CHAPTER 30

Departments of State Government

**SECTION 1‑30‑10.** Departments of State Government.

 (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.

 (H) [Repealed].

HISTORY: 1993 Act No. 181, Section 1; 1994 Act No. 281, Section 1; 1994 Act No. 361, Sections 1, 2; 1995 Act No. 83, Sections 6, 7; 2007 Act No. 114, Section 1, eff June 27, 2007; 2010 Act No. 146, Section 3, eff March 30, 2010; 2012 Act No. 222, Section 1, eff June 7, 2012; 2014 Act No. 121 (S.22), Pt III, Section 3, eff July 1, 2015; 2014 Act No. 121 (S.22), Pt IV, Section 6.A, eff January 1, 2015.

Code Commissioner’s Note

Pursuant to the directive to the Code Commissioner in 2010 Act No. 146, Section 114, “Department of Employment and Workforce” was substituted for “Department of Workforce”.

At the direction of the Code Commissioner in 2011, the provisions of subsection (B)(2) were restored to correct the inadvertent deletion of those provisions in 2007.

Editor’s Note

2012 Act No. 222, Section 15, provides as follows:

“SECTION 15. Notwithstanding any other provision of law to the contrary, any person elected or appointed to serve, or serving, as a member of any board, commission, or committee to represent a congressional district, whose residency is transferred to another district by a change in the composition of the district, may serve, or continue to serve, the term of office for which he was elected or appointed; however, the appointing or electing authority shall appoint or elect an additional member on that board, commission, or committee from the district which loses a resident member on it as a result of the transfer to serve until the term of the transferred member expires. When a vacancy occurs in the district to which a member has been transferred, the vacancy must not be filled until the full term of the transferred member expires.”

Effect of Amendment

The 2007 amendment added subparagraph (B)(1)(iv) relating to the Department of Transportation.

The 2010 amendment added subparagraph (A)20, relating to creation of the Department of Employment and Workforce.

The 2012 amendment removed “seven member” from subsection (B)(1)(ii).

2014 Act No. 121, Section 3, in subsection (A), added “Department of Administration” and “Department of Motor Vehicles”, and renumbered the paragraphs accordingly.

2014 Act No. 121, Section 6.A, rewrote subsections (B), (C), (E), (F), (G), and deleted former subsection (H).

CROSS REFERENCES

State employee grievance procedures, exemptions, see Section 8‑17‑370.

LIBRARY REFERENCES

Westlaw Key Number Search: 360k45.

States 45.

C.J.S. States Sections 79, 82, 136.

RESEARCH REFERENCES

Encyclopedias

S.C. Jur. Probation, Parole, and Pardon Section 2, Historical Background.

**SECTION 1‑30‑15.** Department of Agriculture.

 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.

HISTORY: 1993 Act No. 181, Section 1.

LIBRARY REFERENCES

Westlaw Key Number Search: 23k2.

Agriculture 2.

C.J.S. Agriculture Sections 8 to 24, 30, 34 to 35, 51, 67, 96, 100, 134, 175.

**SECTION 1‑30‑20.** Department of Alcohol and Other Drug Abuse Services.

 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.

HISTORY: 1993 Act No. 181, Section 1.

LIBRARY REFERENCES

Westlaw Key Number Searches: 76Ak1; 360k45.

Chemical Dependents 1.

States 45.

C.J.S. Chemical Dependents Sections 2 to 3.

C.J.S. States Sections 79, 82, 136.

LAW REVIEW AND JOURNAL COMMENTARIES

The doctrine of deference: Shifting constitutional presumptions and the Supreme Court’s restatement of student rights after Board of Education v. Earls. 56 S.C. L. Rev. 1, Autumn 2004.

**SECTION 1‑30‑25.** Department of Commerce.

 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.

HISTORY: 1993 Act No. 181, Section 1; 1999 Act No. 100, Part II, Section 71; 2000 Act No. 387, Part II, Section 73; 2004 Act No. 299, Section 5, eff July 1, 2004; 2005 Act No. 56, Section 3, eff May 9, 2005, applicable to taxable years beginning July 1, 2004; 2008 Act No. 313, Section 6.A, eff upon approval (became law without the Governor’s signature on June 12, 2008); 2008 Act No. 359, Section 1, eff July 1, 2008.

Editor’s Note

2008 Act No. 313, Section 6.C and 2008 Act No. 359, Section 3 provide as follows:

“(1) Where the provisions of this section transfer the South Carolina Film Commission from the Department of Commerce to the Department of Parks, Recreation and Tourism, the employees, authorized appropriations, and assets and liabilities of the South Carolina Film Commission are also transferred to and become part of the Department of Parks, Recreation and Tourism. All classified or unclassified personnel employed by the South Carolina Film Commission on the effective date of this section, either by contract or by employment at will, shall become employees of the Department of Parks, Recreation and Tourism, with the same compensation, classification, and grade level, as applicable. The State Budget and Control Board shall cause all necessary actions to be taken to accomplish this transfer in accordance with state laws and regulations.

“(2) Regulations promulgated by the South Carolina Film Commission are continued and are considered to be promulgated by the South Carolina Film Commission as a division of the Department of Parks, Recreation and Tourism.

“(3) The Code Commissioner is directed to change or correct all references to the South Carolina Film Commission to reflect its transfer to the Department of Parks, Recreation and Tourism. References to the name of the South Carolina Film Commission in the 1976 Code or other provisions of law are considered to be and must be construed to mean appropriate references.”

Effect of Amendment

The 2004 amendment, in subsection (D), in the introductory sentence substituted “South Carolina Film Commission” for “South Carolina Film Office” in two places and added paragraph (10).

The 2005 amendment, in the introduction to subsection (D), substituted “Department of Commerce” for “State Development Board” and deleted “formerly provided for in Section 13‑3‑10, et seq.,” following “South Carolina Film Commission”.

The first 2008 amendment, in subsection (A), substituted “The” for “Effective on July 1, 1993, the” and made nonsubstantive changes; and rewrote subsection (D).

The second 2008 amendment made identical changes.

LIBRARY REFERENCES

Westlaw Key Number Searches: 83k11; 360k45.

Commerce 11.

States 45.

C.J.S. Commerce Section 9.

C.J.S. States Sections 79, 82, 136.

**SECTION 1‑30‑30.** Department of Corrections.

 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.

HISTORY: 1993 Act No. 181, Section 1.

LIBRARY REFERENCES

Westlaw Key Number Searches: 310k4; 360k45.

Prisons 4.

States 45.

C.J.S. Prisons and Rights of Prisoners Sections 7, 122.

C.J.S. States Sections 79, 82, 136.

**SECTION 1‑30‑35.** Department of Disabilities and Special Needs.

 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.

HISTORY: 1993 Act No. 181, Section 1.

Code Commissioner’s Note

2011 Act No. 47, Section 14(B), provided for the substitution of “intellectual disability” for “mental retardation” in the 1976 Code of Laws. At the Code Commissioner’s discretion, the substitution was not made for the formal reference to the Mental Retardation division and the Department of Mental Retardation in this section.

LIBRARY REFERENCES

Westlaw Key Number Searches: 257Ak20; 360k45.

Mental Health 20.

States 45.

C.J.S. Insane Persons Sections 14 to 16.

C.J.S. States Sections 79, 82, 136.

**SECTION 1‑30‑40.** Department of Education.

 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.

HISTORY: 1993 Act No. 181, Section 1.

LIBRARY REFERENCES

Westlaw Key Number Searches: 345k47; 360k45.

Schools 47.

States 45.

C.J.S. Schools and School Districts Sections 81 to 92, 174.

C.J.S. States Sections 79, 82, 136.

**SECTION 1‑30‑45.** Department of Health and Environmental Control.

 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.

HISTORY: 1993 Act No. 181, Section 1.

LIBRARY REFERENCES

Westlaw Key Number Searches: 149Ek14; 198Hk363; 360k45.

Environmental Law 14.

Health 363.

States 45.

C.J.S. States Sections 79, 82, 136.

**SECTION 1‑30‑50.** Department of Health and Human Services.

 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.

HISTORY: 1993 Act No. 181, Section 1.

LIBRARY REFERENCES

Westlaw Key Number Searches: 356Ak5; 360k45.

Social Security and Public Welfare 5.

States 45.

C.J.S. Social Security and Public Welfare Sections 6 to 7.

C.J.S. States Sections 79, 82, 136.

**SECTION 1‑30‑55.** Department of Insurance.

 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.

HISTORY: 1993 Act No. 181, Section 1.

LIBRARY REFERENCES

Westlaw Key Number Searches: 217k1023; 360k45.

Insurance 1023.

States 45.

C.J.S. States Sections 79, 82, 136.

**SECTION 1‑30‑60.** Department of Juvenile Justice.

 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.

HISTORY: 1993 Act No. 181, Section 1.

Code Commissioner’s Note

The second paragraph was restored at the direction of the Code Commissioner in 2013 to correct the inadvertent omission of that text.

LIBRARY REFERENCES

Westlaw Key Number Searches: 211k17; 360k45.

Infants 17.

States 45.

C.J.S. Infants Sections 8 to 9.

C.J.S. States Sections 79, 82, 136.

**SECTION 1‑30‑65.** Department of Labor, Licensing, and Regulation.

 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.

HISTORY: 1993 Act No. 181, Section 1; 1994 Act No. 385, Section 1.

LIBRARY REFERENCES

Westlaw Key Number Searches: 232Ak27; 238k5; 238k21; 360k45.

Labor Relations 27.

Licenses 5, 21.

States 45.

C.J.S. Labor Relations Section 16.

C.J.S. Licenses Sections 7, 9, 12, 37 to 38.

C.J.S. States Sections 79, 82, 136.

RESEARCH REFERENCES

Encyclopedias

S.C. Jur. Medical and Health Professionals Section 5, Medical License or Certification.

**SECTION 1‑30‑70.** Department of Mental Health.

 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.

HISTORY: 1993 Act No. 181, Section 1.

LIBRARY REFERENCES

Westlaw Key Number Searches: 257Ak20; 360k45.

Mental Health 20.

States 45.

C.J.S. Insane Persons Sections 14 to 16.

C.J.S. States Sections 79, 82, 136.

**SECTION 1‑30‑75.** Department of Natural Resources.

 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.

HISTORY: 1993 Act No. 181, Section 1; 1994 Act No. 497, Part II, Section 59B.

LIBRARY REFERENCES

Westlaw Key Number Searches: 149Ek45; 176k11; 187k6; 360k45.

Environmental Law 45.

Fish 11.

Game 6.

States 45.

C.J.S. States Sections 79, 82, 136.

**SECTION 1‑30‑80.** Department of Parks, Recreation and Tourism.

 (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.

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

 (2) The South Carolina Film Commission as established in this section as a 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.

HISTORY: 1993 Act No. 181, Section 1; 1999 Act No. 100, Part II, Section 71; 2008 Act No. 313, Section 6.B, eff upon approval (became law without the Governor’s signature on June 12, 2008); 2008 Act No. 359, Section 2, eff July 1, 2008.

Editor’s Note

2008 Act No. 313, Section 6.C and 2008 Act No. 359, Section 3 provide as follows:

“(1) Where the provisions of this section transfer the South Carolina Film Commission from the Department of Commerce to the Department of Parks, Recreation and Tourism, the employees, authorized appropriations, and assets and liabilities of the South Carolina Film Commission are also transferred to and become part of the Department of Parks, Recreation and Tourism. All classified or unclassified personnel employed by the South Carolina Film Commission on the effective date of this section, either by contract or by employment at will, shall become employees of the Department of Parks, Recreation and Tourism, with the same compensation, classification, and grade level, as applicable. The State Budget and Control Board shall cause all necessary actions to be taken to accomplish this transfer in accordance with state laws and regulations.

“(2) Regulations promulgated by the South Carolina Film Commission are continued and are considered to be promulgated by the South Carolina Film Commission as a division of the Department of Parks, Recreation and Tourism.

“(3) The Code Commissioner is directed to change or correct all references to the South Carolina Film Commission to reflect its transfer to the Department of Parks, Recreation and Tourism. References to the name of the South Carolina Film Commission in the 1976 Code or other provisions of law are considered to be and must be construed to mean appropriate references.”

Effect of Amendment

The first 2008 amendment designated subsection (A) and in the first paragraph deleted outdated language and “and Film Division” following “Tourism Division”; and added subsection (B) relating to the transfer of the South Carolina Film Commission.

The second 2008 amendment made identical changes.

LIBRARY REFERENCES

Westlaw Key Number Searches: 360k45; 360k88.

States 45, 88.

C.J.S. States Sections 79, 82, 136, 147.

Attorney General’s Opinions

Arresting officer’s obligation to provide medical treatment is readily apparent even though case law does not comment directly on arresting officer’s responsibilities vis‑a‑vis jailer’s regarding sick or injured inmates since it has emphasized general rule that due process mandates pretrial detainees are entitled to treatment. 1993 Op Atty Gen No. 93‑3.

**SECTION 1‑30‑85.** Department of Probation, Parole and Pardon Services.

 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.

HISTORY: 1993 Act No. 181, Section 1; 1995 Act No. 83, Section 8.

LIBRARY REFERENCES

Westlaw Key Number Searches: 284k23.1; 284k55; 350Hk1800; 360k45.

Pardon and Parole 23.1, 55.

Sentencing and Punishment 1800.

States 45.

C.J.S. Criminal Law Sections 1549 to 1550, 1552, 1555.

C.J.S. Pardon and Parole Sections 1 to 2, 5 to 6, 11 to 16, 22 to 26, 29 to 30, 45 to 47.

C.J.S. States Sections 79, 82, 136.

**SECTION 1‑30‑90.** Department of Public Safety.

 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.

HISTORY: 1993 Act No. 181, Section 1; 1996 Act No. 459, Section 3; 2003 Act No. 51, Section 8; 2012 Act No. 119, Section 1, eff February 1, 2012.

Effect of Amendment

The 2012 amendment removed former subsection (D), which read: “Law Enforcement Training Council, formerly provided for in Section 23‑23‑30, et seq.”, and renumbered subsection (E) as subsection (D).

LIBRARY REFERENCES

Westlaw Key Number Search: 360k45.

States 45.

C.J.S. States Sections 79, 82, 136.

**SECTION 1‑30‑95.** Department of Revenue.

 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.

HISTORY: 1993 Act No. 181, Section 1; 1996 Act No. 459, Section 4.

LIBRARY REFERENCES

Westlaw Key Number Searches: 223k7; 360k45; 371k3.

Intoxicating Liquors 7.

States 45.

Taxation 3.

C.J.S. Intoxicating Liquors Sections 24, 26, 215, 218.

C.J.S. States Sections 79, 82, 136.

C.J.S. Taxation Sections 7 to 10

**SECTION 1‑30‑100.** Department of Social Services.

 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.

HISTORY: 1993 Act No. 181, Section 1.

LIBRARY REFERENCES

Westlaw Key Number Searches: 356Ak5; 360k45.

Social Security and Public Welfare 5.

States 45.

C.J.S. Social Security and Public Welfare Sections 6 to 7.

C.J.S. States Sections 79, 82, 136.

NOTES OF DECISIONS

In general 1

1. In general

Statutory provision dealing with rights of state employees affected by restructuring of state agencies and the Restructuring Act, read together, establish a legislative scheme to reconfigure deputy directors as at‑will employees in the new agencies, yet also protect incumbent deputy directors who do not accept these new positions. Shealy v. South Carolina Dept. of Social Services (S.C.App. 1999) 334 S.C. 187, 511 S.E.2d 713, rehearing denied, certiorari granted. Public Employment 316

Former deputy director of the Department of Social Services (DSS) did not become an at‑will employee when DSS was restructured pursuant to the Restructuring Act; deputy director obtained permanent employee status prior to restructuring, was never offered an at‑will deputy director position in the new DSS and, thus, retained his permanent employee rights and remained covered under the State Employee Grievance Act. Shealy v. South Carolina Dept. of Social Services (S.C.App. 1999) 334 S.C. 187, 511 S.E.2d 713, rehearing denied, certiorari granted. Public Employment 316

**SECTION 1‑30‑105.** Department of Transportation.

 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.

HISTORY: 1993 Act No. 181, Section 1; 2007 Act No. 114, Section 2, eff June 27, 2007.

Effect of Amendment

The 2007 amendment, in the second undesignated paragraph, added “, which was established as the Department of Motor Vehicles by Section 56‑1‑5,”.

LIBRARY REFERENCES

Westlaw Key Number Searches: 200k90; 360k45.

Highways 90.

States 45.

C.J.S. States Sections 79, 82, 136.

**SECTION 1‑30‑110.** Repealed.

HISTORY: Former Section, titled Office of the Governor, had the following history: 1993 Act No. 181, Section 1. Repealed by 2014 Act No. 121, Pt V, Section 7.G.1, eff July 1, 2015.

**SECTION 1‑30‑120.** State Law Enforcement Division.

 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.

HISTORY: 1993 Act No. 181, Section 1.

CROSS REFERENCES

Exception for employees of law enforcement agencies for prosecution for offense of third degree sexual exploitation of a minor, see Section 16‑15‑410.

LIBRARY REFERENCES

Westlaw Key Number Searches: 223k7; 360k45.

Intoxicating Liquors 7.

States 45.

C.J.S. Intoxicating Liquors Sections 24, 26, 215, 218.

C.J.S. States Sections 79, 82, 136.

**SECTION 1‑30‑125.** Executive Budget Office.

 (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.

HISTORY: 2014 Act No. 121 (S.22), Pt VI, Section 8.I, eff July 1, 2014.

Editor’s Note

2014 Act No. 121, Section 2, provides as follows:

“SECTION 2.A. Effective July 1, 2015, the State Budget and Control Board, and its related divisions and offices, is abolished and its functions, powers, duties, responsibilities, and authority, except as otherwise provided by law:

“(1) related to the issuance of bonds and bonding authority, generally found in Title 11 of the 1976 Code but also contained in certain other provisions of South Carolina law are devolved upon the State Fiscal Accountability Authority;

“(2) related to grants, loans, and other forms of financial assistance to other entities, generally found in Title 11 of the 1976 Code but also contained in certain other provisions of South Carolina law, exercised by the former State Budget and Control Board are devolved upon the State Fiscal Accountability Authority; and

“(3) related to executive functions within the former State Budget and Control Board not identified in items (1) or (2) are devolved upon the Department of Administration.

“B. After determining how many vacant FTEs at the State Budget and Control Board shall be used to fill needed positions in the Executive Budget Office as provided in Section 1‑30‑125, to be done in consultation with the Office of the Governor, the Executive Director of the State Budget and Control Board, upon approval of the board, prior to July 1, 2014, shall eliminate at least sixty vacant FTEs within the board or its divisions, components, or offices prior to the devolvement of specified duties and functions of the board upon the Department of Administration as provided in this act.”

RESEARCH REFERENCES

Encyclopedias

S.C. Jur. Constitutional Law Section 28, Other Executive Department Offices‑Statutory Origin.