**South Carolina General Assembly**

120th Session, 2013-2014

**H. 5114**

**STATUS INFORMATION**

General Bill

Sponsors: Rep. Edge

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Introduced in the House on April 10, 2014

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

Summary: Department of Parks, Recreation and Tourism

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

4/10/2014 House Introduced and read first time

4/10/2014 House Referred to Committee on **Ways and Means**

**VERSIONS OF THIS BILL**

[4/10/2014](file:///p:\pprever\2013-14\5114_20140410.docx)

**A** **BILL**

TO AMEND SECTIONS 51‑1‑10, 51‑1‑20, 51‑1‑60, 51‑1‑90, ALL AS AMENDED, AND 51-1-310, CODE OF LAWS OF SOUTH CAROLINA, 1976, ALL RELATING TO THE DEPARTMENT OF PARKS, RECREATION AND TOURISM, 51‑11‑10, 51‑11‑15, BOTH AS AMENDED, RELATING TO THE RECREATION LAND TRUST FUND, 51‑13‑2120, RELATING TO REGIONAL DISTRICTS, COMMISSIONS, AND AUTHORITIES, 51‑17‑50, AS AMENDED, RELATING TO THE HERITAGE TRUST PROGRAM, 51‑18‑60, AS AMENDED, RELATING TO THE WAR BETWEEN THE STATES HERITAGE TRUST PROGRAM, AND 51‑19‑10, AS AMENDED, RELATING TO THE OLD EXCHANGE BUILDING COMMISSION, ALL SO AS TO CHANGE THE HEAD OF THE DEPARTMENT OF PARKS, RECREATION AND TOURISM FROM THE “DIRECTOR” TO THE “SECRETARY”.

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

SECTION 1. A. Section 51‑1‑10 of the 1976 Code, as last amended by Act 181 of 1993, is further amended to read:

“Section 51‑1‑10. There is ~~hereby~~ created the Department of Parks, Recreation and Tourism which ~~shall be~~ is a body corporate. The department ~~shall be~~ is headed by a ~~Director~~ secretary to be appointed by the Governor with the advice and consent of the Senate. The ~~director shall~~ secretary must be selected with special reference to his executive ability and experience and ~~shall~~ must 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. The ~~director~~ secretary is subject to removal by the Governor as provided in Section 1‑3‑240(B).”

B. Section 51‑1‑20 of the 1976 Code, as last amended by Act 181 of 1993, is further amended to read:

“Section 51‑1‑20. The ~~director~~ secretary shall employ ~~such~~ employees as ~~may be~~ necessary to operate the department commensurate with funds available. The employees, including the ~~deputy~~ directors, shall serve at the pleasure of the ~~director~~ secretary.”

C. Section 51‑1‑60(g) and (i) of the 1976 Code, as last amended by Act 181 of 1993, is further amended to read:

“(g) to borrow ~~from time to time~~ from any source available ~~such~~ sums of money as the department at its discretion deems advisable at interest rates approved by the Budget and Control Board for the purposes of acquisition, construction, development, and maintenance of ~~such~~ lands and facilities as the ~~director~~ secretary is empowered to operate and issue evidences of ~~such~~ indebtedness ~~thereof~~ in the form of notes or bonds as ~~may be~~ determined by the ~~director~~ secretary. The department may secure any sums borrowed under the terms ~~hereof~~ by mortgage of any property or facilities owned by it and it may pledge ~~any and all~~ income from ~~any of~~ its properties or facilities. The State is in no manner liable for any debt incurred under the terms, ~~hereof~~ but all ~~such~~ obligations ~~shall~~ must be met by the department out of ~~moneys~~ monies coming into its hands from the property and facilities so pledged;

(i) to allocate funds made available to the department, other than funds specifically allocated to it by legislative appropriation or bond authorization, for development and improvement of park properties in the state system and historic sites approved by the ~~Director~~ Secretary of the Department of Parks, Recreation and Tourism and the Director of the South Carolina Archives and History Commission.”

D. Section 51‑1‑90 of the 1976 Code, as last amended by Act 181 of 1993, is further amended to read:

“Section 51‑1‑90. All powers, duties, assets, liabilities, and properties of the South Carolina Recreation Commission, as created by Act 1037 of 1966, are transferred to the State Department of Parks, Recreation and Tourism to be incorporated into the department as a separate division ~~thereof~~. The recreation division ~~shall~~ must be assigned ~~such~~ functions and responsibilities as the ~~Director~~ secretary of the department may prescribe including, but not limited to, those formerly exercised by the South Carolina Recreation Commission.”

E. Section 51‑1‑310 of the 1976 Code, as added by Act 181 of 1993, is amended to read:

“Section 51‑1‑310. The division shall promote economic diversity in all areas of the State by extending to them the full benefits of tourism and recreation development. The division shall coordinate and act as a liaison with regional tourism organizations, local chambers of commerce, development agencies, and other federal, state, regional, and local agencies and organizations to promote economic and business development, the expansion of tourism, recreation, cultural, retirement, and heritage events. The division shall have such additional duties and responsibilities as may be assigned by the ~~director~~ secretary of the department.”

SECTION 2. Sections 51‑11‑10 and 51‑11‑15 of the 1976 Code, as last amended by Act 181 of 1993, are further amended to read:

“Section 51‑11‑10. There is ~~hereby~~ created the Recreation Land Trust Fund, hereafter referred to as the trust fund, which ~~shall~~ must be kept separate from ~~any~~ other funds of the State. The trust fund ~~shall be~~ is under the control of and administered by the ~~Director~~ Secretary of the Department of Parks, Recreation and Tourism for the purposes of acquiring recreational lands, the development of utilities and roads on lands owned or controlled by the department, 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~~ these lands. The State Treasurer ~~shall be~~ is the custodian of the fund, and all ~~moneys~~ monies and securities in the fund ~~shall~~ must be held in trust by the State Treasurer.

Section 51‑11‑15. The ~~Director~~ Secretary of the Department of Parks, Recreation and Tourism may make grants to local governments from the Recreation Land Trust Fund for the acquisition of recreational lands in accordance with guidelines to be promulgated by the department.”

SECTION 3. Section 51‑13‑2120(1) of the 1976 Code, as added by Act 159 of 2005, is amended to read:

“(1) the ~~Director~~ Secretary of the Department of Parks, Recreation and Tourism or his designee, ex officio;”

SECTION 4. Section 51‑17‑50(2)(c) of the 1976 Code, as last amended by Act 279 of 2012, is further amended to read:

“(c) the ~~Director~~ Secretary of the South Carolina Department of Parks, Recreation and Tourism;”

SECTION 5. Section 51‑18‑60(2)(b) of the 1976 Code, as last amended by Act 279 of 2012, is further amended to read:

“(b) the ~~Director~~ Secretary of the South Carolina Department of Parks, Recreation and Tourism;”

SECTION 6. Section 51‑19‑10 of the 1976 Code, as last amended by Act 181 of 1993, is further amended to read:

“Section 51‑19‑10. The Old Exchange Building Commission is created. It consists of nine members. Three members must be elected by the House of Representatives and Senate in joint assembly; two members must be elected by the Rebecca Motte Chapter of the Daughters of the American Revolution; two members, who must not be residents of Charleston County, must be elected by the South Carolina Society of the Daughters of the American Revolution; and the ~~director~~ Secretary of the Department of Parks, Recreation and Tourism and the Chairman of the Department of Archives and History or their respective designees serve ex officio with voting privileges. All elected members shall serve for terms of six years and until their successors are elected and qualify. The Attorney General shall give his aid, advice, and opinion upon questions of law submitted to him by the commission. If one of the seats of the commission becomes vacant, a successor must be elected or appointed in the same manner used to fill the seat. This successor shall serve the remainder of the unexpired term. If one of the three seats on the commission elected by the House of Representatives and Senate becomes vacant during the recess of the General Assembly, the Governor may fill the vacancy by appointment until an election by the House of Representatives and Senate in joint assembly at the next session.”

SECTION 7. The Code Commissioner is directed to change references in the 1976 Code from “Director” to “Secretary” of the Department of Parks, Recreation and Tourism, as appropriate.

SECTION 8. This act takes effect upon approval by the Governor.

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