CHAPTER 1

Department of Parks, Recreation and Tourism

ARTICLE 1

General Provisions

**SECTION 51‑1‑10.** Department of Parks, Recreation and Tourism created; governing commission; members; terms; vacancies.

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

HISTORY: 1962 Code Section 51‑71; 1967 (55) 184; 1969 (56) 228; 1973 (58) 623; 1977 Act No. 210 Section 1; 1993 Act No. 181, Section 1272, eff July 1, 1993.

Effect of Amendment

The 1993 amendment provided that the Department be headed by a Director, rather than governed by a commission, as formerly, and deleted four paragraphs pertaining to the composition, terms, etc. of the commission and its members.

CROSS REFERENCES

Amusements and athletics generally, see Sections 52‑1‑20 et seq.

Department of Parks, Recreation and Tourism reorganized, see Section 1‑30‑80.

Environmental protection and conservation, see Sections 48‑1‑10 et seq.

Family Week, see Sections 53‑3‑90, 53‑3‑100.

Fish, game and watercraft, see Sections 50‑1‑10 et seq.

State parks, see Sections 51‑3‑10 et seq.

LIBRARY REFERENCES

73 C.J.S., Public Administrative Law and Procedure Sections 8‑24.

RESEARCH REFERENCES

Forms

Am. Jur. Pl. & Pr. Forms Parks, Squares, and Playgrounds Section 1 , Introductory Comments.

**SECTION 51‑1‑15.** Repealed by 1993 Act No. 181, Section 1272, eff July 1, 1993.

Editor’s Note

Former Section 51‑1‑15, which was derived from 1977 Act No. 210 Section 2; 1986 Act No. 383, Section 2, created an Advisory Committee.

**SECTION 51‑1‑20.** Director and other employees.

 The director 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.

HISTORY: 1962 Code Section 51‑72; 1967 (55) 184; 1993 Act No. 181, Section 1272, eff July 1, 1993.

Effect of Amendment

The 1993 amendment substituted provisions for the director to employ employees to serve at his pleasure, for provisions specifying that the commissioners were to employ a director and other employees all of whom would serve at the pleasure of the commission and further specifying qualifications and duties of the director.

CROSS REFERENCES

Public officers and employees generally, see Sections 8‑1‑10 et seq.

**SECTION 51‑1‑30.** Divisions of Department; administrators.

 The department shall be composed of the Division of Travel and Tourism which shall advertise, promote and encourage travel and tourist industry for the State; a Division of Parks and Recreation which shall develop and promote state parks and provide recreational programs in such areas; and other divisions which may be provided for by the General Assembly. Each division may be headed by a deputy director who shall be knowledgeable, either by training or experience, in the requirements of the division he is to direct.

HISTORY: 1962 Code Section 51‑73; 1967 (55) 184; 1993 Act No. 181, Section 1272, eff July 1, 1993.

Effect of Amendment

The 1993 amendment added “; and other divisions which may be provided for by the General Assembly”; and substituted “deputy director” for “administrator”.

**SECTION 51‑1‑40.** Admission and other fees; gift and souvenir shop revenues.

 (A) The department may impose a reasonable fee for admission to park and recreational facilities and these fee revenues must be used for park and recreational operations.

 (B) The department may impose a fee for the cost of vacation guides, research reports, educational conferences, technical planning assistance, technical drawings, and mailing lists. The fee must offset the actual cost of producing or providing these items or services and these offsetting revenues must be retained by the department in a restricted account. The revenues under this subsection in excess of actual cost must be remitted to the general fund of the State.

 (C) The department shall retain the revenues of the gift and souvenir shop it operates at the Boyleston House and these revenues must be used for departmental operation.

HISTORY: 1962 Code Section 51‑74; 1967 (55) 184; 1993 Act No. 181, Section 1272, eff July 1, 1993; 2002 Act No. 356, Section 1, Pt V.A, eff July 1, 2002.

Effect of Amendment

The 1993 amendment substituted “department” for “Commission”.

The 2002 amendment designated subsection (A), substituting “impose” for “make”, “fee” for “charge” and “and these fee revenues must” for “, which funds will” and added subsections (B) and (C).

**SECTION 51‑1‑50.** Personnel of information centers.

 Notwithstanding any other provision of law to the contrary, information centers shall be staffed by persons hired and paid by the Department of Parks, Recreation and Tourism.

HISTORY: 1962 Code Section 51‑75; 1967 (55) 184; 1993 Act No. 181, Section 1272, eff July 1, 1993.

Effect of Amendment

The 1993 amendment reprinted this section with no apparent change.

**SECTION 51‑1‑60.** Powers and duties of department.

 The department may contract, be contracted with, use a common seal, and make and adopt regulations. No regulation may be promulgated affecting hunting and fishing except as provided in Section 51‑3‑145. The department may accept gifts and acquire by gift, purchase, or otherwise real estate and other property, but no real estate may be purchased or disposed of by the department except on approval of the State Budget and Control Board. The department shall keep accurate records showing in full the receipts and disbursements and the records must be open at any reasonable time to inspection by the public. The department shall submit annually to the General Assembly and the Budget and Control Board reports the board requires. The department shall have the following duties and responsibilities in addition to such other functions as may, from time to time, be assigned by legislative action or by the State Budget and Control Board:

 (a) to promote, publicize and advertise the state’s tourist attractions;

 (b) to promote the general health and welfare of the people of the State by developing and expanding new and existing recreational areas, including the existing State Park System;

 (c) to develop a coordinated plan utilizing to best advantage the natural facilities and resources of the State as a tourist attraction, recognizing that the State has within its boundaries mountainous areas and coastal plains, each of unsurpassed beauty, which with the easy accessibility now existing and being provided, has the potential of attracting many visitors in all seasons to take advantage of the natural scenery, the outdoor sports, including hunting, fishing and swimming, together with other recreational activities such as golfing, boating and sightseeing;

 (d) to include in its plan the preservation and perpetuation of our state’s rich historical heritage by acquiring and owning, recognizing, marking and publicizing areas, sites, buildings and other landmarks and items of national and statewide historical interest and significance to the history of our State. No area, site, building, or other landmark shall be acquired for its historical significance without the approval of the Commission of Archives and History.

 (e) to use all available services of the several agencies in the management of timber and game and such agencies when requested by the director shall render such cooperation and assistance as may be necessary; provided, that the State Forestry Commission shall continue the forestry program authorized under the provisions of Section 48‑23‑270.

 (f) to lease or convey portions of lands under its jurisdiction to municipalities and other political subdivisions charged with the responsibility of providing parks and recreation facilities; provided, that all such leases shall contain a clause to the effect that if such property ceases to be used as a recreation or park facility the lease shall be void and in the event of a conveyance the deed shall contain a clause providing that if such property ceases to be used as a recreation or park facility the title to such property shall revert to the department. All plans for the development of such lands shall be subject to the approval of the department and it shall retain the right to inspect such lands at such times as it considers necessary to determine if such lands are being used for parks and recreation.

 (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 State Fiscal Accountability Authority for the purposes of acquisition, construction, development and maintenance of such lands and facilities as the director 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. 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 be met by the department out of moneys coming into its hands from the property and facilities so pledged;

 (h) to enter into contracts with the United States Government, its various departments and agencies for the purpose of obtaining funds, property or any other purpose which will assist the department in carrying out the provisions for which it has been created;

 (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 of the Department of Parks, Recreation and Tourism and the South Carolina Archives and History Commission.

 The Department of Parks, Recreation and Tourism shall study and ascertain the state’s present park, parkway and outdoor recreational resources and facilities, the need for such resources and facilities, and the extent to which these needs are now being met. A survey shall be included to determine the land suitable and desirable to be acquired as a part of the state park and outdoor recreational system, due consideration being given to the scenic, recreational, archaeological, and other special features attractive to out‑of‑state visitors and to the people of the State. The results of this survey and study should be reported to the Governor and the General Assembly at the earliest practicable time.

HISTORY: 1962 Code Section 51‑76; 1967 (55) 184; 1969 (56) 228; 1988 Act No. 461, Section 2; 1993 Act No. 181, Section 1272, eff July 1, 1993.

Code Commissioner’s Note

At the direction of the Code Commissioner, references in the first paragraph of this section to the former Budget and Control Board have not been changed pursuant to the directive of the South Carolina Restructuring Act, 2014 Act No. 121, Section 5(D)(1), until further action by the General Assembly. References in (g) to the former State Budget and Control Board were changed to the State Fiscal Accountability Authority, pursuant to the directive of the South Carolina Restructuring Act, 2014 Act No. 121, Section 5(D)(1), effective July 1, 2015.

Effect of Amendment

The 1993 amendment substituted “department” and “director” for “Commission”; deleted a former last paragraph transferring powers and duties theretofore exercised by other agencies to the Department of Parks, Recreation and Tourism; and made grammatical changes.

CROSS REFERENCES

Agencies designated to administer tourism programs in state tourism regions as identified in Department’s promotional publications, receipt of percentage of local accommodations tax by agencies, see Section 6‑4‑20.

LIBRARY REFERENCES

73 C.J.S., Public Administrative Law and Procedure Sections 49‑75.

Attorney General’s Opinions

The Department of Parks, Recreation and Tourism cannot by its own authority convey land. 1976‑77 Op Atty Gen, No 77‑7, p 19.

The South Carolina Parks, Recreation and Tourism Commission has been delegated the discretionary authority to determine which advertising agencies are competitive and qualified. 1974‑75 Op Atty Gen, No 4135, p 205.

Where the South Carolina Parks, Recreation and Tourism Commission has determined there is no competitive and qualified agency located in South Carolina, the Commission may legally select an out‑of‑state advertising agency. 1974‑75 Op Atty Gen, No 4149, p 218.

The PRT Commission may award its Advertising and Promotion Contract to out‑of‑state agency if the Commission first determines that there is no competitive and qualified agency in S. C. 1974‑75 Op Atty Gen, No 4152, p 219.

The South Carolina Department of Parks, Recreation, and Tourism may enter into contracts with the United States Government for a longer period than the term of office of the commissioners. 1971‑72 Op Atty Gen, No 3404, p 272.

**SECTION 51‑1‑70.** Transfer of funds to department.

 All funds allocated to the various state departments for parks, tourism or recreation shall be transferred by the State Fiscal Accountability Authority to the Department of Parks, Recreation and Tourism.

HISTORY: 1962 Code Section 51‑77; 1967 (55) 184; 1993 Act No. 181, Section 1272, eff July 1, 1993.

Code Commissioner’s Note

At the direction of the Code Commissioner, references in this section to the offices of the former State Budget and Control Board, Office of the Governor, or other agencies, were changed to reflect the transfer of them to the Department of Administration or other entities, pursuant to the directive of the South Carolina Restructuring Act, 2014 Act No. 121, Section 5(D)(1), effective July 1, 2015.

Editor’s Note

2002 Act No. 200, Section 11, provides as follows:

“Notwithstanding any other provision of law, the Department of Parks, Recreation and Tourism as an eligible trust fund recipient is authorized but not required to use monies it receives from the Conservation Bank Trust Fund to provide as a priority for the acquisition of lands adjoining the State Parks System to be used as part of the State Parks System.”

Effect of Amendment

The 1993 amendment substituted “Department of Parks, Recreation and Tourism” for “State Parks, Recreation and Tourism Commission”.

**SECTION 51‑1‑75.** Repealed by 1999 Act No. 100, Part II, Section 65, eff July 1, 1999.

Editor’s Note

Former Section 51‑1‑75 was entitled “Portion of admissions tax revenue allocated to department; use of funds” and was derived from 1978 Act No. 644, Part II, Section 5; 1979 Act No. 199, Part II, Section 2; 1991 Act No. 171, Part II, Section 9 B; 1993 Act No. 164, Part II, Section 16A; 1993 Act No. 181, Section 1272; 1993 Act No. 181, Section 1273.

**SECTION 51‑1‑80.** Department may cooperate and enter into certain contracts with political subdivisions of State.

 The Department of Parks, Recreation and Tourism is authorized to cooperate and enter into certain contracts with political subdivisions of this State.

HISTORY: 1962 Code Section 51‑78; 1967 (55) 1020; 1993 Act No. 181, Section 1272, eff July 1, 1993.

Effect of Amendment

The 1993 amendment reprinted this section with no apparent changes.

CROSS REFERENCES

Counties, see Sections 4‑1‑10 et seq.

Municipal corporations, see Sections 5‑1‑10 et seq.

Provisions applicable to special purpose districts and other political subdivisions, see Sections 6‑1‑10 et seq.

**SECTION 51‑1‑90.** Transfer of functions from South Carolina Recreation Commission to recreation division within Department.

 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 be assigned such functions and responsibilities as the Director of the Department may prescribe including, but not limited to, those formerly exercised by the South Carolina Recreation Commission.

HISTORY: 1962 Code Section 51‑79; 1973 (58) 623; 1993 Act No. 181, Section 1272, eff July 1, 1993.

Effect of Amendment

The 1993 amendment deleted “hereby” preceding “transferred”.

ARTICLE 3

Division of Community Development.

**SECTION 51‑1‑300.** Division established; management committed to deputy director.

 The Division of Community Development is a Division of Parks, Recreation and Tourism. The administration and management of the division is committed to the deputy director of the division.

HISTORY: 1993 Act No. 181, Section 1274, eff July 1, 1993.

**SECTION 51‑1‑310.** Purpose and general duties.

 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 of the department.

HISTORY: 1993 Act No. 181, Section 1274, eff July 1, 1993.

ARTICLE 5

Film Office Division [Repealed]

**SECTIONS 51‑1‑500, 51‑1‑510.** Repealed by 1999 Act No. 100, Part II, Section 71(C), eff July 1, 1999.

Editor’s Note

Former Section 51‑1‑500 was entitled “Division established; powers, duties, etc., of Film Office transferred to Division” and was derived from 1993 Act No. 181, Section 1275, eff July 1, 1993.

Former Section 51‑1‑510 was entitled “Administration and management; deputy director; duties and powers” and was derived from 1993 Act No. 181, Section 1275, eff July 1, 1993.