CHAPTER 13

Code Commissioner and Committee on Statutory Laws

**SECTION 2‑13‑10.** Election, term and compensation of Code Commissioner.

 A Code Commissioner shall be elected by a majority vote of the Legislative Council for a term of four years and until his successor is elected and qualifies. The term shall commence on July first of the year in which he is elected. He shall receive such annual salary as may be provided by the General Assembly.

HISTORY: 1962 Code Section 1‑301; 1952 Code Section 1‑301; 1941 Code Section 2111; 1932 Code Section 2111; Civ. C. ‘22 Section 75; Civ. C. ‘12 Section 65; Civ. C. ‘02 Section 62; 1901 (23) 697; 1918 (30) 798; 1934 (38) 1329; 1940 (41) 1940; 1954 (48) 1761; 1982 Act No. 344, Section 2.

**SECTION 2‑13‑20.** Vacancy.

 In case of vacancy in the office of Code Commissioner from any cause, the Legislative Council shall, as soon as practicable, elect a successor for the unexpired term.

HISTORY: 1962 Code Section 1‑302; 1952 Code Section 1‑302; 1942 Code Section 2111; 1932 Code Section 2111; Civ. C. ‘22 Section 75; Civ. C. ‘12 Section 65; Civ. C. ‘02 Section 62; 1901 (23) 697; 1918 (30) 798; 1934 (38) 1329; 1940 (41) 1940; 1954 (48) 1761.

**SECTION 2‑13‑30.** Powers of Legislative Council as to revision of Code; establishment of Committee on Statutory Laws.

 The Legislative Council shall determine the time, manner, and means of revising the Code of Laws for the State, shall determine the method for keeping the general permanent statutory law of the State supplemented and shall check on the work of the Code Commissioner. The Council may let bids for publishing the Code or supplements or may negotiate for the publications whichever it determines is in the best interest of the State. In order to advise the Council in all matters relating to Code Commissioner work, there is created the Committee on Statutory Laws to be composed of three members of the Judiciary Committee of the Senate and three members of the Judiciary Committee of the House of Representatives who shall be appointed at the first session of each General Assembly.

HISTORY: 1962 Code Section 1‑303; 1952 Section 1‑303; 1942 Code Section 2117; 1932 Code Section 2117; 1931 (37) 165; 1940 (41) 1940; 1975 (59) 160; 1981 Act No. 178, Section 25; 1981 Act No. 148, Section 14; 1982 Act No. 344, Section 3.

**SECTION 2‑13‑40.** Meetings, pay and expenses of Committee.

 The Committee shall meet at the call of the chairman. Each member of the Committee shall receive traveling expenses, subsistence, and per diem, as provided by law for members of boards, committees, and commissions, which shall be paid from the approved accounts of the respective Houses of the members, when actually engaged in his duties.

HISTORY: 1962 Code Section 1‑304; 1952 Code Section 1‑304; 1942 Code Section 2118; 1932 Code Section 2118; 1931 (37) 168; 1940 (41) 1940; 1982 Act No. 344, Section 4.

**SECTION 2‑13‑50.** Positions of Committee secretary and director of Legislative Council shall be held by Code Commissioner; employment of clerical personnel and assistants.

 The Code Commissioner shall act as secretary for the Committee on Statutory Laws, and shall be the director of the Legislative Council. As such director he shall employ, subject to the approval of the Legislative Council, such clerical and other assistants as may be necessary for the proper performance of the duties of the several divisions of the Legislative Council, as provided for in Sections 2‑11‑50 and 2‑11‑60.

HISTORY: 1962 Code Section 1‑305; 1952 Code Sections 1‑305, 30‑107, 30‑108; 1942 Code Section 2118; 1932 Code Section 2118; 1931 (37) 168; 1940 (41) 1940; 1949 (46) 555; 1954 (48) 1761.

**SECTION 2‑13‑60.** Duties of Code Commissioner.

 The Code Commissioner must:

 (1) compile the public statutes of the State;

 (2) prepare indices and cross‑indices to the codification of public statutes, and publish these indices in the appropriate code volumes;

 (3) note by annotation decisions of the State Supreme Court, the State Court of Appeals, and the federal District Court for the District of South Carolina and decisions relevant to the State from the federal Fourth Circuit Court of Appeals and the United States Supreme Court under the appropriate sections of the codified statutes, the State Constitution of 1895, the United States Constitution, and the state rules of court;

 (4) note by annotation all unpublished opinions sent to the Code Commissioner by a federal District Judge of the South Carolina District which, in the Code Commissioners opinion, affect or invalidate a South Carolina statute, act, or resolution;

 (5) annually prepare for publication, to be printed by the Legislative Services Agency, the statutes and joint resolutions passed at the preceding session;

 (6) place analysis lines at the beginning of each section in every act and joint resolution, except state appropriation measures;

 (7) make references, by act number and year in which the act is published, to each act and joint resolution of a previous session when amended or repealed;

 (8) divide the acts and joint resolutions into general permanent laws and local or temporary laws, with indices and cross‑indices;

 (9) arrange all local enactments according to counties in alphabetical order;

 (10) regularly review and examine all the general statutory laws of the State;

 (11) correct typographical and clerical errors;

 (12) change or substitute names, titles, and other designations to make them conform to new laws enacted by the General Assembly or new rules, regulations, or orders having the force and effect of law.

HISTORY: 1962 Code Section 1‑306; 1952 Code Section 1‑306; 1942 Code Section 2112; 1932 Code Section 2112; Civ. C. ‘22 Section 76; Civ. C. ‘12 Section 66; Civ. C. ‘02 Section 63; 1913 (28) 68; 1927 (35) 268; 1934 (38) 1329; 1972 (57) 2775; 1982 Act No. 344, Section 5; 1985 Act No. 201, Part II, Section 81I; 1999 Act No. 55, Section 5; 2001 Act No. 23, Section 1; 2002 Act No. 333, Section 3; 2002 Act No. 356, Section 1, Part VI.P(3); 2013 Act No. 31, Section 6, eff May 21, 2013.

Effect of Amendment

The 2013 amendment, in subsection (5), substituted “Legislative Services Agency” for “Office of Legislative Printing, Information and Technology Systems (LPITS)”.

**SECTION 2‑13‑65.** Code Commissioner to delete legislative members from boards and commissions.

 The Code Commissioner is directed to delete all references to legislative members serving in any capacity as a member of a state board or commission, except as allowed by Section 8‑13‑770.

HISTORY: 1991 Act No. 248, Section 6.

**SECTION 2‑13‑66.** Code Commissioner to add crimes to appropriate category.

 The Code Commissioner is authorized to add all crimes and offenses enacted by the General Assembly to Sections 16‑1‑90 and 16‑1‑100 of the 1976 Code. However, the crimes and offenses must be added to the appropriate category as established by Section 16‑1‑20(A). If the term of imprisonment for a crime or offense does not fit into one of the six established felony categories or one of the three established misdemeanor categories, it must be placed on the list of exempt offenses contained in Section 16‑1‑10(D). The purpose of this provision is to allow the Code Commissioner to place crimes and offenses in the appropriate category as established by the General Assembly without requiring each act which affects crimes and offenses to specifically reference Section 16‑1‑90 or 16‑1‑100. The Code Commissioner is prohibited from changing the designation by the General Assembly of any crime or offense from felony to misdemeanor or from misdemeanor to felony and is likewise prohibited from changing the number of years of any sentence set by the General Assembly.

HISTORY: 1993 Act No. 184, Section 265.

**SECTION 2‑13‑70.** Position of Code Commissioner as constitutional office; annual report.

 The position of Code Commissioner does not constitute an office referred to in Section 3, Article VI of the State Constitution. The Code Commissioner shall report annually to the Legislative Council expenditures from approved accounts appropriated to the Council in the general appropriations act.

HISTORY: 1987 Act No. 170, Part II, Section 37.

**SECTION 2‑13‑80.** Annual cumulative supplements to Code.

 There shall be prepared and published annually, under the supervision and direction of the Legislative Council and the Code Commissioner, cumulative supplements to the Code of Laws showing in such detail as the Council and Commissioner may deem proper and sufficient:

 (1) All general permanent statutes enacted during the annual sessions of the General Assembly whereby the general statutory law as contained in the Code of Laws has been added to, amended, repealed or otherwise affected;

 (2) All changes, since the adoption of the Code, in the Constitution of the United States, the Constitution of South Carolina, the rules of the various state courts, and the regulations issued by departments and agencies of the State;

 (3) All decisions of the Supreme Court of South Carolina, the court of appeals of South Carolina, and of the courts of the United States, subsequent to those referred to in the then existing Code of Laws, construing the general and permanent statutory law and the Constitution of South Carolina.

HISTORY: 1962 Code Section 1‑307; 1952 Code Section 1‑307; 1942 Code Section 2118; 1932 Code Section 2118; 1931 (37) 168; 1940 (41) 1940; 1953 (48) 223; 1975 (59) 160; 1976 Act No. 522, Section 1; 1982 Act No. 344, Section 6; 1999 Act No. 55, Section 6.

**SECTION 2‑13‑90.** Revised Code volumes.

 If at any time the supplement of any volume of the Code of Laws shall, in the judgment of the Council and the Commissioner, become too bulky for convenient use, the Council and the Commissioner shall contract to be prepared and published under their supervision and direction, and submit to the General Assembly for its consideration, a revised volume setting forth the contents of the original volume revised and codified to include the effect of such cumulative pocket supplement; and the General Assembly, having considered and approved such revised volume shall, by bill passed under the formalities prescribed by the Constitution of South Carolina for the passage of laws, declare the revised volume to be substituted for the original volume as a part of the then existing Code of Laws, and, to the extent of its contents, the only general permanent statutory law of the State. All replacement volumes shall include an annotation to any general permanent statutory law which is impliedly repealed and must be included as it had been previously printed in the Cumulative Supplement it replaced.

HISTORY: 1962 Code Section 1‑307.1; 1952 Code Section 1‑307; 1942 Code Section 2118; 1932 Code Section 2118; 1931 (37) 168; 1940 (41) 1940; 1953 (48) 223; 1975 (59) 160; 1982 Act No. 344, Section 7; 1986 Act No. 455, Section 4.

**SECTION 2‑13‑100.** Contracts for annual cumulative supplements.

 The Legislative Council may contract for the preparation and publication of the annual cumulative supplements to the Code of Laws, and contracts may be awarded for a period of not more than five years under terms as the Council may see fit.

HISTORY: 1962 Code Section 1‑308; 1952 Code Section 1‑308; 1942 Code Section 2118; 1932 Code Section 2118; 1931 (37) 168; 1940 (41) 1940; 1953 (48) 223; 1975 (59) 160; 1982 Act No. 344, Section 8.

**SECTION 2‑13‑140.** Access to State papers and documents; assistance of State officers.

 The Code Commissioner and the Legislative Council shall have access to State papers and documents in the custody of the Secretary of State or other custodians of the State laws and archives. The Attorney General and his office, the South Carolina Archives Department and other State agencies and State officers shall on request of the Commissioner and Council cooperate in the codifying of the general statutory law.

HISTORY: 1962 Code Section 1‑312; 1952 Code Section 1‑312; 1942 Code Section 2113; 1932 Code Section 2113; Civ. C. ‘22 Section 77; Civ. C. ‘12 Section 67; Civ. C. ‘02 Section 64; Const. Art. 6 Section 5; 1896 (22) 203; 1940 (41) 1940; 1954 (48) 1752; 1975 (59) 160.

**SECTION 2‑13‑150.** Inclusion in Code of matter other than statutory law and Constitution.

 The Legislative Council shall determine the laws to be included in the Code of Laws and reports thereon. Such Code and reports shall contain the general permanent statutory law, the Constitution of South Carolina and such other matter as the Legislative Council may determine.

HISTORY: 1962 Code Section 1‑313; 1952 Code Section 1‑313; 1942 Code Section 2113; 1932 Code Section 2113; Civ. C. ‘22 Section 77; Civ. C. ‘12 Section 67; Civ. C. ‘02 Section 64; Const. Art. 6, Section 5; 1896 (22) 203; 1940 (41) 1940; 1975 (59) 160; 1982 Act No. 344, Section 9.

**SECTION 2‑13‑160.** Elimination from Code of provisions providing compensation of officers and employees referred to in Section 8‑15‑10.

 The Commissioner in preparing a proposed code for adoption by the General Assembly shall eliminate therefrom all provisions providing compensation of all such officers and employees as are referred to in Section 8‑15‑10.

HISTORY: 1962 Code Section 1‑313.1; 1952 Code Section 1‑313.1; 1951 (47) 506.

**SECTION 2‑13‑170.** Adoption of Code and subsequent amendment.

 The Code thus prepared by the Commissioner shall be declared by the General Assembly, in an act passed according to the forms in the Constitution of 1895 for the enactment of laws, to be the only general permanent statutory law of the State, and no alterations or additions to any of the laws therein contained shall be made except by act passed under the formalities required in the Constitution.

HISTORY: 1962 Code Section 1‑314; 1952 Code Section 1‑314; 1942 Code Section 2113; 1932 Code Section 2113; Civ. C. ‘22 Section 77; Civ. C. ‘12 Section 67; Civ. C. ‘02 Section 64; Const. Art. 6, Section 5; 1896 (22) 203; 1940 (41) 1940; 1982 Act No. 344, Section 10.

**SECTION 2‑13‑175.** Catch line heading or caption not part of Code section.

 The catch line heading or caption which immediately follows the section number of any section of the Code of Laws must not be deemed to be part of the section and must not be used to construe the section more broadly or narrowly than the text of the section would indicate. The catch line or caption is not part of the law and is merely inserted for purposes of convenience to the person using the Code.

HISTORY: 1994 Act No. 292, Section 1.

**SECTION 2‑13‑180.** Publication of advance sheets of statutes; page proofs.

 The Code Commissioner, from time to time during any session of the General Assembly, shall furnish the Legislative Services Agency (LSA) with all acts and joint resolutions of a general and permanent nature which have become law. The Legislative Services Agency (LSA) as soon as practicable after delivery of these acts and joint resolutions, shall furnish the Code Commissioner with page proofs of all acts and joint resolutions.

HISTORY: 1962 Code Section 1‑315; 1952 Code Section 1‑315; 1942 Code Section 2114; 1932 Code Section 2114; 1927 (35) 268; 1934 (38) 1329; 1941 (42) 119; 1955 (49) 319; 1985 Act No. 201, Part II, Section 81F; 2002 Act No. 333, Section 4; 2002 Act No. 356, Section 1, Part VI.P(4); 2013 Act No. 31, Section 7, eff May 21, 2013.

Effect of Amendment

The 2013 amendment twice substituted “Legislative Services Agency (LSA)” for “Office of Legislative Printing, Information and Technology Systems (LPITS)”.

**SECTION 2‑13‑190.** Publication of advance sheets; distribution online.

 After receiving the page proofs corrected from the Code Commissioner, the Legislative Services Agency shall print the same and shall deliver not more than twenty‑five copies to the Code Commissioner as the commissioner orders. LSA shall publish the advance sheets online as directed by the Code Commissioner and in accordance with applicable law. Dissemination of advance sheets to previous recipients will be accomplished by making them available online only and will not be provided in printed form.

HISTORY: 1962 Code Section 1‑316; 1952 Code Section 1‑316; 1942 Code Section 2114; 1932 Code Section 2114; 1927 (35) 268; 1934 (38) 1329; 1941 (42) 119; 1948 (45) 1643; 1952 (47) 2890; 1954 (48) 1752; 1960 (51) 1646; 1961 (52) 173; 1968 (55) 2845; 1985 Act No. 201, Part II, Section 81G; 1987 Act No. 194, Section 3; 1993 Act No. 181, Section 24; 2002 Act No. 333, Section 5; 2002 Act No. 356, Section 1, Part VI.P(5); 2009 Act No. 10, Section 2, eff May 6, 2009; 2013 Act No. 31, Section 8, eff May 21, 2013.

Code Commissioner’s Note

2007 Act No. 114, Section 9, directed the Code Commissioner to change “Director” to “Secretary” of the Department of Transportation.

Effect of Amendment

The 2009 amendment rewrote this section to eliminate the requirements for distribution of printed copies of advance sheets and to provide for distribution online.

The 2013 amendment substituted “Legislative Services Agency” for “Office of Legislative Printing, Information and Technology Systems (LPITS)” and substituted “LSA” for “LPITS”.

**SECTION 2‑13‑200.** Sale of signatures and disposition of proceeds.

 The Code Commissioner and the Legislative Council may sell the service mentioned in Section 2‑13‑190 on terms agreeable to the council and the Code Commissioner. All funds received for this service must be deposited in the state treasury, to the credit of the General Fund of the State, but before any funds are paid into the state treasury, the expenses of the Code Commissioner and the Legislative Services Agency (LSA) for additional supplies, postage, and clerical help may be first deducted. Payment of these additional expenses may be made on order of the Chairman of the Legislative Council and the Clerks of the House and Senate.

HISTORY: 1962 Code Section 1‑316.1; 1952 Code Section 1‑316.1; 1942 Code Section 2114; 1932 Code Section 2114; 1927 (35) 268; 1934 (38) 1329; 1941 (42) 119; 1975 (59) 160; 1985 Act No. 201, Part II, Section 81H; 2002 Act No. 333, Section 6; 2002 Act No. 356, Section 1, Part VI.P(6); 2013 Act No. 31, Section 9, eff May 21, 2013.

Effect of Amendment

The 2013 amendment substituted “Legislative Services Agency (LSA)” for “Office of Legislative Printing, Information and Technology Systems (LPITS)”.

**SECTION 2‑13‑210.** Publication of complete annual Acts and Joint Resolutions.

 Within twenty‑five days after the adjournment of any session of the General Assembly, the Code Commissioner shall furnish the Director of the Legislative Services Agency all acts and joint resolutions passed, and which have been approved by the Governor. The Code Commissioner shall deliver to the Director of the Legislative Services Agency, within fifteen days after the receipt of the final page proof, a complete index of all the acts and joint resolutions furnished the director and such other copy as may be necessary for the published acts. The style and makeup of the acts and joint resolutions must be in such form as the Code Commissioner and Clerks of the Senate and the House may agree upon.

HISTORY: 1962 Code Section 1‑317; 1952 Code Section 1‑317; 1942 Code Section 2114; 1932 Code Section 2114; 1927 (35) 268; 1934 (38) 1329; 1941 (42) 119; 1985 Act No. 201, Part II, Section 81K; 2002 Act No. 333, Section 7; 2002 Act No. 356, Section 1, Part VI.P(7); 2013 Act No. 31, Section 10, eff May 21, 2013.

Effect of Amendment

The 2013 amendment twice substituted “Director of the Legislative Services Agency” for “Director of the Office of Legislative Printing, Information and Technology Systems”.

**SECTION 2‑13‑240.** Distribution of the Code of Laws of South Carolina, 1976.

 (a) Sets of the Code of Laws of South Carolina, 1976, shall be distributed by the Legislative Council as follows:

(1) Governor, three;

(2) Lieutenant Governor, two;

(3) Secretary of State, three;

(4) Treasurer, one;

(5) Attorney General, fifty;

(6) Adjutant General, one;

(7) Comptroller General, two;

(8) Superintendent of Education, two;

(9) Commissioner of Agriculture, two;

(10) each member of the General Assembly, one;

(11) office of the Speaker of the House of Representatives, one;

(12) Clerk of the Senate, one;

(13) Clerk of the House of Representatives, one;

(14) each committee room of the General Assembly, one;

(15) each member of the Legislative Council, one;

(16) Code Commissioner, one;

(17) Legislative Council, ten;

(18) Supreme Court, fourteen;

(19) Court Administration Office, five;

(20) each circuit court judge, one;

(21) each circuit court solicitor, one;

(22) each family court judge, one;

(23) each county court judge, one;

(24) Administrative Law Judge Division, nine;

(25) College of Charleston, one;

(26) The Citadel, two;

(27) Clemson University, three;

(28) Francis Marion College, one;

(29) Lander College, one;

(30) Medical University of South Carolina, two;

(31) South Carolina State College, two;

(32) University of South Carolina, four;

(33) each regional campus of the University of South Carolina, one;

(34) University of South Carolina Law School, forty‑six;

(35) Winthrop College, two;

(36) each technical college or center, one;

(37) each county governing body, one;

(38) each county clerk of court and register of deeds where such offices are separate, one;

(39) each county auditor, one;

(40) each county coroner, one;

(41) each county magistrate, one;

(42) each county master in equity, one;

(43) each county probate judge, one;

(44) each county public library, one;

(45) each county sheriff, one;

(46) each public defender, one;

(47) each county superintendent of education, one;

(48) each county treasurer, one;

(49) Library of Congress, three;

(50) United States Supreme Court, one;

(51) each member of Congress from South Carolina, one;

(52) each state library which furnishes this State a free set of its Code of Laws, one;

(53) Division of Aeronautics of the Department of Commerce, one;

(54) Department of Alcohol and other Drug Abuse Services, one;

(55) Department of Archives and History, one;

(56) Board of Bank Control, one;

(57) Commissioner of Banking, one;

(58) Budget and Control Board:

(a) Auditor, six;

(b) General Services Division, six;

(c) Personnel Division, one;

(d) Research and Statistical Services Division, one;

(e) Retirement System, one.

(59) Children’s Bureau, one;

(60) Department of Consumer Affairs, one;

(61) Department of Corrections, two;

(62) Criminal Justice Academy, one;

(63) Department of Commerce, five;

(64) Department of Employment and Workforce, two;

(65) Ethics Commission, one;

(66) Forestry Commission, one;

(67) Department of Health and Environmental Control, five;

(68) Department of Transportation, five;

(69) Department of Public Safety, five;

(70) Human Affairs Commission, one;

(71) Workers’ Compensation Commission, seven;

(72) Department of Insurance, two;

(73) Department of Juvenile Justice and Aftercare, one;

(74) Department of Labor, Licensing and Regulation, two;

(75) South Carolina Law Enforcement Division, four;

(76) Legislative Audit Council, one;

(77) State Library, three;

(78) Department of Mental Health, three;

(79) Department of Disabilities and Special Needs, five;

(80) Ports Authority, one;

(81) Department of Probation, Parole and Pardon, two;

(82) Public Service Commission, three;

(83) Department of Social Services, two;

(84) Department of Revenue, six;

(85) Board for Technical and Comprehensive Education, one;

(86) Veterans’ Affairs Division of the Governor’s office, one;

(87) Vocational Rehabilitation, one;

(88) Department of Natural Resources, four.

 (b) If any technical college or center offers a course in paralegal practice such college or center shall be allowed two additional sets of the Code.

 (c) All remaining copies of the Code may be sold or distributed in the best interest of the State as may be determined by the Legislative Council.

 (d) The provisions of Sections 8‑15‑30 and 8‑15‑40 of the 1976 Code shall not apply to members of the General Assembly, members of the Legislative Council and the Code Commissioner.

HISTORY: 1977 Act No. 244, Sections 1 to 4; 1993 Act No. 181, Section 25; 1997 Act No. 34, Section 1; 1998 Act No. 419, Part II, Section 35B; 1998 Act No. 419, Part II, Section 44.

Code Commissioner’s Note

Pursuant to the directive to the Code Commissioner in 2010 Act No. 146, Section 122, “Department of Employment and Workforce” was substituted for all references to “Employment Security Commission”, and “Executive Director of the Department of Employment and Workforce” or “executive director” was substituted for all references to the “Chairman of the Employment Security Commission” or “chairman” that refer to the Chairman of the Employment Security Commission, as appropriate.

At the direction of the Code Commissioner, reference in this section to the former Budget and Control Board has not been changed pursuant to the directive of the South Carolina Restructuring Act, 2014 Act No. 121, Section 5(D)(1), until further action by the General Assembly.

Editor’s Note

2004 Act No. 202, Section 3, provides as follows:

“Wherever the term ‘Administrative Law Judge Division’ appears in any provision of law, regulation, or other document, it must be construed to mean the Administrative Law Court established by this act.”