~~Indicates Matter Stricken~~

Indicates New Matter

POLLED OUT OF COMMITTEE

MAJORITY FAVORABLE

April 22, 2015

**S. 586**

Introduced by Senators L. Martin, Sheheen and Massey

S. Printed 4/22/15--S.

Read the first time March 24, 2015.

**THE COMMITTEE ON JUDICIARY**

To whom was referred a Bill (S. 586) to amend Section 1‑11‑470, Code of Laws of South Carolina, 1976, relating to limitations on a constitutional officer’s use of funds appropriated by the General Assembly, etc., respectfully

**REPORT:**

Has polled the Bill out majority favorable.

**STATEMENT OF ESTIMATED FISCAL IMPACT**

**Fiscal Impact Summary**

This bill will have no expenditure impact on the general fund, federal funds, or other funds.

**Explanation of Fiscal Impact**

**State Expenditure**

Senate Bill 0586 makes technical corrections to conform statutes to Act 121 of 2014 and Act 181 of 1993 related to restructuring.

The Budget and Control Board, Executive Budget Office and Legislative Council indicate there will be no expenditure impact on the general fund, federal funds, or other funds.

Frank A. Rainwater, Executive Director

Revenue and Fiscal Affairs Office

**A** **BILL**

TO AMEND SECTION 1‑11‑470, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO LIMITATIONS ON A CONSTITUTIONAL OFFICER’S USE OF FUNDS APPROPRIATED BY THE GENERAL ASSEMBLY, SO AS TO CHANGE REFERENCES FROM THE BUDGET AND CONTROL BOARD TO THE STATE FISCAL ACCOUNTABILITY AUTHORITY; TO AMEND CHAPTER 30 OF TITLE 1 OF THE 1976 CODE, RELATING TO DEPARTMENTS OF STATE GOVERNMENT, SO AS TO PROVIDE CORRECT REFERENCES TO ESTABLISHING AUTHORITY OR DUTIES FOR EACH DEPARTMENT AND DELETE LANGUAGE CONCERNING GOVERNMENT AGENCY TRANSFERS THAT HAVE BEEN ACCOMPLISHED; TO AMEND SECTION 2‑13‑240, RELATING TO DISTRIBUTION OF CODE SETS BY THE LEGISLATIVE COUNCIL, SO AS TO PROVIDE THAT THE LEGISLATIVE COUNCIL, AS IT DETERMINES IN THE BEST INTERESTS OF THE STATE, MAY DISTRIBUTE OR SELL CODE OF LAWS, SUPPLEMENTS, OR REPLACEMENT VOLUMES TO PUBLIC SECTOR ENTITIES EXCEPT THAT IT MUST NOT CHARGE THE GENERAL ASSEMBLY FOR CODES PLACED IN THE STATEHOUSE OR GRESSETTE OR BLATT BUILDINGS; TO AMEND SECTION 48‑4‑10, RELATING TO CREATION OF THE DEPARTMENT OF NATURAL RESOURCES, SO AS TO DELETE PROVISIONS CONCERNING GOVERNMENT AGENCY TRANSFERS THAT HAVE BEEN ACCOMPLISHED; TO AMEND SECTION 58‑3‑580, RELATING TO STAFF ORGANIZATION AND ALLOCATION IN THE OFFICE OF REGULATORY STAFF, SO AS TO DELETE PROVISIONS THAT HAVE BEEN ACCOMPLISHED AND TO CLARIFY THE EXECUTIVE DIRECTOR’S AUTHORITY CONCERNING OFFICE PERSONNEL; TO AMEND SECTION 63‑19‑360, RELATING TO INSTITUTIONAL SERVICES, SO AS TO DELETE LANGUAGE CONCERNING REPORTS THAT ALREADY HAVE BEEN COMPLETED AND TO PROVIDE THAT FUTURE REPORTS BE MADE TO THE DEPARTMENT OF ADMINISTRATION INSTEAD OF THE BUDGET AND CONTROL BOARD, WHICH WILL BE ABOLISHED JULY 1, 2015, AS PROVIDED BY ACT 121 OF 2014; AND TO REPEAL SECTION 1‑11‑22, RELATING TO THE ORGANIZATION OF THE BUDGET AND CONTROL BOARD STAFF; SECTION 48‑22‑20, RELATING TO POWERS DEVOLVED UPON THE DEPARTMENT OF NATURAL RESOURCES BY THE 1993 RESTRUCTURING ACT; AND SECTION 59‑150‑355, RELATING TO EDUCATION LOTTERY APPROPRIATIONS AND USES, SO AS TO DELETE PROVISIONS CONCERNING TRANSFERS OF OR ACTIONS BY STATE GOVERNMENT AGENCIES THAT HAVE BEEN ACCOMPLISHED.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 1‑11‑470 of the 1976 Code is amended to read:

“Section 1‑11‑470. (A) No funds appropriated by the General Assembly may be used by a constitutional officer to purchase space including, but not limited to, notices or advertisements, in a print medium or time from a radio or television medium without unanimous prior written approval of the ~~Budget and Control Board~~ State Fiscal Accountability Authority.

(B) No funds appropriated by the General Assembly may be used by a constitutional officer to print on, or distribute with, official documents extraneous promotional material or to purchase plaques, awards, citations, or other recognitions without unanimous prior written approval of the ~~Budget and Control Board~~ State Fiscal Accountability Authority.

(C) If nonpublic funds are used for the purposes enumerated in subsection (A), the constitutional officer expending the funds must submit the source of the funds showing all contributors to the ~~Budget and Control Board~~ State Fiscal Accountability Authority before the funds are expended.

(D) The provisions of this section do not apply to the Governor or to the General Assembly.”

SECTION 2. Chapter 30 of Title 1 of the 1976 Code is amended to read:

“CHAPTER 30

DEPARTMENTS OF STATE GOVERNMENT

Section 1‑30‑10. (A) There are hereby created, within the executive branch of the state government, the following departments:

1. Department of Administration

2. Department of Agriculture

3. Department of Alcohol and Other Drug Abuse Services

4. Department of Commerce

5. Department of Corrections

6. Department of Disabilities and Special Needs

7. Department of Education

8. Department of Health and Environmental Control

9. Department of Health and Human Services

10. Department of Insurance

11. Department of Juvenile Justice

12. Department of Labor, Licensing and Regulation

13. Department of Mental Health

14. Department of Motor Vehicles

15. Department of Natural Resources

16. Department of Parks, Recreation and Tourism

17. Department of Probation, Parole and Pardon Services

18. Department of Public Safety

19. Department of Revenue

20. Department of Social Services

21. Department of Transportation

22. Department of Employment and Workforce.

(B)(1) The governing authority of each department shall be:

(i) a director or a secretary, who must be appointed by the Governor with the advice and consent of the Senate, subject to removal from office by the Governor pursuant to provisions of Section 1‑3‑240(B); or

(ii) a board to be appointed and constituted in a manner provided for by law; or

(iii) in the case of the Department of Agriculture and the Department of Education, the State Commissioner of Agriculture and the State Superintendent of Education, respectively, elected to office under the Constitution of this State; or

(iv) in the case of the Department of Transportation, a seven member commission constituted in a manner provided by law, and a Secretary of Transportation appointed by and serving at the pleasure of the Governor.

(2) In making an appointment for a governing authority of a department, race, gender, and other demographic factors should be considered to assure nondiscrimination, inclusion, and representation to the greatest extent possible of all segments of the population of this State; however, consideration of these factors in no way creates a cause of action or basis for an employee grievance for a person appointed or for a person who fails to be appointed. The Governor in making the appointments provided for by this section shall endeavor to appoint individuals who have demonstrated exemplary managerial skills in either the public or private sector.

(C) Each department shall be organized into appropriate subdivisions by the governing authority of the department through further consolidation or further subdivision. The power to organize and reorganize the department into divisions lies with the General Assembly in furtherance of its mandate pursuant to Article XII of the South Carolina Constitution, 1895. The dissolution of any division must likewise be statutorily approved by the General Assembly.

(D) The governing authority of a department is vested with the duty of overseeing, managing, and controlling the operation, administration, and organization of the department. The governing authority has the power to create and appoint standing or ad hoc advisory committees in its discretion or at the direction of the Governor to assist the department in particular areas of public concern or professional expertise as is deemed appropriate. Such committees shall serve at the pleasure of the governing authority and committee members shall not receive salary or per diem, but shall be entitled to reimbursement for actual and necessary expenses incurred pursuant to the discharge of official duties not to exceed the per diem, mileage, and subsistence amounts allowed by law for members of boards, commissions, and committees.

(E) The governing authority of a department may appoint deputies to head the divisions of their department, with each deputy managing one or more of the divisions; in the case of the Department of Commerce, the Secretary of Commerce may appoint a departmental executive director and also may appoint directors to manage the various divisions of the Department of Commerce. In making appointments race, gender, and other demographic factors should be considered to assure nondiscrimination, inclusion, and representation to the greatest extent possible of all segments of the population of this State; however, consideration of these factors in making an appointment in no way creates a cause of action or basis for an employee grievance for a person appointed or for a person who fails to be appointed. Deputies serve at the will and pleasure of the governing authority. The deputy of a division is vested with the duty of overseeing, managing, and controlling the operation and administration of the division under the direction and control of the department’s governing authority and performing such other duties as delegated by the department’s governing authority.

(F) In the event a vacancy occurs in the office of the department’s governing authority at a time when the General Assembly is not in session, the Governor temporarily may fill the vacancy pursuant to Section 1‑3‑210.

(G)(1) Department and agency governing authorities must, no later than the first day of the 2015 Legislative Session and every twelve months thereafter, submit to the Governor and General Assembly reports giving detailed and comprehensive recommendations for the purposes of merging or eliminating duplicative or unnecessary divisions, programs, or personnel within each department to provide a more efficient administration of government services. If an agency or department has no recommendations for restructuring of divisions, programs, or personnel, its report must contain a statement to that effect. Upon their receipt by the President of the Senate and the Speaker of the House of Representatives, these reports must be referred as information to the standing committees of the respective bodies most jurisdictionally related in subject matter to each agency. Alternatively, the House and Senate may provide by rule for the referral of these reports. The Governor periodically must consult with the governing authorities of the various departments and upon such consultation, the Governor must submit a report of any restructuring recommendations to the General Assembly for its review and consideration.

(2) Department and agency governing authorities must, no later than the first day of the 2015 Legislative Session, and, as a part of the agency’s seven‑year oversight study and investigation conducted pursuant to Chapter 2, Title 2, submit to the Governor and the General Assembly a seven‑year plan that provides initiatives and/or planned actions that implement cost savings and increased efficiencies of services and responsibilities within the projected seven‑year period.

Section 1‑30‑12. The Department of Administration is established as provided in Section 1‑11‑10.

Section 1‑30‑15. ~~Effective on July 1, 1993, the following agencies, boards, and commissions, including all of the allied, advisory, affiliated, or related entities as well as the employees, funds, property and all contractual rights and obligations associated with any such agency, except for those subdivisions specifically included under another department, are hereby transferred to and incorporated in and shall be administered as part of the Department of Agriculture:~~

~~Department of Agriculture, formerly provided for at Section 46‑39‑10, et seq.~~

The duties of the Department of Agriculture and the Commissioner of Agriculture are as provided in Chapter 3 of Title 46.

Section 1‑30‑20. ~~Effective on July 1, 1993, the following agencies, boards, and commissions, including all of the allied, advisory, affiliated, or related entities as well as the employees, funds, property and all contractual rights and obligations associated with any such agency, except for those subdivisions specifically included under another department, are hereby transferred to and incorporated in and shall be administered as part of the Department of Alcohol and Other Drug Abuse Services:~~

~~(A)~~ ~~South Carolina Commission on Alcohol and Drug Abuse, formerly provided for at Section 44‑49‑10, et seq.;~~

~~(B)~~ ~~Drug‑free Schools and Communities Program in the Governor’s Office, provided for under grant programs.~~

The Department of Alcohol and Other Drug Abuse Services is established as provided in Section 44‑49‑10.

Section 1‑30‑25. ~~The following agencies, boards, and commissions, including all of the allied, advisory, affiliated, or related entities as well as the employees, funds, property, and all contractual rights and obligations associated with any such agency, except for those subdivisions specifically included under another department, are transferred to and incorporated in and must be administered as part of the Department of Commerce to be initially divided into divisions for Aeronautics, Advisory Coordinating Council for Economic Development, State Development, Public Railways, and Savannah Valley Development:~~

~~(A)~~ ~~South Carolina Aeronautics Commission, formerly provided for at Section 55‑5‑10, et seq.;~~

~~(B)~~ ~~Coordinating Council for Economic Development, formerly provided for at Section 41‑45‑30, et seq.;~~

~~(C)~~ ~~Savannah Valley Authority, formerly provided for at Section 13‑9‑10, et seq.;~~

~~(D)~~ ~~existing divisions or components of the Department of Commerce formerly a part of the State Development Board excluding the South Carolina Film Commission; and~~

~~(E)~~ ~~South Carolina Public Railways Commission, formerly provided for at Section 58‑19‑10, et seq.~~

The Department of Commerce is established as provided in Section 13‑1‑10.

Section 1‑30‑30. ~~Effective on July 1, 1993, the following agencies, boards, and commissions, including all of the allied, advisory, affiliated, or related entities as well as the employees, funds, property and all contractual rights and obligations associated with any such agency, except for those subdivisions specifically included under another department, are hereby transferred to and incorporated in and shall be administered as part of the Department of Corrections:~~

~~Department of Corrections, formerly provided for at Section 24‑1‑10, et seq.~~

The Department of Corrections is established as provided in Section 24‑1‑30.

Section 1‑30‑35. ~~Effective on July 1, 1993, the following agencies, boards, and commissions, including all of the allied, advisory, affiliated, or related entities as well as the employees, funds, property and all contractual rights and obligations associated with any such agency, except for those subdivisions specifically included under another department, are hereby transferred to and incorporated in and shall be administered as part of the Department of Disabilities and Special Needs to be initially divided into divisions for Intellectual Disability, Head and Spinal Cord Injury, and Autism; provided, however, that the board of the former Department of Mental Retardation as constituted on June 30, 1993, and thereafter, under the provisions of Section 44‑19‑10, et seq., shall be the governing authority for the department.~~

~~(A)~~ ~~Department of Mental Health Autism programs, formerly provided for at Section 44‑9‑10, et seq.;~~

~~(B)~~ ~~Head and Spinal Cord Injury Information System, formerly provided for at Section 44‑38‑10, et seq.;~~

~~(C)~~ ~~Department of Mental Retardation, formerly provided for at Section 44‑19‑10, et seq.~~

The Department of Disabilities and Special Needs is established as provided in Section 44‑20‑240.

Section 1‑30‑40. ~~Effective on July 1, 1993, the following agencies, boards, and commissions, including all of the allied, advisory, affiliated, or related entities as well as the employees, funds, property and all contractual rights and obligations associated with any such agency, except for those subdivisions specifically included under another department, are hereby transferred to and incorporated in and shall be administered as part of the Department of Education:~~

~~State Department of Education, provided for at Section 59‑5‑10, et seq.~~

The duties and organization for the Department of Education are as provided in Title 59.

Section 1‑30‑45. ~~Effective on July 1, 1994, the following agencies, boards, and commissions, including all of the allied, advisory, affiliated, or related entities as well as the employees, funds, property and all contractual rights and obligations associated with any such agency, except for those subdivisions specifically included under another department, are hereby transferred to and incorporated in and shall be administered as part of the Department of Health and Environmental Control and to include a coastal division:~~

~~(A)~~ ~~Department of Health and Environmental Control, formerly provided for at Section 44‑1‑10, et seq.;~~

~~(B)~~ ~~South Carolina Coastal Council, formerly provided for at Section 48‑39‑10, et seq.;~~

~~(C)~~ ~~State Land Resources Conservation Commission regulatory division, formerly provided for at Section 48‑9‑10, et seq.;~~

~~(D)~~ ~~Water Resources Commission regulatory division, formerly provided for at Section 49‑3‑10, et seq.~~

The Department of Health and Environmental Control is established as provided in Section 44‑1‑20.

Section 1‑30‑50. ~~Effective on July 1, 1995, the following agencies, boards, and commissions, including all of the allied, advisory, affiliated, or related entities as well as the employees, funds, property and all contractual rights and obligations associated with any such agency, except for those subdivisions specifically included under another department, are hereby transferred to and incorporated in and shall be administered as part of the Department of Health and Human Services:~~

~~Department of Health and Human Services Finance Commission, formerly provided for at Section 44‑6‑10, et seq.~~

The Department of Health and Human Services is established as provided in Section 44‑6‑10.

Section 1‑30‑55. ~~Effective on July 1, 1995, the following agencies, boards, and commissions, including all of the allied, advisory, affiliated, or related entities as well as the employees, funds, property and all contractual rights and obligations associated with any such agency, except for those subdivisions specifically included under another department, are hereby transferred to and incorporated in and shall be administered as part of the Department of Insurance:~~

~~Department of Insurance, formerly provided for at Section 38‑3‑10, et seq.~~

The Department of Insurance is established as provided in Section 38‑3‑10.

Section 1‑30‑60. ~~Effective on July 1, 1993, the following agencies, boards, and commissions, including all of the allied, advisory, affiliated, or related entities as well as the employees, funds, property and all contractual rights and obligations associated with any such agency, except for those subdivisions specifically included under another department, are hereby transferred to and incorporated in and shall be administered as part of the Department of Juvenile Justice:~~

~~Department of Youth Services, formerly provided for at Section 20‑7‑6805, et seq.~~

The Department of Juvenile Justice is established as provided in Section 63‑19‑310.

Section 1‑30‑65. ~~Effective on February 1, 1994, the following agencies, boards, and commissions, including all of the allied, advisory, affiliated, or related entities as well as the employees, funds, property and all contractual rights and obligations associated with any such agency, except for those subdivisions specifically included under another department, are hereby transferred to and incorporated in and shall be administered as part of the Department of Labor, Licensing, and Regulation to be initially divided into divisions for Labor, State Fire Marshal, and Professional and Occupational Licensing:~~

~~(A)~~ ~~Fire Marshal Division of Budget & Control Board, formerly provided for at Section 23‑9‑10, et seq.;~~

~~(B)~~ ~~Department of Labor, formerly provided for at Title 12, Chapter 37; Title 46, Chapter 43; and Title 41, Chapters 1‑25;~~

~~(C)~~ ~~Professional and Occupational Licensing Boards including:~~

~~Accountancy Board, formerly provided for at Section 40‑1‑10, et seq.;~~

~~Architectural Board of Examiners, formerly provided for at Section 40‑3‑10, et seq.;~~

~~Athletic Commission, formerly provided for at Section 52‑7‑10, et seq.;~~

~~Auctioneers Commission, formerly provided for at Section 40‑6‑10, et seq.;~~

~~Barber Examiners Board, formerly provided for at Section 40‑7‑10, et seq.;~~

~~Accessibility Committee for the Building Codes Council, formerly provided for at Section 10‑5‑210, et seq.;~~

~~Building Code Council, formerly provided for at Section 6‑9‑60, et seq.;~~

~~Burglar Alarm Business, formerly provided for at Section 40‑79‑10, et seq.;~~

~~Chiropractic Examiners Board, formerly provided for at Section 40‑9‑10, et seq.;~~

~~Contractors Licensing Board, formerly provided for at Section 40‑11‑10, et seq.;~~

~~Cosmetology Board, formerly provided for at Section 40‑13‑10, et seq.;~~

~~Dentistry Board, formerly provided for at Section 40‑15‑10, et seq.~~;

~~Embalmers and Funeral Directors/Funeral Service Board, formerly provided for at Section 40‑19‑10, et seq.;~~

~~Engineers and Land Surveyors Board, formerly provided for at Section 40‑21‑10, et seq.;~~

~~Environmental Systems Operators Board, formerly provided for at Section 40‑23‑10, et seq.;~~

~~Fire Sprinkler Contractors Board, formerly provided for at Section 23‑45‑10, et seq.;~~

~~Foresters Registration Board, formerly provided for at Section 48‑27‑10, et seq.;~~

~~Geologists Registration Board, formerly provided for at Section 40‑77‑10, et seq.;~~

~~Harbor Pilots/Pilotage Commission, formerly provided for at Section 54‑15‑40, et seq.;~~

~~Liquefied Petroleum Gas Board, formerly provided for at Section 39‑43‑20, et seq.;~~

~~Manufactured Housing Board, formerly provided for at Section 40‑29‑10, et seq.;~~

~~Modular Appeals Board, formerly provided for at Section 23‑43‑50, et seq.;~~

~~Nursing Board, formerly provided for at Section 40‑33‑10, et seq.;~~

~~Nursing Home Administrators Board, formerly provided for at Section 40‑35‑10, et seq.;~~

~~Occupational Therapy Board, formerly provided for at Section 40‑36‑10, et seq.;~~

~~Optometry Board, formerly provided for at Section 40‑37‑10, et seq.;~~

~~Opticianry Board, formerly provided for at Section 40‑38‑10, et seq.;~~

~~Pharmacy Board, formerly provided for at Section 40‑43‑10, et seq.;~~

~~Physical Therapy Examiners, formerly provided for at Section 40‑45‑10, et seq.;~~

~~Physicians, Surgeons and Osteopaths/Board of Medical Examiners, formerly provided for at Section 40‑47‑10, et seq.;~~

~~Podiatry Examiners, formerly provided for at Section 40‑51‑10, et seq.;~~

~~Professional Counselors, Marital and Family Therapists, formerly provided for at Section 40‑75‑10, et seq.;~~

~~Psychology Board of Examiners, formerly provided for at Section 40‑55‑20, et seq.;~~

~~Pyrotechnic Safety Board, formerly provided for at Section 40‑56‑10, et seq.;~~

~~Real Estate Commission regulating Real Estate Brokers, Counsellors, Salesmen, Auctioneers, and Property Managers, formerly provided for at Section 40‑57‑10 et seq., and Real Estate Appraisers Board, formerly provided for at Section 40‑60‑10 et seq.;~~

~~Residential Home Builders Board, formerly provided for at Section 40‑59‑10, et seq.;~~

~~Social Worker Board of Examiners, formerly provided for at Section 40‑63‑10, et seq.;~~

~~Speech/Language Pathology and Audiology Board of Examiners, formerly provided for at Section 40‑67‑10, et seq.;~~

~~Veterinary Medical Examiners, formerly provided for at Section 40‑69‑10, et seq.~~

The governance and duties of the Department of Labor, Licensing and Regulation are as provided in Section 41‑3‑10.

Section 1‑30‑70. ~~Effective on July 1, 1993, the following agencies, boards, and commissions, including all of the allied, advisory, affiliated, or related entities as well as the employees, funds, property and all contractual rights and obligations associated with any such agency, except for those subdivisions specifically included under another department, are hereby transferred to and incorporated in and shall be administered as part of the Department of Mental Health to include a Children’s Services Division and shall include:~~

~~Department of Mental Health, provided for at Section 44‑9‑10, et seq.~~

The Department of Mental Health is established as provided in Section 44‑9‑10.

Section 1‑30‑72. The Department of Motor Vehicles is established as provided in Section 56‑1‑5.

Section 1‑30‑75. ~~Effective on July 1, 1994, the following agencies, boards, and commissions, including all of the allied, advisory, affiliated, or related entities as well as the employees, funds, property, and all contractual rights and obligations associated with the agency, except for those subdivisions specifically included under another department, are transferred to and incorporated in, and must be administered as part of the Department of Natural Resources. The department must be divided initially into divisions for Land Resources and Conservation Districts, Water Resources, Marine Resources, Wildlife and Freshwater Fisheries, and State Natural Resources Enforcement. The South Carolina Wildlife and Marine Resources Commission, as constituted on June 30, 1993, and after that time, under the provisions of Section 50‑3‑10 et seq. is the governing authority for the department:~~

~~(1)~~ ~~Geological Survey of the Research and Statistical Services Division of the Budget and Control Board, to include the State Geologist, formerly provided for at Section 1‑11‑10, et seq.;~~

~~(2)~~ ~~State Land Resources Conservation Commission, less the regulatory division, formerly provided for at Section 48‑9‑10, et seq.;~~

~~(3)~~ ~~South Carolina Migratory Waterfowl Commission, formerly provided for at Section 50‑11‑20, et seq.;~~

~~(4)~~ ~~Water Resources Commission, less the regulatory division, formerly provided for at Section 49‑3‑10, et seq.;~~

~~(5)~~ ~~South Carolina Wildlife and Marine Resources Commission, formerly provided for at Section 50‑3‑10, et seq.~~

The governance and duties of the Department of Natural Resources are as provided in Chapter 3 of Title 50.

Section 1‑30‑80. (A) ~~The following agencies, boards, and commissions, including all of the allied, advisory, affiliated, or related entities as well as the employees, funds, property, and all contractual rights and obligations associated with any such agency, except for those subdivisions specifically included under another department, are transferred to and incorporated in and must be administered as part of the Department of Parks, Recreation and Tourism to include a Parks, Recreation and Tourism Division.~~

~~Department of Parks, Recreation and Tourism, formerly provided for at Sections 51‑1‑10, 51‑3‑10, 51‑7‑10, 51‑9‑10, and 51‑11‑10, et seq.~~

The Department of Parks, Recreation and Tourism is established as provided in Section 51‑1‑10.

(B)(1) ~~Effective July 1, 2008, the~~ The South Carolina Film Commission ~~of the Department of Commerce is transferred to the Department of Parks, Recreation and Tourism and becomes~~ is a separate division of the Department of Parks, Recreation and Tourism.

(2) The South Carolina Film Commission as established in this section as a separate division of the Department of Parks, Recreation and Tourism ~~and transferred to it~~ shall ensure that funds made available to film projects through the South Carolina Film Commission are budgeted and spent so as to further the following objectives:

(a) stimulation of economic activity to develop the potentialities of the State;

(b) conservation, restoration, and development of the natural and physical, the human and social, and the economic and productive resources of the State;

(c) promotion of a system of transportation for the State, through development and expansion of the highway, railroad, port, waterway, and airport systems;

(d) promotion and correlation of state and local activity in planning public works projects;

(e) promotion of public interest in the development of the State through cooperation with public agencies, private enterprises, and charitable and social institutions;

(f) encouragement of industrial development, private business, commercial enterprise, agricultural production, transportation, and the utilization and investment of capital within the State;

(g) assistance in the development of existing state and interstate trade, commerce, and markets for South Carolina goods and in the removal of barriers to the industrial, commercial, and agricultural development of the State;

(h) assistance in ensuring stability in employment, increasing the opportunities for employment of the citizens of the State, devising ways and means to raise the living standards of the people of the State;

(i) enhancement of the general welfare of the people; and

(j) encouragement and consideration as appropriate so as to consider race, gender, and other demographic factors to ensure nondiscrimination, inclusion, and representation of all segments of the State to the greatest extent possible.

Section 1‑30‑85. ~~Effective on July 1, 1993, the following agencies, boards, and commissions, including all of the allied, advisory, affiliated, or related entities as well as the employees, funds, property and all contractual rights and obligations associated with any such agency, except for those subdivisions specifically included under another department, are hereby transferred to and incorporated in and must be administered as part of the Department of Probation, Parole, and Pardon Services:~~

~~Department of Probation, Pardon and Parole, formerly provided for at Section 24‑21‑10, et seq.~~

The governance and duties of the Department of Probation, Parole and Pardon Services are as provided in Chapter 21 of Title 24.

Section 1‑30‑90. ~~The following agencies, boards, and commissions, including all of the allied, advisory, affiliated, or related entities, as well as the employees, funds, property and all contractual rights and obligations associated with any such agency, except for those subdivisions specifically included under another department, are hereby transferred to and incorporated in and shall be administered as part of the Department of Public Safety to be initially divided into divisions for Highway Patrol, State Police, and Training and Continuing Education.~~

~~(A)~~ ~~Law Enforcement Hall of Fame, formerly provided for in Section 23‑25‑10, et seq.;~~

~~(B)~~ ~~State Highway Patrol, formerly provided for in Section 23‑5‑10, et seq.;~~

~~(C)~~ ~~Public Service Commission Safety Enforcement, formerly provided in Section 58‑3‑310;~~

~~(D)~~ ~~Public Safety Division, formerly of the Governor’s Office.~~

The Department of Public Safety is established as provided in Section 23‑6‑20.

Section 1‑30‑95. ~~The following agencies, boards, and commissions, including all of the allied, advisory, affiliated, or related entities as well as the employees, funds, property and all contractual rights and obligations associated with any such agency, except for those subdivisions specifically included under another department, are hereby transferred to and incorporated in and shall be administered as part of the Department of Revenue to be initially divided into divisions for Alcohol Beverage Control and Tax; provided, however, that from July 1, 1993, until February 1, 1995, the governing authority of the department shall be the commissioners of the Tax Commission, as constituted June 30, 1993, and thereafter, pursuant to the provisions of Section 12‑3‑10, et seq.;~~

~~(A)~~ ~~Licensing Division of Alcoholic Beverage Control Commission, formerly provided for at Section 61‑1‑10, et seq.;~~

~~(B)~~ ~~Tax Commission, formerly provided for at Section 12‑3‑10, et seq.~~

The Department of Revenue is established as provided in Section 12‑4‑10.

Section 1‑30‑100. ~~Effective on July 1, 1993, the following agencies, boards, and commissions, including all of the allied, advisory, affiliated, or related entities as well as the employees, funds, property and all contractual rights and obligations associated with any such agency, except for those subdivisions specifically included under another department, are hereby transferred to and incorporated in and shall be administered as part of the Department of Social Services:~~

~~Department of Social Services, formerly provided for at Section 43‑1‑10, et seq.~~

The Department of Social Services is established as provided in Section 43‑1‑10.

Section 1‑30‑105. ~~Effective on July 1, 1993, the following agencies, boards, and commissions, including all of the allied, advisory, affiliated, or related entities as well as the employees, funds, property, and all contractual rights and obligations associated with any such agency, except for those subdivisions specifically included under another department, are hereby transferred to and incorporated in and shall be administered as part of the Department of Transportation to be initially divided into divisions for Mass Transit, Construction and Maintenance, Engineering and Planning, and Finance and Administration; however, the State Highway Commission as constituted on June 30, 1993, under the provisions of Title 56, shall be the governing authority for the department until February 15, 1994, or as soon as its successors are elected or appointed and qualified, whichever is later.~~

~~Department of Highways and Public Transportation, except the Motor Vehicle Division, which was established as the Department of Motor Vehicles by Section 56‑1‑5, and the State Highway Patrol, formerly provided for at Section 56‑1‑10, et seq.~~

The Department of Transportation is established as provided in Section 57‑1‑20.

Section 1‑30‑110. The Department of Employment and Workforce is established as provided in Section 41‑29‑20.

Section 1‑30‑120. ~~Effective July 1, 1993, the following agencies, boards, and commissions, including all of the allied, advisory, affiliated, or related entities as well as the employees, funds, property and all contractual rights and obligations associated with any such agency, except for those subdivisions specifically included under another department, are hereby transferred to and incorporated in and shall be administered as part of the State Law Enforcement Division:~~

~~(A)~~ ~~Alcoholic Beverage Control Commission enforcement division, formerly provided for at Section 61‑1‑60, et seq.;~~

~~(B)~~ ~~State Law Enforcement Division, formerly provided for at Section 23‑3‑10, et seq.~~

The State Law Enforcement Division is established as provided in Section 23‑3‑10.

Section 1‑30‑125. (A) There is established, within the Department of Administration, the Executive Budget Office which shall support the Office of the Governor by conducting analysis, implementing and monitoring the annual general appropriations act, and evaluating program performance.

(B) The Executive Budget Office shall use the existing resources of the organizations transferred to the Department of Administration including, but not limited to, funding, personnel, equipment, and supplies. Vacant FTEs at the former State Budget and Control Board also may be used to fill needed positions for the office.”

SECTION 3. Section 2‑13‑240 of the 1976 Code is amended to read:

“Section 2‑13‑240. (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~~.

The Legislative Council may distribute or sell the code of law, supplements, or replacement volumes to the public sector as Legislative Council determines to meet the best interests of the State; however, Legislative Council must not require reimbursement from the General Assembly for the cost of acquiring codes of law, supplements, or replacement volumes for placement in the State House or the Gressette or Blatt buildings.

(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.”

SECTION 4. Section 48‑4‑10 of the 1976 Code is amended to read:

“Section 48‑4‑10. (A) The South Carolina Department of Natural Resources is created to administer and enforce the laws of this State relating to wildlife, marine resources, and natural resources and other laws specifically assigned to it. The department must be comprised of a Natural Resources Enforcement Division, a Wildlife and Freshwater Fisheries Division, a Marine Resources Division, a Water Resources Division, and a Land Resources and Conservation Districts Division. Each division of the department must have the functions and powers provided by law.

(B) ~~All functions, powers, and duties provided by law to the South Carolina Wildlife and Marine Resources Department, the Geological Survey Division of the Budget and Control Board, to include the State Geologist, and the South Carolina Migratory Waterfowl Committee are transferred to the Department of Natural Resources. All nonregulatory functions, powers, and duties provided by law to the South Carolina Water Resources Commission and the State Land Resources Conservation Commission are transferred to the Department of Natural Resources. All rules, regulations, standards, orders, or other actions of these entities remain in effect unless specifically changed or voided by the department in accordance with the Administrative Procedures Act.~~

~~(C)~~ All divisions are directly accountable to and subject to the Department of Natural Resources.

~~(D)~~ ~~The Wildlife and Marine Resources Commission, the Land Resources Conservation Commission, and the Water Resources Commission are abolished.~~”

SECTION 5. Section 58‑3‑580 of the 1976 Code is amended to read:

“Section 58‑3‑580. The review committee must allocate personal service positions and other appropriations within the commission to either the commission or the Office of Regulatory Staff. The review committee must organize appropriate divisions within the commission and, as submitted by the executive director, within the Office of Regulatory Staff. Notwithstanding any other provision of law, the review committee is authorized to approve position descriptions and compensation schedules for each position within the Office of Regulatory Staff. Notwithstanding any other provision of law, the salary of the Executive Director of the Office of Regulatory Staff shall not be construed as limiting the maximum salary that may be paid to other employees of the Office of Regulatory Staff. The review committee’s authority to reorganize the agencies and assign personal service positions and other appropriations supersedes any provision of law to the contrary. ~~In effectuating the review committee’s assignment of positions between agencies, the Budget and Control Board is directed to assign through transfer both the position and the appropriation for the position.~~ Notwithstanding this section or any other provision of law, the Executive Director of the Office of Regulatory Staff has sole authority to select, ~~and~~ employ, and maintain employment of personnel of the Office of Regulatory Staff. ~~On and after June 30, 2004, a commission employee whose position is transferred to the Office of Regulatory Staff is, upon application to the executive director, entitled only to due consideration for the position.~~”

SECTION 6. Section 63‑19‑360(4) of the 1976 Code is amended to read:

“(4) providing juvenile detention services for juveniles charged with having committed a criminal offense who are found, after a detention screening or detention hearing, to require detention or placement outside the home pending an adjudication of delinquency or dispositional hearing. Detention services provided by the department for the benefit of the counties and municipalities of this State must include secure juvenile detention centers. The size and capacity of the juvenile detention facilities needed must be determined by the department after its consideration and review of minimum standards for local detention facilities in South Carolina for the design, construction, and operation of juvenile detention centers. These recognized state standards must be met or exceeded by the department in determining the size and capacity of the juvenile detention centers and in planning for the construction and operation of the facilities. The department shall determine and announce the anticipated maximum operational capacity of each facility and shall contact each county and municipal governmental body in this State for the purpose of determining which counties or municipalities anticipate utilizing these facilities upon each facility becoming operational. The department shall inform each county and municipal governmental body of the existing state and federal laws regarding the confinement of juveniles charged with committing criminal offenses, of each county’s and municipality’s ability to develop its own facility or to contract with other counties or municipalities for the development of a regional facility, and of the availability of the department’s facilities. This notice must be provided to each county and municipality for the purpose of determining which county governmental bodies desire to enter into an intergovernmental agreement with the department for the detention of juveniles from their particular community who are charged with committing a criminal offense for which pretrial detention is both authorized and appropriate. ~~No later than September 1, 1993, the~~ The department shall report to the ~~Budget and Control Board~~ Department of Administration on the strategy of each county to comply with requirements of counties under this chapter. The department must include with its report a plan for the construction and the operation of those facilities which are projected to be necessary for the preadjudicatory detention of juveniles in this State. No later than September first of each ~~subsequent~~ year, the department shall report to the ~~board~~ Department of Administration on the status of all preadjudicatory juvenile detention facilities known to be operational or planned, regardless of ownership or management. ~~Beginning with the report to the board which is due no later than September 1, 1996, the~~ The department must include an annual status report on the numbers of juveniles in pretrial detention who are awaiting disposition in general sessions court, whether they have been waived by the family court or whether they qualify due to the offense with which they are charged. The ~~board~~ Department of Administration then will coordinate with all responsible and affected agencies and entities to ensure that adequate funding is identified to prevent the detention or incarceration of juveniles who are awaiting disposition by, or who are under the jurisdiction of, the family court in adult jails anywhere within the State of South Carolina and to prevent the detention of juveniles who are awaiting disposition by general sessions court in facilities which do not provide actual sight and sound separation from adults who are in detention or custody. Upon completion of each facility and upon the determination by the Jail and Prison Inspection Division of the Department of Corrections that each facility is staffed in accordance with relevant standards and can be operated in accordance with these standards, the division shall determine and announce the rated capacity of each facility. A facility operated by the Department of Juvenile Justice for the preadjudicatory detention of juveniles must be maintained and continued in operation for that purpose until approved for conversion or closure by the ~~Budget and Control Board~~ Department of Administration. However, a county or municipality which decides to maintain its own approved facilities or which has entered into a regional intergovernmental agreement, which has provided secure facilities for preadjudicatory juveniles, and which meets the standards set forth above, may continue to operate these facilities. County and regionally operated facilities are subject to inspection by the Jail and Prison Inspection Division of the Department of Corrections for compliance with the standards set forth above and those created pursuant to Section 24‑9‑20. The division has the same enforcement authority over county, municipal, and regionally operated secure juvenile detention facilities as that which is provided in Section 24‑9‑30. In Department of Juvenile Justice operated facilities, the department shall determine an amount of per diem for each child detained in a center, which must be paid by the governing body of the law enforcement agency having original jurisdiction where the offense occurred. The per diem paid by the governing body of the law enforcement agency having original jurisdiction where the offense occurred must be based on the average operating cost among all preadjudicatory state facilities. The Department of Juvenile Justice must assume one‑third of the per diem cost and the governing body of the law enforcement agency having original jurisdiction where the offense occurred must assume two‑thirds of the cost. Per diem funds received by the department must be placed in a separate account by the department for operation of all preadjudicatory state facilities. Transportation of the juvenile to and from a facility is the responsibility of the law enforcement agency having jurisdiction where the offense was committed. Transportation of juveniles between department facilities, if necessary, is the responsibility of the department;”

SECTION 7. Sections 1‑11‑22, 48‑22‑20, and 59‑150‑355 of the 1976 Code are repealed.

SECTION 8. This act takes effect upon approval by the Governor.

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