**A** **BILL**

TO AMEND CHAPTER 2, TITLE 61 OF THE 1976 CODE, RELATING TO ALCOHOL AND ALCOHOLIC BEVERAGES, BY ADDING SECTION 61-2-15, TO PROVIDE FOR THE CREATION OF THE DEPARTMENT OF ALCOHOL LICENSING AND ENFORCEMENT, TO PROVIDE A GOVERNANCE STRUCTURE, AND TO PROVIDE DUTIES; TO AMEND SECTION 61-2-30 OF THE 1976 CODE, RELATING TO PERSONNEL, TO MAKE CONFORMING CHANGES; TO AMEND SECTION 61-2-40 OF THE 1976 CODE, RELATING TO THE FINANCIAL INTEREST OF EMPLOYEES, TO MAKE CONFORMING CHANGES; TO AMEND SECTION 61-2-105 OF THE 1976 CODE, RELATING TO INSPECTION, INVESTIGATION, AND ENFORCEMENT FEES, TO MAKE CONFORMING CHANGES; TO AMEND SECTION 12-4-10 OF THE 1976 CODE, RELATING TO THE CREATION OF THE DEPARTMENT OF REVENUE, TO REMOVE DUTIES RELATED TO ALCOHOL LICENSURE; TO DELETE SECTION 23-3-15(C) OF THE 1976 CODE, RELATING TO THE STATE LAW ENFORCEMENT DIVISION’S JURISDICTION RELATED TO ALCOHOL ENFORCEMENT; TO TRANSFER CERTAIN DUTIES TO THE DEPARTMENT; AND TO DEFINE NECESSARY TERMS.

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

SECTION 1. As of July 1, 2020, there is created the Department of Alcohol Licensing and Enforcement, pursuant to Section 61-2-15, as added by this act. All divisions, offices, and programs related to alcohol licensing and enforcement at the Department of Revenue and the South Carolina Law Enforcement Division shall be transferred to the Department of Alcohol Licensing and Enforcement.

SECTION 2. Chapter 2, Title 61 of the 1976 Code is amended by adding:

“Section 61-2-15. (A) There is created the Department of Alcohol Licensing and Enforcement. The duties of the department will be administered by a commissioner appointed by the Governor upon the advice and consent of the Senate.

(B) The commissioner shall appoint any other personnel necessary for the efficient performance of duties prescribed by this chapter, including a chief of the enforcement division.

(C) The department shall administer the licensing laws and regulations relating to alcoholic liquors, beer, and wine and shall assess penalties for violations thereof.

(D) The department’s enforcement division is responsible for the enforcement of all criminal laws, misdemeanors, and felonies, and civil laws, the violation of which may result in a fine or other penalty being assessed against the violator. These civil and criminal laws also include regulations and ordinances pertinent thereto. The duties, functions, and powers of law enforcement personnel are devolved upon the Department of Alcohol Licensure and Enforcement, and the enforcement personnel of the department shall perform their duties and functions under the auspices of the division. The division shall allocate enforcement personnel in proportion to the population of each district. The division shall also utilize municipal police officers and county sheriffs to enforce the provisions of this title if necessary.”

SECTION 3. Section 61-2-10 of the 1976 Code is amended to read:

**“**Section 61‑2‑10. (A) As used in Title 61, unless the context clearly requires otherwise:

(1) ‘Commissioner’ means the commissioner of the Commission on Alcohol Licensing and Enforcement.

(2) ‘Department’ means the ~~South Carolina Department of Revenue~~ Department of Alcohol Licensing and Enforcement.

~~(2)~~ ~~‘Director’ means the director of the Department of Revenue.~~

(3) ‘Division’ means the ~~South Carolina Law Enforcement Division~~ enforcement division of the Department of Alcohol Licensing and Enforcement.

(4) ‘Regulation’, unless otherwise specified, means a regulation promulgated by the department ~~or division~~ pursuant to (a) this title or (b) other provisions of the Code relating to beer, wine, and alcoholic liquors, and in accordance with Chapter 23 of Title 1.”

SECTION 4. Section 61-2-30 of the 1976 Code is amended to read:

“Section 61‑2‑30. The department and the division must employ personnel necessary to administer and enforce the laws and regulations governing alcoholic liquors, beer, and wine. Salaries of these personnel must be set by the ~~department and the division, as applicable~~ commissioner.”

SECTION 5. Section 61-2-40(A) of the 1976 Code is amended to read:

“Section 61-2-40. (A) The chief of the division and the ~~director~~ commissioner of the department directly or indirectly (a) individually, (b) as a member of a partnership or of an association, (c) as a member or stockholder of a corporation, or (d) as a relative to a person by blood or marriage within the second degree shall not:

(1) have an interest in the manufacture of or dealing in alcoholic liquors or in an enterprise or industry in which alcoholic liquors are required;

(2) receive a commission or profit on the purchase or sale of alcoholic liquors by any person; or

(3) have an interest in or mortgage or deed of trust on any land or building where alcoholic liquors are manufactured for sale, offered for sale, or sold or in personal property used therein.”

SECTION 6. Section 61-2-105 of the 1976 Code is amended to read:

“Section 61‑2‑105. Notwithstanding another provision of law, all initial alcoholic liquor and beer and wine license application fees are increased by one hundred dollars, all biennial alcoholic liquor and beer and wine beverage fees and licenses are increased by two hundred dollars, and all local operation permit fees are increased by fifty dollars. These additional funds must be collected by the ~~Department of Revenue and as soon as practicable allocated to the State Law Enforcement Division~~ department to offset the costs of inspections, investigations, and enforcement. ~~SLED is authorized to receive, expend, and carry forward these funds.~~”

SECTION 7. Section 12-4-10 of the 1976 Code is amended to read:

“Section 12-4-10. The South Carolina Department of Revenue is created to administer and enforce the revenue laws of this State~~; administer the licensing laws and regulations relating to alcoholic liquors, beer, and wine and assess penalties for violations thereof;~~ and other laws specifically assigned to it.”

SECTION 8. Section 23-3-15(C) of the 1976 Code is deleted.

SECTION 9. This act takes effect upon approval by the Governor.

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