**South Carolina General Assembly**

125th Session, 2023-2024

**H. 3929**

**STATUS INFORMATION**

General Bill

Sponsors: Rep. Hayes

Companion/Similar bill(s): 592

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Introduced in the House on February 9, 2023

Currently residing in the House Committee on **Ways and Means**

Summary: Recreation Land Trust Fund

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

2/9/2023 House Introduced and read first time ([House Journal‑page 12](h:\hj\20230209.docx))

2/9/2023 House Referred to Committee on **Ways and Means** ([House Journal‑page 12](h:\hj\20230209.docx))

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**VERSIONS OF THIS BILL**

[02/09/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/3929_20230209.docx)

A bill

TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING chapter 24 to title 51 SO AS TO CREATE THE “STATE TRAILS TRUST FUND” AND PROVIDE FOR ITS ADMINISTRATION; BY AMENDING SECTION 51‑11‑20, RELATING TO RESTRICTION ON USE OF TRUST FUND, SO AS TO REMOVE A RESTRICTION ON HOW FUNDS ARE EXPENDED; BY AMENDING SECTION 51‑23‑20, RELATING TO ALLOCATION OF PROCEEDS OF PARKS AND RECREATION FUND, SO AS TO CHANGE THE AMOUNT THAT MUST BE CREDITED TO THE ACCOUNT OF EACH COUNTY AREA FROM TWENTY THOUSAND DOLLARS TO FIFTY THOUSAND DOLLARS; BY REPEALING SECTION 51‑11‑30 RELATING TO TRANSFER OF TRICENTENNIAL FUND; AND BY REPEALING SECTION 51‑11‑50 RELATING TO APPROVAL OF EXPENDITURES.

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

SECTION 1. Title 51 of the S.C. Code is amended by adding:

CHAPTER 24

State Trails Trust Fund

Section 51‑24‑10. There is created the “State Trails Trust Fund” (trails fund), which must be kept separate from any other funds of the State. The trails fund must be under the control of and administered by the Director of the Department of Parks, Recreation and Tourism for the purposes of acquiring property or developing trails, and for such related professional and technical services, legal fees, court costs, or such other costs as may be involved in the acquisition and development of such lands. The State Treasurer must be the custodian of the fund, and all monies and securities in the fund must be held in trust by the State Treasurer.

Section 51‑24‑20. Beginning in Fiscal Year 2023‑2024, and each fiscal year thereafter, the General Assembly shall appropriate an amount equal to eight percent of the general fund portion of admissions tax revenues to the Department of Parks, Recreation and Tourism for credit to the trust fund.

Section 51‑24‑30. The Director of the Department of Parks, Recreation and Tourism may make grants to local governments or nonprofit organizations as recognized by the South Carolina Secretary of State’s Office from the trails fund for the acquisition or development of recreational trails in accordance with guidelines to be promulgated by the department.

Section 51‑24‑40. Funds provided for in this chapter may not be expended to acquire property by eminent domain. The monies in the trails fund must be carried forward each year and used only for the purposes provided for in this chapter.

Section 51‑24‑50. The Department of Parks, Recreation and Tourism shall report to the General Assembly no later than January fifteenth of each year all funds expended pursuant to this chapter for the previous year, including the amount of such funds expended and the uses to which such expenditures were applied.

SECTION 2. Section 51‑11‑20 of the S.C. Code is amended to read:

Section 51‑11‑20. No funds provided for in this chapter shall be expended to acquire property by eminent domain nor shall such funds be expended for any property without the approval of the State Fiscal Accountability Authority or Department of Administration, as applicable. The moneys monies in the trust fund shall be carried forward each year and used only for the purposes provided for in this chapter.

SECTION 3. Section 51‑23‑20 of the S.C. Code is amended to read:

Section 51‑23‑20. The proceeds of the Parks and Recreation Development Fund (Fund) established pursuant to Section 12‑21‑4200 must be allocated annually as follows:

(1) Twenty Fifty thousand dollars must be credited to the account of each county area.

(2) Seventy‑five percent of the remainder of the Fund must be credited to the account of each county area on a per capita basis according to the population estimates for counties prepared annually by the Bureau of the Census and published in “Current Population Reports”.

(3) The remainder of the Fund must be allocated to the account of the Department of Parks, Recreation and Tourism. Amounts allocated to individual accounts in the Fund must be distributed as provided in Sections 51‑23‑30 and 51‑23‑40.

SECTION 4. Section 51‑11‑30 of the S.C. Code is repealed.

SECTION 5. Section 51‑11‑50 of the S.C. Code is repealed.

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

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