

CHAPTER 80

The South Carolina Maritime Security Commission and Naval Militia

(Statutory Authority: 1976 Code § 54-17-50)

80-001. Functions of the South Carolina Maritime Security Commission.

1. The South Carolina Maritime Security Commission (SCMSC) reports administratively to the Governor of the State of South Carolina as Chief Executive and operationally to the Governor as Commander-in-Chief of State Forces.

2. The SCMSC consists of nine commissioners and is headed by a Chairman and Vice Chairman elected by the members. It will meet at the direction of the Chairman at least quarterly. A quorum consists of a simple majority of the commissioners appointed by the Governor who are present. Ex-officio members are excluded from the quorum. If a quorum is not available, actions are effective as if made by a quorum but implemented on an interim basis until validated by a quorum.

3. The SCMSC reviews all requests for operational tasking for the SCNM. It will ensure compliance with federal and state law, pertinence to Captain of the Port requirements and other applicable policies and procedures, operational tempo and consider availability of volunteer SCNM assets.

4. The SCMSC shall publish and maintain a *Policies and Procedures Manual (PPM)*. The PPM shall provide guidance regarding the administration of matters coming before the SCMSC.

5. The Chairman of the SCMSC annually shall submit a report to the Governor and to the General Assembly that will include a summary of the activities and operations of the SCMSC and the SCNM during the previous calendar year, and shall contain such general observations and recommendations relating to maritime security, as the SCMSC deems appropriate.

HISTORY: Added by State Register Volume 30, Issue No. 7, eff July 28, 2006.

80-005. Functions of the South Carolina Naval Militia.

1. The South Carolina Naval Militia (SCNM) is a Federally recognized State force pursuant to 10 USC 261 and 10 USC 311, organized, commanded and administered as a component of the Organized Militia of the State of South Carolina.

2. The mission of the SCNM is to provide a trained maritime capability to support Federal and State maritime services as may be coordinated with the United States Navy, United States Marine Corps, United States Coast Guard, and other federal, state and local agencies and authorities as appropriate.

3. Federal reservists who serve in the SCNM will receive courtesies, rights and privileges extended to state commissioned officers or appointed civilians in the SCNM. The SCNM consists of military and civilian personnel who have the same authority, rights and privileges in the performance of duty in the SCNM as a member of the U.S. regular Navy, Marine Corps or Coast Guard of corresponding grade, rating or position as pertains to and derived from applicable South Carolina state authority, custom and tradition.

4. Except as may be otherwise provided by statute, regulation, or binding agreement by Federal or State agencies, members of the SCNM and the SCMSC shall receive no financial compensation or reimbursement while performing their respective duties and functions. However, federal reservist

members of the SCNM may be entitled to Federal Reserve benefits accruing from their service with the SCNM in accordance with applicable policies of their parent service.

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80-010. Organization of the SCNM.

1. The SCNM is organized, trained and equipped under direction of the Commander, SCNM (COMSCNM), pursuant to Federal and State law, conforming with the table of organization, policies, standards, and training requirements established by the Secretary of Navy and by COMSCNM.

2. The Commander, South Carolina Naval Militia (COMSCNM) ranking officer will be a one star flag officer who reports administratively and operationally to the South Carolina Maritime Security Commission (SCMSC). The Adjutant General of South Carolina is acknowledged as the ranking military officer of the State of South Carolina but is not in the SCNM administrative or operational chain-of-command. COMSCNM will recommend appointments of all officers to the state ranks. Upon approval, they will be commissioned by the Governor. COMSCNM will appoint personnel to state enlisted rates. These commissions (officers) or certificates (enlisted) will be executed by the Chairman, SCMSC on behalf of the Governor. Personnel holding state commissions or appointments may wear uniforms pursuant to coordination with respective services, custom and tradition, and in accordance with SCNM regulations.

3. COMSCNM is responsible to and reports to the SCMSC. COMSCNM will establish a staff with standard naval structure that may include but not limited to deputy commander, chief of staff, special liaisons and task forces, admin, intelligence, operations, logistics/supply, communications, training, plans/requirements, legal, public affairs (including ceremonial units), and senior enlisted and other advisers deemed necessary to the efficient and effective functioning of the Naval Militia.

4. COMSCNM is authorized to execute Memoranda of Understanding (MOU) with appropriate administrative and operational entities as pertains to the operations and functions of the SCNM. These MOUs will be witnessed by the Chairman, SCMSC.

5. There shall be three divisions to the SCNM:

(a) Division I shall constitute the Reserve Services Division. It will be comprised of members of the U. S. Naval Reserve, the U. S. Marine Corps Reserve, and the U. S. Coast Guard Reserve as authorized by a memorandum of understanding between the Coast Guard, Navy and the SCMSC. Such reservists residing in or drilling in the State of South Carolina are authorized to join the SCNM but shall do so voluntarily and on a not-to-interfere basis with their assigned duties and responsibilities in their regular Reserve component.

(b) Division II shall constitute the Merchant Marine Division. It will be comprised of personnel who are eligible to serve on United States merchant vessels because they are licensed and/or certificated by the U. S. Coast Guard. Such personnel shall voluntarily be enrolled in the SCNM. Unless otherwise entitled to military rank and rating privileges based upon prior active duty status as directed by COMSCNM, members of Division II will not be uniformed. The Volunteer Port Security Force (VPSF), although comprised of vessels and not personnel specifically identified by name, is considered part of Division II.

(c) Division III shall constitute the Support Division. It will be comprised of qualified volunteers who are not eligible for membership in Divisions I or II, but who wish to offer their services voluntarily to fill specific SCNM administrative or operational functions. The organization and structure of Division III shall be in conformance with COMSCNM directives.

HISTORY: Added by State Register Volume 30, Issue No. 7, eff July 28, 2006.

80-015. Regulations of the SCNM.

1. The purpose of these regulations is to ensure that the South Carolina Naval Militia is organized, administered, coordinated and facilitated pursuant to Sections 54-17-40 and 54-17-50, South Carolina Code of Laws.

2. The organization and administration of the SCNM are established by COMSCNM and are published in SCNM publications and directives and include the following:

(a) SCNM Organization Manual, including but not limited to SCNM rules and regulations, billet structure, uniform standards, policy instructions, personnel instructions, military justice instructions, and comptroller and supply instructions.

(b) SCNM Foundation Manual. The Foundation budget will be proposed by COMSCNM and approved by the SCMSC. Expenditures will be executed by COMSCNM.

3. Other regulations that affect the SCNM are located in Title 10 U.S. Code. Maritime Homeland Security regulations and Coast Guard regulatory authorities are located in Title 33 of the Code of Federal Regulations.

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80-020. Volunteer Port Security Force at Charleston, South Carolina.

1. The Volunteer Port Security Force (VPSF) at the Port of Charleston is comprised of United States vessels operated commercially at Charleston. In May 2002, recognizing that VPSF vessel crews are likely to be among the first persons to notice unusual or suspicious activities on the harbor, the owners of these vessels voluntarily organized their assets under the auspices of the Maritime Association Port of Charleston (MAPCHA) to provide Maritime Domain Awareness (MDA) to the FMSC as exemplified by the VPSF crews becoming aware of suspicious circumstances and persons, and the expeditiously reporting of those observations to the Coast Guard. Around-the-clock VPSF operations run concurrently with the normal operations of those VPSF vessels. A VPSF Operations Plan, approved and edited by the Coast Guard, also establishes training and communications requirements. The VPSF is under the administrative control of the SCNM and the joint operational control of the vessel owners, except when the FMSC takes control under the provisions of 33 CFR Parts 6, 160 and 165. The VPSF is administratively a part of Division II to pursue its MDA mission during Maritime Security (MARSEC) Levels 1 and 2. During MARSEC Level 3, the VPSF mission may be coordinated by COMSCNM in accordance with FMSC directives and guidance.

2. The crews of most VPSF vessels are entirely comprised of professional mariners who are licensed by the Coast Guard as Merchant Marine Officers and/or who hold Coast Guard-issued Merchant Mariners Documents. The regulatory requirements for Merchant Marine license and document issuance are contained in 46 CFR Parts 10 and 12, and include experience requirements, examination subjects, physical standards, and renewal provisions. Drug testing requirements are contained in 46 CFR 16. Disciplinary provisions are contained in 46 CFR 5. Merchant vessel manning requirements are contained in 46 CFR 15.

3. Provided that the senior vessel operator on board is a member of either Division I or Division II of the SCNM, and only when directed by COMSCNM, the owner of such a VPSF vessel may visually designate that vessel as an SCNM vessel by displaying the SCNM ensign on the halyard next below the national ensign or at such other appropriate location as directed by COMSCNM. VPSF vessels operating under the SCNM ensign shall be considered to be performing official and necessary Maritime Homeland Security functions related to the continuity of port operations. Such VPSF vessels shall communicate and coordinate their movements with other MHLS assets. During a high MARSEC Level, and pursuant to the applicable sections of 33 CFR Parts 6, 160 and 165, the operation of such SCNM-VPSF vessels may come under the operational control of the COTP. Under those conditions, they shall not be impeded in the performance of those necessary functions unless directed otherwise by the FMSC.

4. It is anticipated that under certain conditions of MARSEC 2, and under MARSEC 3, a significant number of the vessels enrolled in the VPSF will be required to be underway to assure the continuity of commercial port operations and, therefore, be subject to supervision and control by the USCG Captain of the Port (FMSC) pursuant to 33 CFR Parts 6, 160 and 165. In these situations, communications and coordination with maritime homeland security assets will be necessary to assure continuity of port operations. These cooperative relationships will be enhanced if the crew members on each of those vessels are also members of Division II of the SCNM. Therefore, nothing shall prevent Coast Guard licensed and/or documented crew members of VPSF vessels from being members of the SCNM. If they do not already hold Merchant Marine licenses or Merchant Mariners documents, COMSCNM may, upon application, grant temporary status as "Ordinary Seaman" while awaiting issuance of either of those Coast Guard-issued certificates.

HISTORY: Added by State Register Volume 30, Issue No. 7, eff July 28, 2006.

80-025. S. C. Naval Militia Ensign.

1. COMSCNM shall authorize the display of a suitable S. C. Naval Militia ensign to be flown by vessels when such vessels are performing missions assigned to Divisions I, II, or III, of the SCNM. Such an ensign will contain the combined palmetto tree and gorget logo of the South Carolina flag and a symbolic rendition that includes an anchor depicting the naval nature of the organization.

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