~~Indicates Matter Stricken~~

Indicates New Matter

AMENDED

May 7, 2019

**H. 4013**

Introduced by Reps. Hixon, Tallon, Johnson and R. Williams

S. Printed 5/7/19--S.

Read the first time April 9, 2019.

**A** **BILL**

TO AMEND SECTION 48‑22‑10, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE CREATION OF THE STATE GEOLOGICAL SURVEY UNIT, SO AS TO CHANGE CERTAIN REQUIREMENTS FOR THE STATE GEOLOGIST; TO AMEND SECTION 48‑22‑30, RELATING TO THE POWERS AND DUTIES OF THE STATE GEOLOGIST, SO AS TO REQUIRE THAT THE STATE GEOLOGIST BECOME FAMILIAR WITH GEOLOGIC HAZARDS THROUGHOUT THE STATE; AND TO AMEND SECTION 48‑22‑40, RELATING TO THE DUTIES OF THE STATE GEOLOGICAL SURVEY UNIT, SO AS TO ESTABLISH NEW DUTIES FOR THE UNIT AND REMOVE CERTAIN MAPPING DUTIES.

Amend Title To Conform

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

SECTION 1. Section 48‑22‑10 of the 1976 Code is amended to read:

“Section 48‑22‑10. The South Carolina Geological Survey Unit is established under the Department of Natural Resources. The State Geologist must be ~~appointed~~ hired by the Director of the Department of Natural Resources. He must have graduated from an accredited college or university with a full curriculum in geology and had at least ~~five~~ eight years of practical work experience, academic, governmental, or industrial, in geology.”

SECTION 2. Section 48‑22‑30(A)(1) of the 1976 Code is amended to read:

“(1) travel throughout the State so as to make himself familiar with the geology, geologic hazards, and mineral resources of each section;”

SECTION 3. Section 48‑22‑40 of the 1976 Code is amended to read:

“Section 48‑22‑40. In addition to other duties assigned to it, the unit:

(1) shall conduct field and laboratory studies in geologic reconnaissance, mapping, ~~prospecting for~~ evaluating mineral resources, and related gathering of surface and subsurface data. Investigative areas include offshore and onshore lands in this State;

(2) shall make surface and subsurface data available to governmental agencies, private business, and the public by disseminating published geologic information as bulletins, maps, economic reports, and related series and open file reports;

(3) shall provide geologic advice and assistance to other state and local governmental agencies engaged in environmental protection or in industrial or economic development projects. In addition, the unit must be involved actively in geologic aspects of regional planning and effective land use in the State;

~~(3)~~(4) shall encourage economic development in the State by disseminating published geologic information as bulletins, maps, economic reports, and related series and open‑file reports to appropriate governmental agencies and private industry. The unit is encouraged further to initiate and maintain appropriate industrial contacts to promote the extraction and conservation of South Carolina’s earth raw materials and their manufacture to the economic improvement of the State;

~~(4)~~(5) shall provide unsolicited advice, when appropriate, to the Mining Council and its associated state regulatory agency, on geologic and related mining matters in keeping with the intent of the South Carolina Mining Act;

~~(5)~~(6) shall operate and maintain a central, statewide repository for rock cores, well cuttings and related subsurface samples, and all associated supplemental data. Private firms and public agencies are encouraged to notify the unit before exploratory or developmental drilling and coring;

~~(6)~~(7) ~~must be the state’s official cooperator on topographic mapping. The federal expenditure for this purpose at least must equal that of the State. The unit~~ may conduct cooperative work with appropriate agencies of the United States Government in its geologic activities and investigations;

~~(7)~~(8) shall provide a minerals research laboratory related to the identification, extraction, and processing of industrial minerals and minerals of economic potential wherever found throughout the onshore and offshore areas of the State. The minerals research laboratory is encouraged to accept mineral research projects from South Carolina businesses or citizens on a per cost, per unit basis and to encourage expended use of the raw materials of the State. The minerals research laboratory may accept public and private gifts or funds and may enter into cooperative agreements for the purpose of applied research in the metallic and nonmetallic minerals of this State;

(9) when appropriate, shall provide unsolicited advice to other state and governmental agencies concerning geologic hazards including, but not limited to, earthquakes, ground liquefaction, sinkhole development and collapse, landslide development, and coastal vulnerability.”

SECTION 4. Section 1-3-210 of the 1976 Code is amended to read:

“Section 1-3-210. (A)(1) ~~During the recess of the Senate, vacancy which occurs in an~~ If an office filled by an appointment of the Governor with the advice and consent of the Senate becomes vacant during the interim period between regular legislative sessions, then the office may be filled by an interim appointment of the Governor only if the Governor acts to fill the office during the same interim period during which the office became vacant. The Governor must report the interim appointment to the Senate and must forward a formal appointment at its next ensuing regular session. If the Senate votes to reject an interim appointee’s formal appointment during the next ensuing regular session then the office is immediately vacant and may not be filled by another interim appointment.

(2) If the Senate does not advise and consent ~~thereto~~ to the formal appointment prior to ~~sine die adjournment~~ the second Thursday in May following the interim period during which the interim appointment was made ~~of the next ensuing regular session~~, the office shall be vacant and the interim appointment shall not serve in hold over status notwithstanding any other provision of law to the contrary. The Governor may not make a subsequent interim appointment for the same vacancy. ~~A subsequent interim appointment of a different person to a vacancy created by a failure of the Senate to grant confirmation to the original interim appointment shall expire on the second Tuesday in January following the date of such subsequent interim appointment and the office shall be vacant.~~

(B) The Governor’s authority to make an interim appointment pursuant to subsection (A) terminates when the General Assembly convenes the regular legislative session following the interim period between regular legislative sessions during which the office became vacant.”

SECTION 5. Article 5, Chapter 3 of Title 1 of the 1976 Code is amended by adding:

“Section 1-3-211. (A) If a vacancy exists in the head of an agency that requires appointment by the Governor with the advice and consent of the Senate, the Governor may designate an employee of the agency as the acting head of the agency if the person designated was employed by the agency for at least twelve consecutive months prior to the date upon which the vacancy occurred. A person designated as an acting agency head pursuant to this subsection may serve as the acting agency head no longer than the second Thursday in May following date upon which the vacancy occurred.

(B)(1) A person nominated by the Governor to head an agency that requires the advice and consent of the Senate who did not receive the advice and consent of the Senate, or whose nomination was withdrawn, may not be designated by the Governor as the acting head of the agency to which the person was nominated.

(2) A person nominated by the Governor to head an agency that requires the advice and consent of the Senate who also had been previously designated as the acting head of the agency who did not receive the advice and consent of the Senate, or whose nomination was withdrawn, may no longer exercise any authority or duties of that agency.”

SECTION 6. This act takes effect upon approval by the Governor.

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