – Mar. 1 Wed. – Sat. only Woodcock – Wed. – Sat. only during Federal season.	Game Zone 10 bag limits. Woodcock – Fed. limits.

(AA) Little Pee Dee River Complex WMA

Special Hog Still Gun Hunt	Mar. 1 – 3 rd Sat. in Mar.	Hogs only, no limit, no buckshot, no bay or catch dogs.
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(BB) Great Pee Dee River WMA

Special Hog Still Gun Hunt	1 st Mon. in Dec. – the following Sat. 2 nd Mon. in Dec. – the following Sat. 3 rd Mon. in Dec. – the following Sat. 1 st Mon. in Feb. – the following Sat. 2 nd Mon. in Feb – the following Sat.	Hogs only, no limit.
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(CC) Hickory Top WMA

Muzzleloader (No dogs)	1 st Mon. in Nov. through Jan. 1	2 deer per day, either-sex
Small Game (No open season for fox squirrels)	No hunting before Sept. 1 or after Mar. 1; otherwise Game Zone 9 seasons apply.	Game Zone 9 bag limits, except quail 8 per day.

(JJ) Longleaf Pine WMA

Deer

Still Gun Hunts	Mon. after the last Sat. in Oct. Through the 3 rd Sat. in Nov.	1 deer per day, either- sex during scheduled county-wide either-sex days.
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(VV) Bonneau Ferry WMA

Horse riding is prohibited. No camping is allowed. All terrain vehicles are prohibited. Hunting access by boat is prohibited. Adult/youth fishing only. For fishing, each youth may be accompanied by no more than two adults 18 years old or older. For deer and small game hunting Sides A and B will alternate each year. Bonneau Ferry WMA is closed to public access one hour after sunset until one hour before sunrise except, for special

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hunts regulated by DNR. All impoundments and adjacent posted buffers are closed to all public access Nov. 1 – Mar. 1 except for special waterfowl hunts regulated by DNR during the regular waterfowl season.

Deer

Side A (Adult/Youth Only)

Still Gun Hunts	Sept. 15 – Jan. 1, Wed., Fri., Sat., except week of Thanksgiving and 5 days before Christmas until Jan. 1.	2 deer per day, either-sex hogs no limit.
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Side B

Archery	1 st Mon. – Sat. in Sept. 1 st Mon. – Sat. after Sept. 15	Buck only, either-sex
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Still Gun Hunts	No open season except for hunters selected by computer drawing.	3 deer, either-sex except only one buck.
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Draw deer hunts are for two and one half days (afternoon on the first day and 2 full days). Hunt periods begin in early October and continue until early December. Hunters are required to have permit in possession and must sign in and sign out (Name, permit # and deer killed each day). Area is closed to the general public access during scheduled deer hunts.

Small Game

Side A (Adult/Youth Only)

Youth must be accompanied by an adult 21 years of age or older. Youth hunters must carry a firearm and hunt. Adults with youth hunters may also carry a firearm and hunt.

No open season for fox squirrels, quail or fox. Dogs allowed during gun seasons only.	Jan. 2 – Mar. 1	Game Zone 6 bag limits
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Side B

No open season for fox squirrels, quail or fox. Dogs allowed during gun seasons only.	Jan. 2 – Mar. 1	Game Zone 6 bag limits
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2.12 On WMA lands, during the designated statewide youth deer hunt day, still hunting only, two deer, either-sex..

3.1 On WMA lands hunters may use any shotgun, rifle, bow and arrow or hand gun except that specific weapons may be prohibited on certain hunts. Small game hunters may possess or use shotguns with shot no larger than No. 2 or .22 rimfire rifles/handguns or primitive muzzle-loading rifles of .40 caliber or smaller. Small game hunters may not possess or use buckshot, slugs or shot larger than No. 2. Blow guns, dart guns or drugged arrows are not permitted. Small game hunters using archery equipment must use small game tips on the arrows (judo points, bludgeon points, etc.). The use of crossbows during any archery only season is unlawful except as allowed by 50-11-565.

3.3 On WMA lands, big game hunters are not allowed to use military or hard-jacketed bullets or .22 or smaller rimfire. Buckshot is prohibited during still hunts for deer or hogs on the Santee Coastal Reserve, Bucksport, Pee

Dee Station Site, Lewis Ocean Bay, Great Pee Dee, Crackerneck, Webb Center, Marsh Furniture, Manchester State Forest, Palachucola, Waccamaw River Heritage Preserve, Donnelley, Francis Marion, and Moultrie WMA lands.

7.1 On all WMA lands during any gun and muzzleloader hunting seasons for deer, bear and hogs, all hunters must wear either a hat, coat, or vest of solid visible international orange, except hunters for dove and duck are exempt from this requirement while hunting for those species.

10.8 Sandy Beach Waterfowl Area is closed to hunting during the period 01 Nov.-01 Mar. except for special hunts designated by the Department.

10.10 Impoundments on Bear Island, Donnelly, Samworth, Santee Coastal Reserve and Santee Delta WMAs are closed to all public access during the period 15 Oct.- 31 Jan. except during special hunts designated by the Department. All public access during the period 01 Feb.- Oct. 14 is limited to designated areas.

10.15 Category I Designated Waterfowl Areas include Beaverdam, Bonneau Ferry, Broad River, Clemson, Santee Cooper, Sandy Beach, Samworth, Santee Coastal Reserve, Santee-Delta, Tibwin, Bear Island, and Donnelley Wildlife Management Areas. Hunting in Category I Designated Waterfowl Areas is by special permit obtained through annual computer drawing.

10.16 Category II Designated Waterfowl Areas include Biedler Impoundment, Lake Cunningham, Russell Creek, Monticello Reservoir, Parr Reservoir, Duncan Creek, Dunaway, Dungannon, Enoree River, Moultrie, Hatchery, Hickory Top, Hickory Top Greentree Reservoir, Lancaster Reservoir, Turtle Island, Little Pee Dee River Complex (including Ervin Dargan, Horace Tilghman), Great Pee Dee River, Oak Lea, Potato Creek Hatchery, Samson Island Unit (Bear Island), Tyger River, Marsh and Wee Tee Waterfowl Management Areas. Hunting on Category II Designated Waterfowl Areas is in accordance with scheduled dates and times.

DESIGNATED WATERFOWL AREAS

Area	Open dates inclusive	Bag Limits
Bonneau Ferry	Hunters selected by drawing during regular season.	Federal Limits
Monticello Reservoir	Wed. and Sat. AM only during regular season.	Federal Limits
Wee Tee	Wed. and Sat. AM only during regular season.	Federal Limits

123-52. Deer Hunting on Private Lands in Game Zones 1, 2 and 4 (50-11-310, 50-11-350, 50-11-390).

2. Hunters may use any shotgun, rifle, bow and arrow or handgun except that specific weapons may be prohibited on certain hunts.

4. Hunters are not allowed to take deer with military or hard-jacketed bullets or .22 or smaller rimfire.

Statement of Need and Reasonableness:

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

26 EMERGENCY REGULATIONS

Fiscal Impact Statement:

This amendment of Regulations 123.40, 123.51 and 123.52 will result in increased public hunting opportunities that should generate additional State revenue through license sales. In addition, the local economy should benefit from sales of hunting supplies, food and overnight accommodations. Sales taxes on these items will also directly benefit government.

Filed: November 29, 2004, 11:40 am

Document No. 2954
DEPARTMENT OF NATURAL RESOURCES
CHAPTER 123
Statutory Authority: 50-11-10; 50-11-2200

Emergency Situation:

These emergency regulations establish the dove seasons and dove limits statewide and establish seasons, limits and special restrictions for dove hunting on Dove Management Areas. Because the dove season extends until January 15 it is necessary to re-file these emergency regulations.

WILDLIFE MANAGEMENT AREA PUBLIC DOVE FIELDS 2004-05

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

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

Bag Limit: 12 doves per day

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

ABBEVILLE

U.S. Forest Service, Parson Mountain WMA, 5 mi. east of Abbeville on SC-72, ¼ mile south on Bass Rd., 20 acres. Special Youth Hunt on Sept. 4 (see Youth Hunt List for details). 1st season – Saturdays Only beginning Sept. 18, Afternoons only; 2nd and 3rd season – Open Mon – Sat

ANDERSON

Evans Property

US 178 at Lebanon, 25 acres, Saturdays Only, Afternoons Only, Dove Hunting Only. Opening day participants will be selected by drawing August 20 at Clemson DNR Office.

ANDERSON

Clemson University - Fant's Grove WMA, From US 76/ SC 28 south of Clemson Take SC 187 to Fant's Grove Rd. 1.5 miles W, 45 acres, Saturdays Only, Afternoons Only.

****BERKELEY**

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

****BERKELEY**

U.S. Army Corps of Engineers - Canal WMA (Below Powerhouse) From St. Stephen Take SC 45 E for 2.5 miles Turn Left on Paved Road, 40 acres, Sept 4, 18; Oct. 2; Nov. 20; Afternoons Only. Dove & Pigeon Hunting Only

***CHEROKEE**

Gaffney Board of Public Works, Take I-85 to Gaffney Exit 95, 1.2 mi. N on SR82, near Lake Whelchel, field on west side of road only, 20 acres, Saturdays Only, Afternoons Only. Dove Hunting Only.

CHESTER

Chester County Airport Commission, 4.3 miles north of Chester on Sec Rd 1. Turn Right on Guy Rd. (dirt). Go about 1.2 miles Turn Right at Gate to Parking Area, 20 acres, Saturdays Only, Afternoons Only. Dove Hunting Only.

***CHESTER**

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

CHESTERFIELD

Taylor Property, 1.8 miles north of McBee on US 1, Left on SC 145 for 11.8 miles, Right on Sec Rd 29 for .6 miles. 40 acres, Saturdays Only, Afternoons Only. Dove Hunting Only.

***CHESTERFIELD**

DNR - McBee Tract, 4 miles west of McBee on US 1, Left (South) on Sec Rd 296 for about 2 miles, Field on Left, 20 acres Planted. 1st season – Saturdays Only, Afternoons Only, 2nd & 3rd seasons - Open Mon – Sat Afternoons Only All 3 seasons .

CHESTERFIELD

SC Forestry Commission - Sand Hills State Forest Wilkes Chapel Field, From Sand Hills Forest Headquarters on US 1, Go south on truck trail 141 for 1.3 miles, Right on Sec Rd 29 for .2 miles, Field on Right, 54 acres, 1st season – Saturdays Only, Afternoons Only. 2nd & 3rd seasons - Open Mon – Sat Afternoons Only All 3 seasons.

****CLARENDON**

Santee Cooper – Santee Dam WMA, From the south end of SC 260 follow gravel road at Base of dam for approx. 5 mi., 137 acres. Sept. 18, Oct. 2, Nov. 27, Jan. 8. Dove Hunting Only.

****CLARENDON**

SC Forestry Commission Oak Lea WMA. From Summerton take SC 26 west for 2 mi. Go north on SC 41 for approx 5 mi. Field on right. Sept. 4, 18, Oct. 2, Nov. 27, Jan 8. Dove Hunting Only.

****COLLETON**

DNR - Bear Island WMA, About 17 miles southeast of Green Pond on Sec Rd 26, 100 acres, 1st season - noon to 6 PM, 2nd season - noon to Sunset, Sept 8, 22 & 29; Nov 27.

28 EMERGENCY REGULATIONS

****COLLETON**

DNR - Donnelley WMA

From US 17 E of Green Pond, Go southeast on Sec Rd 26 4 miles, Turn Right at Donnelley WMA Sign, Field 2 miles on Right, 100 acres, Sept 8, 15, & 29; Nov 27; Dec 22; Jan. 5 & 12. Afternoons only.

DARLINGTON

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

EDGEFIELD/ MCCORMICK

U.S. Forest Service - Forks WMA, 1 mile east of SC 28 on Sec Rd 112 near Furey's Ferry, 22 acres, 1st season – Saturdays Only, Afternoons Only. 2nd & 3rd seasons - Open Mon-Sat.

EDGEFIELD/MCCORMICK

US Forest Services – Forks WMA, 1.5 miles east of SC-28 on Sec Rd 112, 0.2 miles north on USFS Rd 661 (Philpot Rd), 40 acre seed tree, 1st season – Saturdays Only, Afternoons Only. 2nd & 3rd seasons – Open Mon-Sat.

FAIRFIELD

Ridgeway Mining Co., 4.5 miles E of Ridgeway on SC 34, Right on dirt road for 0.5 miles, 28 acres Saturdays Only, Afternoons Only.

GEORGETOWN

DNR Samworth WMA, 15 miles north of Georgetown off US 701, Follow Signs, 65 acres Saturdays, Afternoons Only, Dove Hunting Only.

HAMPTON

DNR - Webb Wildlife Center, 3 miles west of Garnett on Augusta Stage Coach Rd., 100 acres Sept 8 & 22, Oct. 2, Nov. 24, Dec. 22, Jan 15 Afternoons Only.

HORRY

DNR - Waccamaw River Heritage Preserve, Schultz Tract, From Stephens Crossroads on SC 9, Turn north on Sec Rd 57 & Proceed 2.2 miles, Left on Sec Rd 111 & Proceed 2 miles, Left on Oscar Rd., Bear Left & Then Right to Field Entrance, 32 acres Saturdays only, afternoons only.

KERSHAW

Landfill, 5 miles north of Camden on US 1, Right on Sec Rd 489 for 1 mile, Right on Sec Rd 331 for .1 mile, Left at Gate under Power Line, 25 acres, Saturdays Only, Afternoons Only. Dove Hunting Only.

LAURENS

DNR - Gray Court Tract, 8 miles north of Laurens on SC 14, Right on tar & gravel road for .2 miles, Right on dirt road for .1 mile, 12 acres, 1st season – Saturdays Only, Afternoons Only, 2nd & 3rd seasons - Open Mon – Sat. Afternoons Only All 3 seasons.

LEE

Atkinson Property, From I-20, Go 2.7 miles southeast on SC 341 to Wisacky, Go 0.9 miles west on Cooper= Mill Rd. To Mt. Zion AME Church. Go 3.7 miles south on Dog Island Rd. Field on both sides of road. From US 401, Go 1.1 miles northwest on Dog Island Rd., 70 acres. Wednesday Afternoons only. Dove Hunting Only.

LEXINGTON

Hallman Field, From I-20 take 178 south for 2.5 miles to Truex Rd. take left 0.5 miles to Tom Adams Rd. take right, to 0.9 miles to stop sign, turn left on Rish Rd., go 0.3 miles to parking area. 45 acres, Saturdays Only, Afternoons Only – Dove Hunting Only.

MARLBORO

DNR - Lake Wallace WMA, northwest of Lake Wallace on Sec Rd 47 Bennettsville, Beauty Spot Rd., 50 acres Saturdays, Afternoons Only. Dove Hunting Only.

***MCCORMICK**

U.S. Army Corps of Engineers - Clarks Hill WMA Waterfowl Area, 2.5 miles south of Bordeaux on Sec Rd 110, 40 acres, Sept 4 & 22; Nov 24, Jan 12 only, afternoons only.

MCCORMICK

U.S. Army Corps of Engineers - Clarks Hill WMA , 3 miles south of Willington on Sec Rd 135, 2 miles southwest on Forest Service Rd. 563F, 25 acres, 1st season – Wednesdays Only, Afternoons Only. 2nd & 3rd seasons - Open Mon - Sat.

MCCORMICK

US Army Corps of Engineers – Key Bridge WMA, 0.25 mile north of Parksville on SC-28, 22 acres. 1st season – Saturdays Only, Afternoons Only. 2nd & 3rd seasons – Open Mon.- Sat.

MCCORMICK

U.S. Army Corps of Engineers - Key Bridge WMA, 2 miles west of Plum Branch on Sec Rd 57, 30 acres 1st season – Saturdays Only, Afternoons Only. 2nd & 3rd seasons - Open Mon-Sat.

NEWBERRY

International Paper Company, From Intersection of Hwy 56 & 39 near Chappells, Go 1 mile northwest on Hwy 39 & Turn Left on gravel road at Sign, 20 acres. 1st season – Saturdays Only, Afternoons Only. 2nd & 3rd seasons Open Mon-Sat. Afternoons Only All 3 seasons.

NEWBERRY

U.S. Forest Service, 10 miles north of Newberry on SC 121, Turn Right on Forest Service Rd 490, Go 1 mile., Field at end of road on Left, 22 acres. 1st season - Sept. 4, 11, 18, 25, Oct. 2, 9, Saturdays Only, Afternoons Only, 2nd & 3rd seasons Open Mon-Sat. Afternoons Only -All 3 seasons.

OCONEE

S.C. Forestry Commission, Piedmont Nursery, From SC 130 north of Salem Turn Left on SC 11 & follow signs to nursery, 18 acres, Saturdays Only, Afternoons Only. Dove hunting only. 3rd season – Closed.

OCONEE

U.S. Forest Service - Ross Mtn. Field, About 7 miles north of Walhalla on SC 28, Turn on Tunneltown Rd., Turn on Ross Mtn. Rd, Field on Both Sides of road, 35 acres, Saturdays, Afternoons Only, Beginning Sept 11.

****ORANGEBURG**

Santee Cooper - Santee Cooper WMA, .5 miles northeast of Eutaw Springs, 70 acres, Entire WMA under Dove Area Regulations. Sept 4, 18; Oct. 2; Nov. 20. Afternoons Only. Dove Hunting Only.

PICKENS

Crescent Resources, From Seneca Take SC 130 north to SC 183, Turn Right on SC 183. Go about 1.5 miles to Gated road, Field on Left, 20 acres, 1st season - Sept 4, 11, 18, 25, Oct. 2, 9, Saturdays Only, Afternoons Only, 2nd & 3rd seasons - Open Mon -Sat Afternoons Only.

PICKENS

30 EMERGENCY REGULATIONS

DNR Property, South of Pickens off Sec Rd 304 near SC Highway Dept. Bldg., 40 acres, Saturdays Only, Afternoons Only.

PICKENS

Clemson University - Gravelly WMA - Causey Tract, From SC 11 Go south on Sec Rd 112 at Cendy's Store, Turn east on Sec Rd 114 & Go 0.5 miles; 25 acres, Saturdays Only, Afternoons Only.

PICKENS

Porter Field, 183 from Pickens, Go 5 miles to Mtn. View Church Rd. Right 1/10 miles, Field on Right Saturdays - Afternoons Only beginning Sept. 11. 3rd season closed.

RICHLAND *

Richland County – Landfill, From Columbia Take SC 215 north from I-20 for about 6 miles, Turn Left, Then back Right at Landfill Signs & Follow Arrows to Field, 30 acres, Sept 4 & 11 only. Afternoons Only. Dove Hunting Only.

SALUDA

S.C. Electric and Gas, Murray WMA, 12 mi. N of Saluda on SC-121, 1 mi. E on Tostie Creek Rd., 40 acres. 1st season – Saturdays Only. Afternoons Only, 2nd & 3rd seasons – Mon.-Sat.

SPARTANBURG

Santee Cooper, From intersection of US 176 & West Main St. (Sec. Rd. 227) approx. 2.5 miles W. of Pacolet, go 0.1 mile east on West Main St. and turn left on Goldmine Rd. (Sec. Rd. 108) for 4.3 miles then turn right on Hatchet Dr. Field at end of road. 15 acres. Saturdays only, Afternoons Only.

SUMTER

S.C. Forestry Commission - Manchester State Forest, Field locations posted at Forestry Headquarters, Batten's at SC 261 & SC 763 in Wedgefield, or Shop-N-Go on SC 120, the Pinewood Rd., multiple fields, 150 acres. 1st season - Wed or Sat Afternoons (Designated Fields), 2nd & 3rd seasons - Open Mon. - Sat. (Designated Fields and the general forest).

***UNION**

DNR Thurmond Tract, 4.3 miles North on SC9 from the intersection of SC 9 and SC 49 at Lockhart. Field is on left. 15 acres. 1st season – Saturdays Only, Afternoons Only, 2nd & 3rd seasons open Mon – Sat. Afternoons Only All 3 Seasons.

UNION

U.S. Forest Service, 3 miles E of Cross Keys on Sec Rd 18 at Intersection of Sec Rd 80 near Sedalia , 15 acres 1st season - Sept 11, 18, 25, Oct. 2, 9, 2nd & 3rd seasons - Open Mon - Sat. Afternoons Only All 3 seasons.

***YORK**

DNR - Draper Tract, 3.5 miles E of McConnell on SC 322, Turn Right on Sec Rd 165, Go .5 miles, Turn Right, Two 30 acres Fields. 1st season – Saturdays Only, Afternoons Only, 2nd & 3rd seasons Open Mon - Sat. Afternoons Only All 3 seasons. Opening day participants selected by drawing. Apply in writing by Aug 16 to DNR, 1571 Rock Hill Hwy., York, SC 29745. Limited space available.

YORK

York County – Worth Mountain WMA, From Hickory Grove at the intersection of SC Hwy 97 and SC Hwy 211, take Hwy 211 South approx. 4 miles and turn left on Scenic View Rd, go .75 miles and field is on right. 25 acres planted. 1st season – Saturdays only, Afternoons only. 2nd & 3rd seasons Open Mon-Sat, Afternoons Only

SPECIAL YOUTH DOVE HUNTS:

Eligibility for these hunts requires adults 21 years or older to bring 1 or 2 youths 5 to 15 years of age. The following regulations also apply on Special Youth Dove Hunts: (1) Adults may actively participate in hunting, but adults may not shoot while accompanying youths are shooting. Adult's gun must be unloaded when accompanying youth is shooting; youths' guns must be unloaded when adult is shooting. (2) Bag limit is 12 birds per youth participant. Birds harvested by adult hunters will count towards this bag limit. Birds harvested by individual hunters must be kept separate, and in no instance may an individual hunter harvest more than 12 birds.

ABBEVILLE YOUTH HUNT

U.S. Forest Service – Parson Mountain WMA, Sept. 4. Participants selected by drawing Call (864) 223-2731 August 9-13 to pre-register

****CLARENDON YOUTH HUNT**

Santee Dam WMA, From the south end of SC260 follow gravel road at base of dam for approx. 5 mi., 137 acres. Sept. 4. No pre-registration required. Dove Hunting Only

OCONEE YOUTH HUNT

U.S. Forest Service, Ross Mtn. Field, September 4. Participants selected by drawing. Apply by Aug. 17 to DNR, 153 Hopewell Rd., Pendleton, SC 29670. Limited Space Available.

PICKENS YOUTH HUNT

Porter Field -- Sept 4, Participants selected by drawing. Apply by Aug. 17 to DNR, 153 Hopewell Rd., Pendleton, SC 29670. Limited Space Available.

SUMTER YOUTH HUNT

Manchester State Forest near Wedgefield, September 4, Limited space available. Call (803) 734-3887 beginning August 11 but prior to August 20 for field location and to pre-register.

UNION YOUTH HUNT

U.S. Forest Service near Sedalia, September 4. Participants selected by drawing. Apply in writing or call by Aug 20 to DNR, 153 Hopewell Rd., Pendleton, SC 29670. Limited space available.

YORK YOUTH HUNT

DNR Draper WMA, September 4. Participants selected by drawing. Apply in writing or call by Aug 20 to DNR, 1571 Rock Hill Hwy., York, SC 29745. Limited Space Available.

** Hunters must sign in and out on all hunts. No entry until 12:00 noon

Statement of Need and Reasonableness:

Since existing regulations only apply to specific wildlife management areas, new regulations must be filed to establish seasons, bag limits and methods of hunting and taking of wildlife on new WMAs as well as expanding use opportunities on existing WMAs. Since the availability of specific fields changes each year and season dates changed as allowed by Federal Regulation it is necessary to file Dove Field regulations annually. Because these hunts begin on September 4, it is necessary to file these regulations as emergency so they take effect immediately.

32 EMERGENCY REGULATIONS

Fiscal Impact Statement:

This amendment of Regulation 123.40 will result in increased public hunting opportunities which should generate additional State revenue through license sales. In addition, the local economy should benefit from sales of hunting supplies, food and overnight accommodations. Sales taxes on these items will also directly benefit government.

Document No. 2934
DEPARTMENT OF SOCIAL SERVICES
 CHAPTER 114 ARTICLE II
 Statutory Authority: 1976 Code Section 43-1-80

Synopsis:

The regulations in Sections 114-210, et seq., must be brought into line with Federal civil rights laws. These regulations govern the procedure for handling and resolving complaints of discrimination by the Department of Social Services. The regulations are being updated to include various Federal Civil Rights laws, including the Americans with Disabilities Act.

Instructions:

The following regulation will replace in its entirety Article II of Chapter 114, Department of Social Services Complaints of Discrimination to comply with Federal law.

Text:

114-Article II Civil Rights

114-200 Definitions

- A. Client-an applicant for or recipient of aid or services granted under programs administered by the Department
- B. Complainant-a client who files a complaint of discrimination against the Department
- C. Days-calendar days, unless otherwise specified
- D. Department-the South Carolina Department of Social Services
- E. Discrimination- to deny unlawfully to any individual, on the basis of race, color, national origin, qualified disability, sex, age, religion, or political belief, or other unlawful basis, the opportunity to participate in or benefit from the aid of any program administered by the Department
- F. OCR-the Department's Office of Civil Rights
- G. Person-an individual, partnership, corporation, association, governmental subdivision, or public or private agency or organization
- H. Provider-a person or entity that has a contract with the Department or is a grantee or a licensee providing services under Programs administered by the Department

114-210 Non-Discriminatory Practices

- A. The Department of Social Services shall administer its programs in accordance with Title VI, Section 601 of the Civil Rights Act of 1964, as amended; Title V, Section 504 of the Rehabilitation Act of 1973, as amended; Title III, Section 303 of the Age Discrimination Act of 1975, as amended; Title VII, Section 1(c) of the Food Stamp Act of 1977, as amended; Title II of the Americans with Disabilities Act of 1990, as amended; and the Multi-Ethnic Placement Act of 1994, as amended.
- B. The Department shall not, directly or through contractual, licensing, or other arrangements:
 - 1. Deny unlawfully to any individual, on the basis of race, color, national origin, qualified disability, sex, age, religion, or political belief, or other unlawful basis, the opportunity to participate in or benefit from the aid of any program administered by it;
 - 2. Aid or perpetuate unlawful discrimination against a client by contracting with, licensing, or otherwise utilizing providers who discriminate on the basis of race, color, national origin, qualified disability, sex, age, religion, political beliefs, or other unlawful basis.

114-220 Administrative Civil Rights Reviews

- A. The OCR of the Department of Social Services shall review, at least biennially, appropriate programs and offices of the Department to assess compliance with federal and state civil rights laws. Recommendations, if any, will be provided to appropriate Department management.
- B. OCR may initiate a compliance review based on one or more discrimination complaints filed by a client or by a person on behalf of a client or clients.

34 FINAL REGULATIONS

114-230 Filing Complaints of Discrimination

A. Clients who believe that they have suffered from the unlawful discriminatory acts of the Department while applying for or accessing Department benefits or services may address a signed, written complaint to any of the following:

1. The Office of Civil Rights of the South Carolina Department of Social Services
2. The State Director of the Department
3. Department of Health and Human Services, Office of Civil Rights
4. USDA Food and Nutrition Services, Civil Rights Division
5. US Department of Justice, Civil Rights Division

B. Complainants shall file their complaints as quickly as possible. Each complaint shall include the name of the complainant and sufficient information for the Department to contact that person by mail, a clear description and the date(s) of the alleged discriminatory act, and the Department employee or volunteer that was allegedly involved. No complaint will be investigated unless it meets the following criteria:

1. The complaint must be in writing and signed by the complainant. When requested, accommodation or assistance will be provided to complainants in reducing their complaints to written form.
2. The complaint must be received by the department or by one of the above listed agencies within one hundred eighty days of the alleged discriminatory act. The Department may waive the one hundred eighty day limit if the complainant can show good cause for the delay in timeliness. The determination as to whether or not good cause exists rests solely with the Department.
3. The allegation must fall within the definition of discrimination under federal and state laws.
4. The complainant must be a member of a protected class as defined under federal and state discrimination laws.

114-240 Investigation of Complaints

A. The OCR shall assess the complaint to be sure it meets mandated criteria for timeliness, adequacy, and jurisdiction and shall determine whether or not to accept the complaint for investigation.

1. For complaints that are not accepted for investigation, the OCR may either:
 - a. Notify the complainant of OCR's determination and the reason not to investigate, or:
 - b. Notify the complainant that OCR has referred the complaint to the appropriate Department Division, Agency, or entity.
2. For complaints that are accepted for investigation, the OCR shall:
 - a. Complete a thorough investigation of the circumstances giving rise to the complaint within ninety days of receipt of the complaint by the Department.
 - b. Notify the complainant in writing that either:
 - 1) The investigation disclosed no substantial evidence of unlawful discrimination; or
 - 2) The investigation found that a discriminatory act did occur and that the Department will take necessary action.

B. If the complainant is dissatisfied with the OCR determination, the OCR will refer the complainant to the appropriate federal agency.

114-250 Complaints against Providers

A. Clients who believe that they have experienced an unlawful discriminatory act of any provider of the Department may address a signed, written complaint to any of the following:

1. The Office of Civil Rights of the South Carolina Department of Social Services
2. The State Director of the Department
3. Department of Health and Human Services, Office of Civil Rights
4. USDA Food and Nutrition Services, Civil Rights Division
5. US Department of Justice, Civil Rights Division

B. OCR will initially review any complaint it receives against a provider. Such a complaint will be addressed, as deemed appropriate, by the Program area or appropriate Division in coordination with OCR. Appropriate action will be taken.