



# South Carolina Association of Counties

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March 27, 2013

## **REGULATIONS UPDATE**

**To: Chief Administrative Officers**

**From: Susan Turkopuls**

**Subject: Department of Labor, Licensing and Regulation: *Statutory and Regulatory Review***  
**Department of Revenue: *Statutory and Regulatory Review***  
**Department of Transportation: *Statutory and Regulatory Review***  
**Criminal Justice Academy: *Adjudication, Certification and Training Requirements***  
**Election Commission: *Voting Systems Audit***  
**Fire Marshal, *Article 8 Amendments***  
**Real Estate Appraisers Board: *Code Amendments***

Please take note of the following items of interest from the **STATE REGISTER**. **PLEASE CIRCULATE TO APPROPRIATE STAFF FOR REVIEW AND COMMENT.** To view any proposed or final regulation online, go to <http://www.scstatehouse.gov/regnsrch.php>. You can search by document number, subject or agency. If you have any questions, comments or are interested in obtaining a copy of any regulation, please call the SCAC offices at 1-800-922-6081.

### **NOTICE**

#### **Department of Labor, Licensing and Regulation (LLR): *Statutory and Regulatory Review***

To comply with Governor Nikki Haley's Executive Order which established the Governor's Regulatory Review Task Force to review and identify statutes, regulations and policies that are overly burdensome to South Carolina's economy, LLR invites any interested party to comment on statutes, regulations, policies or practices promulgated or implemented by LLR that may unduly burden businesses and the delivery of services to the citizens of SC.

A list of statutes, policies and regulations under review, along with dates and instructions for providing comments, may be found at the following LLR web address: <http://www.llronline.com/>.

#### **Department of Revenue (DOR): *Statutory and Regulatory Review***

To comply with Governor Nikki Haley's Executive Order which established the Governor's Regulatory Review Task Force to review and identify statutes, regulations and policies that are overly burdensome to South Carolina's economy, DOR invites any interested party to comment on statutes, regulations, policies or

practices promulgated or implemented by DOR that may unduly burden businesses and the delivery of services to the citizens of SC.

A list of statutes, policies and regulations under review, along with dates and instructions for providing comments, may be found at the following link: <http://www.sctax.org/default.htm>. Please click on the “SCDOR Statutory and Regulatory Review” link under the “What’s New” section of the website in order to submit your suggestions online via email. Please submit suggestions before April 9.

### **Department of Transportation (SCDOT): Statutory and Regulatory Review**

To comply with Governor Nikki Haley’s Executive Order which established the Governor’s Regulatory Review Task Force to review and identify statutes, regulations and policies that are overly burdensome to South Carolina’s economy, SCDOT invites any interested party to comment on statutes, regulations, policies or practices promulgated or implemented by SCDOT that may unduly burden businesses and the delivery of services to the citizens of SC.

A list of statutes, policies and regulations under review, along with instructions for providing comments, may be found at the following link: <http://info.scdot.org/PressRelease/Lists/Posts/Post.aspx?ID=1459>. Please submit comments before April 10.

## **DRAFTING**

### **Criminal Justice Academy: Adjudication, Certification and Training Requirements**

The Criminal Justice Academy drafted amendments to various adjudication, certification and training requirement regulations. The subjects and document numbers for affected regulations are listed below. More information about these amendments may be obtained online at <http://www.scstatehouse.gov/regnsrch.php>.

- Document No. 4344 - Adjudication of Misconduct Allegations (Contested Case Hearing Process)
- Document No. 4345 - Adjudication of Misconduct Allegations (Reporting of Misconduct by Law Enforcement Officers)
- Document No. 4369 - Allow E-911 Operators One Year to Attend Training at the Academy
- Document No. 4374 - Application for Issuance or Re-issuance of Certification
- Document No. 4355 - Application for Re-issuance of Certification
- Document No. 4346 - Approval of Continuing Law Enforcement Education Hours for Re-certification Requirements
- Document No. 4363 - Approval of Training Programs
- Document No. 4376 - Assignment of Costs for Agency Level Contested Case Hearings
- Document No. 4368 - Authority of Director
- Document No. 4366 - Break in Service after Certification
- Document No. 4372 - Certification
- Document No. 4357 - Continuing Law Enforcement Education Requirements for Re-certification
- Document No. 4367 - Definitions
- Document No. 4364 - Effect of Failure to Comply
- Document No. 4353 - Equivalent Training
- Document No. 4354 - Equivalent Training (Prior Training with Break in Service)
- Document No. 4360 - Extension of Certification Renewal Date (Eligibility and Application for Extension of Renewal Date)
- Document No. 4359 - Extension of Certification Renewal Date (Medical, Disability, or Administrative Leave)

- Document No. 4358 - Extension of Certification Renewal Date (Military Leave)
- Document No. 4365 - Firearms Qualification Requirement
- Document No. 4362 - Law Enforcement Emergency Vehicle Training Programs
- Document No. 4361 - Law Enforcement Emergency Vehicle Training Requirement
- Document No. 4349 - Law Enforcement Emergency Vehicle Training Requirement (Delete Section B)
- Document No. 4347 - Law Enforcement Officer and E-911 Officer Training and Certification
- Document No. 4350 - Law Enforcement Officer and E-911 Officer Training and Certification (Renumber and Reorganize)
- Document No. 4356 - Law Enforcement Officer Training & Certification (Parts of Subarticle 1)
- Document No. 4375 - Notification of Separation of E-911 Operators
- Document No. 4351 - Requirement of Good Character
- Document No. 4370 - Requirement of Good Character (E-911 Operators)
- Document No. 4371 - Separation from Employment
- Document No. 4348 - Traffic Radar Operator
- Document No. 4352 - Training Requirements for Basic Law Enforcement Certification
- Document No. 4373 - Training Requirements for Certification

Interested members of the public and regulated community are invited to make oral or written comments on the proposed regulations at a public hearing to be conducted by the Law Enforcement Training Council and the South Carolina Criminal Justice Academy on April 24, 2013 to be held in the Clifford A. Moyer Conference Room, which is room 150 of the main administration building, at 5400 Broad River Road, Columbia, South Carolina 29212. The meeting will commence at 10:00 a.m. at which time the Academy will consider oral comments noted in an agenda to 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 record.

Interested persons are also provided an opportunity to submit written comments on the proposed regulations by writing to Brandy A. Duncan, Chief General Counsel, South Carolina Criminal Justice Academy, 5400 Broad River Road, Columbia, South Carolina 29212. Written comments must be received no later than 5:00 p.m. on April 22, 2013. Written comments received will be considered by the staff in formulating the final proposed regulations for the public hearing on April 24, 2013, as noticed above. Written comments received by the deadline will be submitted to the Law Enforcement Training Council and the South Carolina Criminal Justice Academy in summary of public comments for consideration at the public hearing.

**Election Commission: Voting Systems Audit (Document No. 4343)**

The State Election Commission proposes to delete Regulations 45-1 through 45-10, which contain numerous references to definitions, procedures and equipment no longer in use in South Carolina.

Section-by-Section Discussion:

- 45-1. New Section: contains new definitions that describe the current terminology.
- 45-2. New Section: describes the responsibilities of the State Election Commission with regard to the execution of post-election audits.
- 45-3. New Section: describes the responsibilities of the County Boards of Registration and Election or County Election Commissions with regard to the execution of post-election audits.

Should a hearing be requested such hearing will be conducted before the South Carolina Election Commission, 2221 Devine Street, Suite 103, Columbia, SC 29205 on May 15, 2013 at 11:00 AM. Written comments may be directed to Marci Andino, Executive Director, South Carolina State Election Commission,

P.O. Box 5987, Columbia, SC 29250 no later than 5:00 PM April 26, 2013. If a qualifying request is not timely received, the hearing will be canceled.

**Fire Marshal, Article 8 Amendments (Document No. 4378)**

The Office of the State Fire Marshal is drafting amendments to Regulations 71-8300.1 through 71-8305.8 and repealing Regulations 71-8306.1 through 71-8312 in conformance with NFPA codes and standards. Reg. 71-8300.1 adds references to the IBC (International Building Code) and the (International Code Council) and clarifies language. Reg.71-8300.2 deletes outdated code editions and adds reference to the Building Codes Council Practice Act, also in accordance with S.C. Code Ann. §§6-9-5, 6-9-50 and 6-9-110. Reg.71-8300.4 corrects a typographical error, clarifies language, and deletes a monthly report requirement since reports are quarterly and annually as covered in S.C. Code Ann. §23-9-360. Reg.71-8301.3 clarifies language about listed smoke alarms in accordance with S.C. Code Ann. §23-9-155, specifically that they “must be listed and meet the installation requirements of National Fire Protection Association Standard 72A and National Fire Protection Association Standard 74.” Reg.71-8301.3 also provides for fire escapes in compliance with S.C. Code Ann. §23-9-40, and amends the number of children allowed in foster homes from six to five in accordance with Reg.114-550D.(6) of the Department of Social Services and International Code Council standards. Regulations 71-8302.2 through 71-8302.4, 71-8302.6, 71-8303.2, and 71-8303.4 clarify language. Regulations 71-8306.1 through 71-8312 repeal outdated and duplicative provisions already covered by statute and in other parts of the regulations.

Should a hearing be requested, such a hearing will be conducted at the Administrative Law Court at 10:00 a.m. on April 26, 2013. Written comments may be directed to Shane Ray, State Fire Marshal, South Carolina Division of Fire and Life Safety, Department of Labor, Licensing, and Regulation, 141 Monticello Trail, Columbia, South Carolina 29203, or by email to [Shane.Ray@llr.sc.gov](mailto:Shane.Ray@llr.sc.gov), no later than 5:00 p.m., April 22, 2013. If a qualifying request is not timely received, the hearing will be canceled.

**Real Estate Appraisers Board: Code Amendments (Document No. 4379)**

To satisfy the requirements of licensure in the real estate appraisal, Regulations 137-100 through 137-900.09 must be updated in conformance with the Real Estate Appraisers Board Practice Act. Detailed information about regulation amendments may be obtained online at <http://www.scstatehouse.gov/regnsrch.php>.

Should a hearing be requested, such a hearing will be conducted at the Administrative Law Court at 10:00 a.m. on May 1, 2013. Written comments may be directed to Roderick Atkinson, Administrator, South Carolina Real Estate Appraisers Board, Department of Labor, Licensing, and Regulation, Post Office Box 11329, Columbia, South Carolina 29211-1329, no later than 5:00 p.m., April 22, 2013. If a qualifying request is not timely received, the hearing will be canceled.