CHAPTER 22

Legacy Trust Fund

**SECTION 51‑22‑10.** Legislative findings.

The General Assembly finds that:

(1) there is a critical need to preserve and acquire the state's sensitive and pristine ecological and recreational resources and sites, as well as the state's natural and historical resources and sites, and there is a need to continue to develop and fund state parks and other outdoor recreational facilities for the state's citizens and out‑of‑state visitors;

(2) a planning, acquisition, and funding mechanism must be established to meet future preservation, acquisition, and development of natural resource needs in South Carolina;

(3) innovation and cooperation among parties and agencies interested in conservation, preservation, and recreation must be promoted to continue the high quality of life of this State; and

(4) funding must be available on a yearly basis to implement these objectives and to match funds for private, nonpublic sources.

HISTORY: 1995 Act No. 145, Part II, Section 69, eff June 29, 1995.

**SECTION 51‑22‑20.** Legacy Trust Fund created.

There is created the Legacy Trust Fund which shall consist of all monies appropriated or transferred to it, all donations, matching funds, and all interest earned on such monies which shall be retained in the fund and used for its stated purposes. The revenues from the Legacy Trust Fund may be matched by public funds, private funds, in‑kind contributions, and other funding sources. The title to land as an in‑kind contribution must be in fee or as an easement to a governmental or nonprofit entity. The Legacy Trust Fund shall make available funds to acquire sensitive ecological resources and to preserve and renovate or restore historic sites. The funds shall further be used for the development of existing and future state parks and Heritage Preserves and to protect habitat for plant and animal species considered endangered by the Department of Natural Resources and to acquire or develop, or both, resource‑based recreational projects and facilities within the State.

HISTORY: 1995 Act No. 145, Part II, Section 69, eff June 29, 1995.

**SECTION 51‑22‑30.** Legacy Trust Fund; appointment and duties of board of directors; staff.

(A) There is created a seventeen‑member board of directors, fifteen of which must be appointed by the Governor. The Governor shall appoint two board members from each congressional district and one board member from the State at large, who shall serve as the chairman. All terms are for four years and members shall serve until their successors are appointed and qualify. In addition, notwithstanding the provisions of Section 8‑13‑770, the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee, or their designees, shall serve as members of the board. The Governor must exercise due diligence in appointing a chairman and board members with backgrounds and experience in conservation, preservation, or recreation, or a combination of those backgrounds.

(B) The board of directors shall:

(1) establish criteria and requirements to determine funding guidelines and funding decisions including the requirement of a commitment to preservation, conservation, and recreation;

(2) decide, based on those criteria and requirements, which entities may receive funding from the Legacy Trust Fund;

(3) give primary consideration to projects, acquisitions, and restorations that demonstrate cooperative efforts among eligible agencies and organizations, including joint matching funding, joint administrative duties, and projects that serve several interests;

(4) submit an annual report to the General Assembly and the State Fiscal Accountability Authority and the Department of Administration which must include a list of the funding recipients, a description of the projects, and a description of the benefits brought about as a result of the funding.

(C) The Legacy Trust Fund shall be a part of the Governor's Office. Staff shall be appointed by the board upon consent of the Governor to carry out the purposes of this chapter. The staff shall be paid with monies from the Legacy Trust Fund. The staff shall report to the board of directors and the Governor.

HISTORY: 1995 Act No. 145, Part II, Section 69, eff June 29, 1995; 2012 Act No. 279, Section 24, eff June 26, 2012.

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

2012 Act No. 279, Section 33, provides as follows:

"Due to the congressional redistricting, 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 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. Further, the inability to hold an election or to make an appointment due to judicial review of the congressional districts does not constitute a vacancy."

Effect of Amendment

The 2012 amendment rewrote subsection (A).

**SECTION 51‑22‑40.** Repealed by 2005 Act No. 164, Section 37, eff June 10, 2005.

Editor's Note

Former Section 51‑22‑40 was entitled "Legacy Trust Fund; annual analysis and audit" and was derived from 1995 Act No. 145, Part II, Section 69, eff June 29, 1995.

**SECTION 51‑22‑50.** Entities eligible for project consideration and grants from Legacy Trust Fund.

The following entities are eligible for project consideration and grants from the Legacy Trust Fund:

(1) Department of Natural Resources;

(2) Department of Parks, Recreation and Tourism;

(3) Department of Archives and History;

(4) South Carolina Institute of Anthropology and Archaeology;

(5) nonprofit eleemosynary organizations exempt under Internal Revenue Code Section 501(c)(3); and

(6) local governments or political subdivisions including counties, municipalities, and special purpose districts.

HISTORY: 1995 Act No. 145, Part II, Section 69, eff June 29, 1995.

**SECTION 51‑22‑60.** Legacy Trust Fund not to hold title or interest in land; eligible organizations to hold title or interest in properties; requirements for receipt of funds.

(A) Eligible organizations shall acquire properties or projects and maintain title and other interest in acquired properties. The Legacy Trust Fund may not hold any interest or title in any parcel of land.

(B) To be eligible to be considered for funds from the Legacy Trust Fund, the recipient entity must:

(1) demonstrate the ability to complete the project and the ability to acquire and maintain the property after the project has been completed;

(2) acquire a full fee title in acquisition of land and property projects unless:

(a) the project results in an easement for a valid conservation and preservation or recreation purpose, in which case the partial title or easement shall be transferred to the recipient entity; or

(b) the project is part of a landowner incentive program for endangered species habitat conservation administered by the Department of Natural Resources;

(3) demonstrate the ability to pay costs associated with developing recreational and public use lands associated with funded projects;

(4) pay costs, if applicable, of renovation or restoration, or both or pay remaining costs of renovation or restoration through public and private funds or both, if funds are provided for renovations or restorations or both, of publicly or privately owned properties considered historic by the Department of Archives and History;

(5) maintain all records on funded projects including, but not limited to, inventory, surveys, costs, contracts, and other natural resources programs which may be eligible for grants from the Legacy Trust Fund; and

(6) maintain all funded properties and projects in good order.

HISTORY: 1995 Act No. 145, Part II, Section 69, eff June 29, 1995.