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CHAPTER 4.

 DEPARTMENT OF NATURAL RESOURCES

**SECTION 48‑4‑10.** Department created; composition; transfer of powers, from predecessor agencies; certain commissions abolished.

(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 48‑4‑20.** Definitions.

For the purposes of this chapter:

(1) “Board” means the governing body of the department.

(2) “Department” means the South Carolina Department of Natural Resources.

(3) “Director” or “Executive Director” means the administrative head of the department, appointed by the board.

**SECTION 48‑4‑30.** Governing board; composition; removal; terms; filling vacancies; oath; chairman.

The department shall be governed by a board consisting of seven non‑salaried board members. Board members of the former Department of Wildlife and Marine Resources shall serve as board members for the Department of Natural Resources until their terms expire and their successors are appointed and qualify. All board members shall be appointed by the Governor with the advice and consent of the Senate. One member shall be appointed from each congressional district of the state and one shall be appointed from the state at‑large. 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 the 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. Board members must possess sound moral character, superior knowledge in the fields of wildlife, marine, and natural resource management, and proven administrative ability.

The Governor may remove any board member pursuant to the provisions of Section 1‑3‑240.

Terms of the members shall be for four years and until their successors are appointed and qualify. If a vacancy occurs when the General Assembly is not in session, it must be filled by the Governor’s appointment for the unexpired term, subject to confirmation by the Senate at the next session of the General Assembly.

Each board member, within thirty days after notice of appointment and before taking office, shall take and file with the Secretary of State the oath of office prescribed by the State Constitution.

One of the members of the board shall be designated by the Governor to serve as chairman.

**SECTION 48‑4‑40.** Expenses of board members reimbursed.

The board members shall receive reimbursement for their expenses incurred while engaged in the work of the board as provided by law for state boards and commissions.

**SECTION 48‑4‑50.** Board to oversee, manage, and control department.

The board shall be vested with the duty and authority to oversee, manage, and control the operation, administration, and organization of the department subject only to the laws of this State and the United States.

**SECTION 48‑4‑60.** Director.

The board shall appoint a director to serve at its pleasure who shall be the administrative head of the department. The director must carry out the policies of the board and administer the affairs of the department. The director may exercise all powers belonging to the board within the guidelines and policies established by the board. The director shall manage the administration and organization of the department and may appoint such assistants or deputies as the director considers necessary. The director may hire such employees as the director considers necessary for the proper administration of the affairs of the department. The director must prescribe the duties, powers, and functions of all assistants, deputies, and employees of the department.

**SECTION 48‑4‑70.** General duties of board.

The board shall:

(1) hold meetings, as considered necessary by the chairman, with a majority of the board members constituting a quorum. The board may hold meetings, transact business, or conduct investigations at any place necessary; however, its primary office is in Columbia;

(2) formulate and recommend legislation to enhance uniformity, enforcement, and administration of the wildlife, marine, and natural resource laws;

(3) make an annual report to the General Assembly on all matters relating to its action;

(4) require those of its officers, agents, and employees it designates to give bond for the faithful performance of their duties in the sum and with the sureties it determines, and all premiums on the bonds must be paid by the board;

(5) pay travel expenses; and purchase or lease all necessary facilities, equipment, books, periodicals, and supplies for the performance of its duties; and

(6) exercise and perform other powers and duties as granted to it or imposed upon it by law.

**SECTION 48‑4‑80.** Power of board to make rules, promulgate regulations, exercise authority under certain other rules and regulations, and conduct hearings.

The board may:

(1) make rules and promulgate regulations, not inconsistent with law, to aid in the performance of its duties. The board may prescribe the extent, if any, to which these rules and regulations must be applied without retroactive effect.

(2) exercise all authority granted to it under the laws and regulations relating to wildlife, marine and natural resources.

(3) conduct such hearings as may be required by law.