

"THE BELOW CONSTITUTED SUMMARY IS PREPARED BY THE STAFF OF THE SOUTH CAROLINA HOUSE OF REPRESENTATIVES AND IS NOT THE EXPRESSION OF THE LEGISLATION'S SPONSOR(S) OR THE HOUSE OF REPRESENTATIVES. IT IS STRICTLY FOR THE INTERNAL USE AND BENEFIT OF MEMBERS OF THE HOUSE OF REPRESENTATIVES AND IS NOT TO BE CONSTRUED BY A COURT OF LAW AS AN EXPRESSION OF LEGISLATIVE INTENT".

**REPORT OF THE
ECONOMIC DEVELOPMENT,
CAPITAL IMPROVEMENT &
OTHER TAXES SUBCOMMITTEE**
(Loftis, Simrill, Clyburn & Crawford - Staff Contact: Alyssa Weeks)

HOUSE BILL 4018

H. 4018 -- Reps. Clary, B. Newton, R. Williams and Funderburk: A BILL TO AMEND SECTION 12-6-5060, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO VOLUNTARY CONTRIBUTIONS TO CERTAIN FUNDS ON AN INDIVIDUAL INCOME TAX RETURN, SO AS TO REMOVE A REFERENCE TO THE WAR BETWEEN THE STATES HERITAGE TRUST FUND; TO REPEAL CHAPTER 9, TITLE 51 RELATING TO THE FORT WATSON MEMORIAL; TO REPEAL SECTIONS 51-18-10 THROUGH 51-18-150 AND 60-11-150 ALL RELATING TO THE WAR BETWEEN THE STATES HERITAGE PRESERVE COMMISSION; AND TO REPEAL SECTIONS 53-3-90 AND 53-3-100 BOTH RELATING TO "FAMILY WEEK IN SOUTH CAROLINA".

Received by Ways and Means:

Summary of Bill:

This bill provides technical and cleanup language related to voluntary contributions, management of the Fort Watson Revolutionary War Memorial, and SC Family of the Year. See attached for additional information.

Estimated Revenue Impact:

Pending

Subcommittee Recommendation:

Favorable

Full Committee Recommendation:

Other Notes/Comments:

[CLICK HERE](#) to Enter Notes/Comments

2nd Reading:

Amendments:

2nd Reading Vote:

Referred to Senate Finance:

[CLICK HERE](#) to Enter Date

Finance Subcomm. Hearing Date:

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Subcommittee Recommendations:

Full Committee Recommendations:

Other Notes/Comments:

CLICK HERE to Enter Notes/Comments

H.4018 – War Between the States Commission; 1862-63 Watson Memorial; and S.C. Family of the Year

LOC COMMITTEE – Department of Parks, Recreation, and Tourism Recommendations and Basis

Section 1

The Committee Study recommends the General Assembly consider providing direction as to how to disburse funds designated for the War Between the States Heritage Preserve Commission, as there is no commission. Also, the Committee recommends the General Assembly consider repealing provisions related to the defunct War Between the States Heritage Preserve Commission.

Basis

- Statute states an agency representative serve on this commission, but it is the agency director's understanding the War Between the States Heritage Preserve Commission either never existed or never functioned.
- Approx. \$179,000 is in a reserve account for the commission. Additionally, state income tax forms continue to allow voluntary contributions to the commission.
- While the commission may have never functioned, during the study, the agency director states the Department of Archives and History and the Old English district, one of the S.C. Assoc. of Tourism regions, may be working on a Revolutionary War Trail Program. While this program is still in the infancy stage, the agency director believes its activities may be in line with the original intent of the funds for the War Between the States Heritage Preserve Commission.
- Directs remaining funds in the Commission account to the General Fund. Since individuals contributed to the account as part of their income tax returns, General Assembly may wish to utilize the funds in a way that closely aligns with original purpose of the Commission.

Section 2

The Committee recommends, as requested by the agency, the General Assembly consider repealing S.C. Code Sections 51-9-10 through 51-9-30, related to the Fort Watson Revolutionary War Memorial (memorial).

Basis

- Memorial is located on the shoreline of Lake Marion, which is surrounded by U.S. Fish and Wildlife Services' property in the Santee National Wildlife Refuge.
- Statutes instruct PRT to acquire the land by purchase, lease, or gift, and maintain it.
- A number of years ago the lease for the property expired and was not renewed.
- Property was deeded to the State Public Service Authority (i.e., Santee Cooper), which has managed the memorial for more than a decade.

Section 3

See Section 1 above.

Section 4

The Committee recommends, as requested by the agency, the General Assembly consider repealing S.C. Code of Laws sections 53-3-90 and 53-3-100, which relate to S.C. Family Week and S.C. Family of the Year.

Basis

- During the study, the agency director testifies S.C. Family Week and S.C. Family of the Year have not been observed in over twenty years. According to the agency director, the agency views all 52 weeks of the year as family weeks for South Carolina.
- No current agency personnel are aware of how it started or why it stopped.

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<p>Section 1 - Section 12-6-5060(A) amended</p>	<ul style="list-style-type: none"> Remove War Between the States as an option for contribution on state individual income tax returns 	<p>"(A) Each taxpayer required to file a state individual income tax return may contribute to the War Between the States Heritage Trust Fund established pursuant to Section 51-18-115, the Nongame Wildlife and Natural Areas Program Fund established pursuant to Section 50-1-280, the Children's Trust Fund of South Carolina established pursuant to Section 63-11-910, the Eldercare Trust Fund of South Carolina established pursuant to Section 43-21-160, the First Steps to School Readiness Fund established pursuant to Section 63-11-1750, the South Carolina Military Family Relief Fund established pursuant to Article 3, Chapter 11, Title 25, the Donate Life South Carolina established pursuant to Section 44-43-1310, the Veterans' Trust Fund of South Carolina established pursuant to Chapter 21, Title 25, the South Carolina Litter Control Enforcement Program (SCLCEP) and used by the Governor's Task Force on Litter only for the SCLCEP Program, the South Carolina Law Enforcement Assistance Program (SCLCEAP) and used as provided in Section 23-3-65, the South Carolina Department of Parks, Recreation and Tourism for use in the South Carolina State Park Service in the manner the General Assembly provides, the South Carolina Forestry Commission for use in the state forest system, the South Carolina Department of Natural Resources for use in its programs and operations, K-12 public education for use in the manner the General Assembly provides by law, South Carolina Conservation Bank Trust Fund established pursuant to Section 48-59-60, the Financial Literacy Trust Fund established pursuant to Section 59-29-510, or the South Carolina Association of Habitat for Humanity Affiliates, by designating the contribution on the return. The contribution may be made by reducing the income tax refund or by remitting additional payment by the amount designated."</p>
<p>Section 2 - Chapter 9, Title 51 repealed</p>	<ul style="list-style-type: none"> Statutes repealed 	<p>SECTION 51-9-10. Acquisition of lands in area of Fort Watson. The Department of Parks, Recreation and Tourism shall acquire by purchase, lease or gift approximately two acres of land, more or less, in the area of Fort Watson on the banks of Lake Francis Marion, four miles north of the intersection of U. S. Highway No. 15 and South Carolina Highway No. 6 at Santee. HISTORY: 1962 Code Section 51-401; 1952 Code Section 51-401; 1949 (46) 186.</p> <p>SECTION 51-9-20. Designation of property and area. The property and area when acquired and improved shall be known as the "Fort Watson Memorial." HISTORY: 1962 Code Section 51-402; 1952 Code Section 51-402; 1949 (46) 186.</p> <p>SECTION 51-9-30. Improvement, protection and maintenance. The Department of Parks, Recreation and Tourism shall improve, protect and maintain the area as a memorial to the heroic men of General Francis Marion whose successful efforts in the battle of Fort Watson on April 23, 1781 aided so much in the final independence of the United States of America. HISTORY: 1962 Code Section 51-403; 1952 Code Section 51-403; 1949 (46) 186.</p>

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- Statutes repealed

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Section 3(A) -
Sections 51-18-
10 through 51-
18-150 and 60-
11-150 repealed

SECTION 51-18-10. Definitions.

The following words or phrases have the definition given unless clearly specified otherwise:

- (1) "Commission" means the governing board of the War Between the States Heritage Trust Program;
- (2) "Advisory board" means the War Between the States Heritage Trust Advisory Board;
- (3) "Natural area" means an area of land or water, or a combination thereof, generally, but not necessarily, large in size. Such an area may be in public or private ownership and shall contain landforms, or other unusual or outstanding scientific, educational, aesthetic, or recreational characteristics that are unique to and relatively undisturbed since the time period of the War Between the States;
- (4) "Natural feature" means an area of land or water or a combination thereof, which is generally, but not necessarily, small in size. Such an area may be in public or private ownership and shall contain or consist of outstanding remnants or natural elements of geological formations, or objects of special scientific, educational, aesthetic, or recreational character, which are unique to and relatively undisturbed since the time period of the War Between the States;
- (5) "Cultural area or feature" means an area of feature that provides an outstanding example of our historical or archeological heritage. Such an area or feature shall be a site of special historic interest or contain outstanding remnants or elements of the way of life and significant events of our past so that through their preservation and the restoration of related existing structures, or the development of an historic area, as well as through study, investigation, and examination of the material remains in that life, a record may be preserved of the interrelationship and effect between man's activities and his surrounding environment. A cultural area or feature may be one that is either publicly or privately owned;
- (6) "War Between the States Heritage Preserve" means a natural or cultural area or feature which is "dedicated" under this chapter;
- (7) "War Between the States Heritage Site" means a natural or cultural feature that has been recognized as such through "registration" under this chapter;
- (8) "Dedicate or dedication" means the process by which any natural or cultural area or feature shall be established as a War Between the States Heritage Preserve in accordance with the procedures set out in Section 51-18-80. Dedication may result from either of the following methods, but no power of eminent domain is hereby conferred or granted to the commission or the advisory board under this chapter:
- (a) "Acquisition" means the establishment of a War Between the States Heritage Preserve whereby the owner of a natural or cultural area or feature transfers the fee simple interest therein to the commission for such purpose; or
- (b) "Acceptance" means the establishment of a War Between the States Heritage Preserve whereby the owner of a natural or cultural area or feature transfers less than the fee simple interest therein to the commission for such purpose. Examples are granting of a "conservation or open space easement" or the transfer of title subject to a life estate or reverter. Interests in real estate of a term of years shall not qualify for dedication under this chapter;
- (9) "Register or registration" means the process by which the owner of a natural or cultural feature shall enter into a written agreement with the commission recognizing the unique and outstanding characteristics thereof in accordance with the procedures set out in Section 51-18-100.

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		<p>(10) "Priority areas and features list" means the list made up of those areas and features recommended by the advisory board, and approved by the commission, under this chapter whose preservation is of primary importance to the goals and purposes of this chapter and which are, therefore, eligible to be included as War Between the States Heritage Preserves and Sites.</p> <p>(11) "The War Between the States Heritage Trust Program" means the entire system established under this chapter to provide for the inventorying, preservation, use, and management of unique and outstanding natural or cultural areas and features in this State.</p> <p>(12) "War Between the States Heritage Trust" means the legal trust that is created under Section 51-18-90.</p> <p>HISTORY: 2000 Act No. 387, Part II, Section 52A, eff. July 1, 2000.</p> <p>SECTION 51-18-20. Legislative findings and policy; War Between the States Heritage Preserves and Sites. The General Assembly finds that as a part of the continuing growth of the population and the development of the economy of the State it is necessary and desirable that portions of the State rich in history be set aside as War Between the States Heritage Preserves and Sites and protected for the benefit of present and future generations; for once disturbed they cannot be wholly restored. Such areas and features are irreplaceable as laboratories for historic and cultural research and as living museums where people may observe and enjoy examples of the lands, structures, and related artifacts that represent significant parts of our historical and cultural heritage. A coordinated and concerted program is needed to insure the maximum conservation of these resources through the establishment of a more effective and adequate official legal mechanism for identifying, recognizing, and protecting such areas for their outstanding characteristics. While the preservation of all of these assets in their natural state is both impractical and often not necessarily in the total best interest of the State and the public, they exist in limited and decreasing quantities. The time is now for a decision to be made as to which of these areas and sites deserve increased protection and for selecting the most appropriate means for doing so. It is, therefore, the public policy of this State to secure for the people, both present and future generations, the benefits of an enduring resource of historically significant cultural areas and features by establishing a system of War Between the States Heritage Preserves and Sites; protecting this system; gathering and disseminating information regarding it; establishing and maintaining a listing of War Between the States Heritage Preserves and Sites; and otherwise encouraging and assisting in the preservation of natural and cultural areas and features of this State.</p> <p>HISTORY: 2000 Act No. 387, Part II, Section 52A, eff. July 1, 2000.</p> <p>SECTION 51-18-30. Goals of the War Between the States Heritage Trust Program. The War Between the States Heritage Trust Program is created to achieve the following goals by protecting lands and making them available to state agencies, educational institutions, and public and private groups for the following purposes:</p> <p>(1) for research in such fields as history, archeology, agriculture, forestry, paleontology, and similar fields by governmental employees, educational and scientific groups, as well as by private individuals;</p>

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- (2) for the teaching of history, archeology, agriculture, forestry, paleontology, and other subjects;
- (3) as cultural materials;
- (4) as places of natural and cultural interests and beauty whereby through visitation the public may observe, value, and enjoy unique recreational opportunities of a type not generally available through the existing State Park System;
- (5) to promote the understanding and appreciation of the aesthetic, historical, cultural, and scientific values of such areas and features by the people of the State;
- (6) for the preservation and protection of War Between the States Heritage Preserves and Sites against modification or encroachment resulting from occupation, development, or other uses which would destroy their natural and cultural character; and
- (7) as places for maintaining representative lands and related structures which illustrate periods, events, styles, and uses of the land in our state's historic and cultural heritage.

HISTORY: 2000 Act No. 387, Part II, Section 52A, eff July 1, 2000.

SECTION 51-18-40. War Between the States Heritage Trust Commission.

There is created a War Between the States Heritage Trust Commission which must consist of nine members. Three members must be appointed from the Senate by the President Pro Tempore of the Senate; three members must be appointed from the House of Representatives by the Speaker of the House; and three members must be appointed by the Governor, one at the recommendation of War Between the States historical groups such as Sons of Confederate Veterans and Daughters of the Confederacy, one at the recommendation of African American historical groups such as Avery Institute, and one from historical, preservation, and archeological groups such as the South Carolina Historical Society and Daughters of the American Revolution. The terms of the members shall be coterminous with the term of their appointing authority. The commission shall elect a chairman from among its membership and such other officers as it shall deem necessary.

HISTORY: 2000 Act No. 387, Part II, Section 52A, eff July 1, 2000; 2008 Act No. 273, Section 12, eff June 4, 2008.

SECTION 51-18-50. Powers and Duties of the War Between the States Heritage Trust Commission.

The War Between the States Heritage Trust Commission shall have the following powers and duties:

- (1) to select and employ a staff which shall be primarily responsible for the administration of the War Between the States Heritage Trust Program;
- (2) to accept and utilize such other staff and support services as the House, Senate, or Governor's Office may from time to time make available to the commission to assist in fulfilling its duties and responsibilities under this chapter;
- (3) to maintain a public record of any inventories or lists established under this chapter;
- (4) to work with owners, both public and private, in the development of proposals for the dedication and recognition of natural and/or cultural areas and features as War Between the States Heritage Preserves and Sites and keep the advisory board informed of the same in order that the advisory board may make recommendations

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to the commission, as provided under this chapter;

(5) to consult with and work in cooperation with the Department of Archives and History, the State Archeologist, the Department of Parks, Recreation and Tourism, and any other state, county, or local unit of government, or any private entity or group which is or should be directly involved in the War Between the States Heritage Trust Program, as well as in any particular efforts to preserve or protect any specific area or feature under the provisions of this chapter. In all cases, the commission shall attempt to avoid duplication of effort with other agencies and groups and shall have no mandatory authority hereunder to require action by any such body;

(6) to serve as trustee of the trust created under this chapter and to carry out the powers, duties, and responsibilities thereunder;

(7) to supervise the establishment, updating and maintenance of a statewide inventory of the natural and cultural resources and the maintenance of a list of those areas and features selected or established under this chapter as priority areas and features or as War Between the States Heritage Preserves and Sites;

(8) to select from the recommendations of the advisory board those natural, manmade, and cultural features, the preservation of which is of primary importance to the goals and purposes of this chapter, and to classify such as priority areas and features;

(9) to select from the recommendations of the advisory board those priority areas and features which should be dedicated or recognized as War Between the States Heritage Preserves or Sites, and thereafter to establish as such through dedication or recognition;

(10) to select from the recommendations of the advisory board those War Between the States Heritage Preserves, interests therein, or portions thereof, deserving of protection under the War Between the States Heritage Trust and thereafter to transfer same into the corpus of the trust;

(11) to conduct public hearings on the question of whether any particular natural or cultural area or feature should be established as a War Between the States Heritage Preserve or Site, or on the uses or prohibited uses which shall apply to any area dedicated under the War Between the States Heritage Trust Program;

(12) to manage or provide for the management of War Between the States Heritage Preserves through the promulgation of rules and regulations designed to preserve the primary natural character of such areas or features and to provide the maximum public use thereof which is compatible and consistent with the character of the area. Management duties and responsibilities may be assigned to any governmental or private group, with its consent, with respect to any particular War Between the States Heritage Preserve;

(13) to cooperate with and to enter into agreement with other state, federal, county, and local units of government, as well as private groups, for the promotion of the purposes of this chapter, including the carrying out of other requirements under federal and state law; and

(14) to report annually to the Governor and to the General Assembly as to the activities of the War Between the States Heritage Trust Program and its future plans and to make any specific recommendations which it feels, if implemented, would assist in achieving the goals and purposes of this chapter.

HISTORY: 2000 Act No. 387, Part II, Section 52A, eff. July 1, 2000.

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SECTION 51-18-60. War Between the States Heritage Trust Advisory Board.

The War Between the States Heritage Trust Advisory Board is created to assist the commission in carrying out its duties and responsibilities under this chapter. The advisory board shall consist of thirteen members who must be chosen as follows and shall elect from its membership a chairman:

- (1) From the general public, eight persons, one from each congressional district within the State and one at large, who must be appointed by the Governor and serve for a term of six years. These persons must be residents of the State who are recognized experts in the history and archeology of the State who have demonstrated an interest in historical, cultural, and natural preservation of historical sites and who have a background in South Carolina history and/or African American history and/or Confederate history. The term "expert" does not of necessity denote a professional but one learned and interested in the field.
 - (2) From state government, the following persons or their designees:
 - (a) the Chairman of the Board of the Department of Natural Resources;
 - (b) the Director of the South Carolina Department of Parks, Recreation and Tourism;
 - (c) the Chairman of the Board of the Department of Archives and History;
 - (d) the Chairman of the Board of the State Museum Commission; and
 - (e) the Curator or Director of the South Carolina Confederate Relic Room and Military Museum.
- HISTORY: 2000 Act No. 387, Part II, Section 52A, eff. July 1, 2000; 2008 Act No. 273, Section 13, eff. June 4, 2008; 2012 Act No. 279, Section 23, eff. June 26, 2012.

SECTION 51-18-70. Powers and duties of the War Between the States Heritage Trust Advisory Board.

The War Between the States Heritage Trust Advisory Board shall have the following powers and duties:

- (1) to review the inventories prepared and submitted by the commission and other state agencies, as well as other appropriate sources of information, and to recommend therefrom to the commission the selection of those areas and features as priority areas and features that it deems to be of primary importance to the goals and purposes of this chapter;
- (2) to evaluate, review, and examine proposals of the commission and other state agencies, as well as citizen recommendations, for the dedication or recognition of specific areas and features as War Between the States Heritage Preserves and Sites, and from its expertise to recommend to the commission the dedication or recognition of such areas and features which it feels proper;
- (3) to recommend to the commission any rules, regulations, management criteria, allowable uses, and such which the advisory board feels would be beneficial to carrying out the goals and purposes of this chapter;
- (4) to assist in maintaining a list of areas and sites which through dedication become War Between the States Heritage Preserves or Sites and to make public information regarding their location, management, regulation, and permissible public uses and the like; and
- (5) to utilize the resources of the agencies represented on the board to do research and investigation for inventory and assessment purposes, including the reasonable right of entry and inspection, and to disseminate information and recommendations pertaining to natural and related cultural areas and features.

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HISTORY: 2000 Act No. 387, Part II; Section 52A, eff July 1, 2000.

SECTION 51-18-80. Dedication process:

(A) Upon recommendation of the advisory board and approval by the commission, any area or feature on the Priority Areas and Features List may be established as a War Between the States Heritage Preserve through the process of dedication. In addition to the transfer of either the fee simple interest or a lesser interest therein such as an open space easement, the owner of any such area or feature must enter into a written Dedication Agreement with the commission whereby any restrictions, conditions, permitted and non-permitted uses of the area or feature involved are clearly stated. Once the necessary deed, easement, or the like has been filed along with the Dedication Agreement in the real estate records for the county in which the area or feature is located, the process of dedication shall be complete and a War Between the States Heritage Preserve shall have formally been established.

(B) No area or feature of primarily cultural significance or character shall be dedicated without the approval of the commission. The following restrictions shall apply to all War Between the States Heritage Preserves:

(1) The primary dedication as a War Between the States Heritage Preserve shall be to preserve and protect the natural or cultural character of any area or feature so established. The commission and its agents shall in all cases maintain the essential character of any area or feature dedicated, and as such they are hereby declared to be at their highest, best, and most important use for the public benefit. No War Between the States Heritage Preserve shall be taken for any other public purpose unless the approval of both the commission and the Governor has been obtained. In no case shall any War Between the States Heritage Preserve be taken for any private use.

(2) An acquisition by dedication shall be in perpetuity.

(3) In any case where an area or feature is dedicated as a War Between the States Heritage Preserve through acceptance of less than the fee simple interest therein, no management of such property shall be performed by state agencies or their employees and no public funds shall be utilized in the upkeep or general maintenance of such property; provided, in the case where public usage of such area or feature is compatible and consistent with the natural character of the property and the owner is agreeable to allow such, as defined under this chapter, reasonable costs of maintenance and management may be borne by the State.

(4) No acquisition of any area or feature as a War Between the States Heritage Preserve shall be allowed whereby the commission receives the fee simple interest in the property while the grantor or transferor retains the beneficial use or interests in the land, except where total and complete public usage of the area or feature, as allowed under this chapter, is agreed to in the Dedication Agreement.

(5) Within ninety days from the date of the completion of the dedication process by which an area or feature is established as a War Between the States Heritage Preserve, or as soon thereafter as possible, the commission shall recommend a management plan for the area or feature concerned. Such proposed plan shall include recommendations as to the uses and prohibited uses to which the property should be put, recommendations as to whether all or a part of the area or feature is deserving of increased protection through inclusion in the War Between the States Heritage Trust, the projected cost of the management of the property, and recommendations

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as to whether or not a user fee would be appropriate. All state, federal, county, local, and private groups interested in the area of feature involved shall be allowed to have input into the proposed management plan. The plan shall be considered by the advisory board, and thereafter from the advisory board shall propose to the commission an overall management plan for the area of feature concerned. Upon approval by the commission of a plan, the commission or that agency or group authorized by the commission shall manage the War Between the States Heritage Preserve in accordance therewith.

HISTORY: 2000 Act No. 387, Part II, Section 52A, eff. July 1, 2000.

SECTION 51-18-90. War Between the States Heritage Trust

There is hereby created the War Between the States Heritage Trust, the trustee of which shall be the War Between the States Heritage Trust Commission. The corpus of the trust shall be made up of those War Between the States Heritage Preserves which the commission considers to be of such outstanding and unique natural or cultural character so as to be significant and essential to the carrying out of the goals and purposes of this chapter and as such, to merit a greater degree of preservation than that provided by dedication. The commission shall have authority to place into the corpus of the trust any War Between the States Heritage Preserve that it feels meets this criteria and which has been recommended for inclusion therein by the advisory board. The beneficiaries of this trust are and shall be the present and future generations of citizens of the State, more particularly those present and future citizens residing within a close proximity to any area of feature which itself, or an interest therein, becomes, constitutes, or comprises a part of the corpus of such trust and who actually enjoy use of such area of feature; and further and more particularly, those present and future students, teachers, and persons residing in the State who are concerned with conservation or with research in any facet of ecology, history, or archeology and who actually utilize any such area of feature for the promotion of such interest.

Wherever the term "area of feature" is used in this section, it shall include "or interests therein". The following, except as otherwise expressly provided, shall constitute substantive terms of the trust and apply to any area of feature, which becomes a part of the corpus thereof:

- (1) Upon approval by the commission of the inclusion of a War Between the States Heritage Preserve in the corpus of the War Between the States Heritage Trust, such transfer shall be recorded in the county in which the property is located and shall establish conclusive proof that such area of feature is suitable for preservation and protection under this chapter and constitutes a part of the corpus of the War Between the States Heritage Trust.
- (2) In any case wherein the previous owner of a War Between the States Heritage Preserve has restricted such area of feature from inclusion in the War Between the States Heritage Trust, or where the previous owner has withheld an interest therein such as a life estate or reverter, the War Between the States Heritage Trust unless, involved shall not be allowed to become a part of the corpus of the War Between the States Heritage Trust unless, at a subsequent time, such approval is obtained from such person or his successor in interest.
- (3) Upon the approval by the commission of the inclusion of any War Between the States Heritage Preserve in the War Between the States Heritage Trust and the transfer of the title or interest held by the commission therein to the trust, subject to the provisions of item (2) of this section, legal title to such area of feature shall be conveyed to

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the trustee of the War Between the States Heritage Trust and the equitable, or beneficial ownership, shall rest in those beneficiaries previously stated and described, whether such property was owned by a private or public source prior to dedication.

- (4) Upon approval by the advisory board, the commission and any agency of the State are hereby authorized to enter into agreement in advance with any person, firm, corporation, legal entity of government, or any private group that any particular area or feature shall be conveyed to the trustee in trust under the provisions of this chapter.
- (5) Upon approval by the commission of inclusion of any War Between the States Heritage Preserve into the corpus of the War Between the States Heritage Trust, the advisory board shall review the management plan therefore, as well as the Dedication Agreement, and any other sources of information which it may consider appropriate. Upon approval thereof by the commission, the commission or that agency or group assigned management responsibilities therefore shall manage the property in accordance therewith. Except to the extent expressly otherwise provided in the Dedication Agreement, the following substantive terms shall be deemed to be set forth in the conveyance to the War Between the States Heritage Trust and the trustee shall hold such property in trust subject to such terms:
- (a) The essential natural character of the property shall be maintained.
 - (b) There shall be no erection or any improvements thereon except those improvements necessary for the security, safety, or convenience of the public and those required for maintenance, historical interpretation, and management or to restore it to its War Between the States state.
 - (c) Cutting or burning of timber, wood, or other destruction of flora or fauna shall be permitted only for conservation or regeneration of flora or fauna; for the control of plant succession by deliberate manipulation for restoration or preservation of a particular vegetation type or of an endangered species of flora, fauna, or wildlife; or for the establishment and maintenance of nature and hiking trails, picnic areas, camping areas, and the like where compatible and consistent with the character of the area or feature concerned and not seriously damaging or detrimental to the natural quality of the property.
 - (d) No stream shall be dammed or have its course altered except to return it to its natural flow.
 - (e) No motorized vehicles shall be permitted on the property other than those utilized by the trustee or its agents in management and protection of the property or used by the general public for ingress and egress to the property in compliance with the management plan for the area or feature concerned.
 - (f) No change shall be made in the general topography of the area or feature, except for those minimal alterations which may be necessary to provide on-foot access to the public for visitation or observation or to return worn or altered topographical features to their original historical features, and this shall be done only where wholly compatible and consistent with the character of the property and where no detrimental effect shall result.
 - (g) No activity shall be allowed or permitted which might pollute any stream, body of water, or the atmosphere.
 - (h) No signs, billboards, or other advertising of any kind shall be erected; however, informational and directional signs related to the designation of the area, historical interpretation, or feature as a War Between the States Heritage Preserve and related to the public's enjoyment thereof shall be allowed when approved by the trustee.

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(i) No other acts or uses which are detrimental to the retention of the property in its natural or historical state shall be allowed, including those detrimental to flood control, drainage, water conservation, erosion control or soil conservation, or fish or wildlife habitat preservation.

(j) Where cultural areas or features are involved, reasonable excavation, improvement, and the like shall be allowed for research purposes, as well as to restore such areas or features, and for historical interpretation.

(k) The trust shall continue in perpetuity.

(l) Nothing in this chapter shall be interpreted as restricting the use of an existing or any future easement, express or implied, in favor of any utility or other holder of an easement for public purposes.

(6) Those natural and related cultural areas and features that are acquired as War Between the States Heritage preserves in accordance with the trust provisions of this chapter are hereby declared to be as such at their highest best, and most important use for the public benefit. The State, any agencies thereof, local or county entities of government, or public utility which has the power of condemnation by law may acquire by purchase, gift, or eminent domain an easement or other interest in any property comprising a part of the corpus of the War Between the States Heritage Trust; provided, however, that before any such condemnation shall occur a court of competent jurisdiction shall determine the following:

(a) there is an unavoidable and imperative public necessity that the property or interest therein be taken for another public use;

(b) that there is no feasible and prudent alternative for the proposed use for which the property or interest therein is to be taken; and

(c) that the proposal for taking includes all possible planning to minimize the harm done to such property resulting from such proposed use. Where the court deems appropriate, a public hearing shall be conducted prior to the court's decision to allow comment and input thereto. No city, county, public district, agency of the State, or public utility of the State shall acquire any real property which is a part of the corpus of the War Between the States Heritage Trust through condemnation for the purpose of utilizing such property for another public use unless the acquiring entity pays or transfers to the War Between the States Heritage Trust sufficient compensation to enable the operating entity to replace the real property and facilities thereon. The trustee of the trust shall have authority to utilize such proceeds to acquire additional property for the trust and to maintain those properties that form the corpus of the trust.

(7) The common law of South Carolina pertaining to trusts shall be applicable to the War Between the States Heritage Trust and to all areas or features, or interests therein, which become parts of this corpus. Without in any way limiting the generality of the foregoing, such trusts shall not fail for want of a trustee, and the trust shall be terminated as to any particular area or feature, or interest therein, only upon total failure of the intended purpose. Any substitution of the trustee or termination of the trust as to any particular area or feature, or interests therein, shall occur only after appropriate judicial action wherein the beneficiaries are adequately represented, and such total failure shall not in any way affect the remainder of the property within the corpus of the trust.

(8) The trustee shall hold, manage, preserve, and enforce the various areas and features, or interests therein, which become a part of the corpus of the trust in accordance with the terms of this chapter and in any respective

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conveyances and transfers thereto. To that end the trustees may adopt and modify rules and regulations for the use and enjoyment of such trust properties by the public and may employ or appoint agents to act on their behalf in the management of such properties.

HISTORY: 2000 Act No. 387, Part II, Section 52A, eff. July 1, 2000.

SECTION 51-18-100. Registration.

In any case wherein a priority feature is either unsuited or unavailable for acquisition as War Between the States Heritage Preserve, the commission in agreement with the owner thereof may recognize such for its importance by registering it as a Heritage Site through the following registration procedures:

- (1) The commission through its research and consultation with the owners of properties selected as priority features shall notify the advisory board of those which are unsuited or unavailable for dedication but for which the owners have made application for recognition as Heritage Sites through registration.
- (2) The advisory board shall review such applications and shall recommend to the commission the approval of those which it deems worthy of preservation through registration as Heritage Sites.
- (3) From the advisory board's recommendations, the commission shall approve those applications for recognition as Heritage Sites which it deems deserving and appropriate for carrying out the purposes of this chapter.
- (4) Upon approval of an application by the commission, the commission may enter into a written agreement of registration with the owner of the feature concerned whereby the State shall give public recognition of the importance of the area or feature as a Heritage Site and the owner shall express his intent to preserve it.
- (5) The commission shall erect and maintain an appropriate sign on the Heritage Site indicating its recognition and the owner thereof shall be given a certificate acknowledging its registration.
- (6) The registration agreement may be terminated by the owner of the commission at any time upon thirty days' notification to the other party. Such termination shall remove the feature from the Heritage Site Program, and any certificate previously issued therefor or sign erected shall be returned to the commission by the property owner.
- (7) Unless the registration agreement is terminated, the owner of a Heritage Site shall maintain its essential natural character.

HISTORY: 2000 Act No. 387, Part II, Section 52A, eff. July 1, 2000.

SECTION 51-18-110. Funding; appropriations; user fees.

The commission shall annually request such appropriations as it deems necessary to carry out the activities of the commission and the advisory board. Funding for management of areas and features that become War Between the States Heritage Preserves must be specifically requested by the commission or that entity of government responsible for management thereof.

The commission shall select those War Between the States Heritage Preserves for which it is appropriate to charge an individual user fee. The commission may sell such user permits for a cost not to exceed five dollars and to be valid for the fiscal year in which issued at all War Between the States Heritage Preserves where a permit is required. At the end of the fiscal year, the commission shall distribute the funds collected among the entities of

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government assigned responsibility for management in direct proportion to the acreage which they manage. The proceeds of the sale of the user permits must be used to defray the management expenses.
HISTORY: 2000 Act No. 387, Part II, Section 52A, eff. July 1, 2000.

SECTION 51-18-115. War Between the States Heritage Preserve Trust Fund.
There is created the War Between the States Heritage Preserve Trust Fund, which must be kept separate from other funds of the State. The fund must be administered by the commission for the purpose of acquiring fee simple or lesser interest in priority areas, legal fees, appraisals, surveys, or other costs involved in the acquisition of interest in priority areas and for the development of minimal facilities and management necessary for the protection of the essential character of priority areas.
Unexpended balances, including interest derived from the fund, must be carried forward each year and used only for the purposes provided in this chapter.
No fund money may be expended to acquire interest in property by eminent domain and no funds may be expended to acquire interest in property without the approval of a majority of the War Between the States Heritage Trust Commission. The commission shall report by letter to the Speaker of the House of Representatives and the President Pro Tempore of the Senate not later than January fifteenth each year all funds expended pursuant to this chapter for the previous year, including the amount of funds expended and the uses to which the expenditures were applied. The trust fund is eligible to receive appropriations of state general funds, federal funds, donations, gifts, bond issue receipts, securities, and other monetary instruments of value. Reimbursement for monies expended from this fund must be deposited in this fund. Funds received through sale, exchange, or otherwise of any War Between the States Heritage Preserve acquired under this section, or products of the preserve such as timber, utility easement rights, and the like, accrue to the fund.
HISTORY: 2000 Act No. 387, Part II, Section 52A, eff. July 1, 2000.

SECTION 51-18-118. Donations:

The trust is authorized to receive and dispose of donations of real and personal property. In furtherance of this section the commission may:
(1) receive donations of real and personal property including, but not limited to, land, houses, stocks, and bonds;
(2) on its own or by its agent, sell donated property and deposit any proceeds to the Heritage Land Trust Fund for use in accordance with the purposes established in this chapter;
(3) establish minimum acceptable prices for disposition of donated property;
(4) trade donated property for property of equal value;
(5) promote donations to the program through advertising; or
(6) decline donations for any reason.
HISTORY: 2000 Act No. 387, Part II, Section 52A, eff. July 1, 2000.

SECTION 51-18-120. State or local parks, preserves, wildlife refuges, forests, or other areas:

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		<p>Nothing contained in this chapter shall be construed as interfering with the purposes stated in the establishment of or pertaining to any state or local park, preserve, wildlife refuge, forest, or other area or the proper management and development thereof, except that any agency managing an area or feature acquired as a War Between the States Heritage Preserve or a Heritage Site under the provisions of this chapter shall preserve it in accordance with the applicable conveyance, registration agreement, and the regulations of the commission applicable thereto.</p> <p>Neither the acquisition of any War Between the States Heritage Preserve nor the registration of any Heritage Site nor any action taken by the commission under any of the provisions of this chapter shall void or replace any protective status under law which an area would have were it not a War Between the States Heritage Preserve or Heritage Site, the protective provisions of this chapter being supplemental thereto.</p> <p>HISTORY: 2000 Act No. 387, Part II, Section 52A, eff July 1, 2000.</p> <p>SECTION 51-18-130. Enforcement; penalties.</p> <p>(A) Enforcement officers of the Natural Resources Enforcement Division of the Department of Natural Resources, park rangers, and forestry rangers, as well as all other state and local law enforcement officials, shall have authority to enforce the provisions of this chapter. The Attorney General shall enforce the regulations of the commission both as they apply to those areas dedicated, as well as those that are subsequently made a part of the corpus of the War Between the States Heritage Trust. In exercise of this authority, the Attorney General, among other things, and at the request of the commission, may bring an action for injunctive or declaratory relief in any court of competent jurisdiction.</p> <p>(B)(1) A person violating the provisions of this chapter where the damage to the property does not exceed five hundred dollars is guilty of a misdemeanor and, upon conviction, shall be fined not more than one hundred dollars or be imprisoned not more than thirty days for each offense.</p> <p>(2) A person violating the provisions of this chapter where the damage to the property exceeds five hundred dollars is guilty of a misdemeanor and, upon conviction, shall be fined not less than five hundred dollars nor more than five thousand dollars or be imprisoned not more than six months, or both, for each offense.</p> <p>HISTORY: 2000 Act No. 387, Part II, Section 52A, eff July 1, 2000.</p> <p>SECTION 51-18-140. Maximum acquisition; approval by county delegation.</p> <p>Not more than twenty thousand acres of real property shall be acquired in fee under the provisions of this chapter. Moreover, no acquisition shall be made under this chapter in any county without written approval of a majority of the county delegation in the county where the property is located.</p> <p>HISTORY: 2000 Act No. 387, Part II, Section 52A, eff July 1, 2000.</p> <p>SECTION 51-18-150. Annual report of acquisitions and planned acquisitions.</p> <p>The War Between the States Heritage Trust Commission, as trustee for the War Between the States Heritage Preserve Trust Fund, shall report annually to the Committee on Ways and Means of the House of Representatives</p>

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and the Senate Finance Committee detailing acquisitions in the previous year by the War Between the States Heritage Preserve Trust Fund and planned acquisitions for the next five years.
 HISTORY: 2000 Act No. 387, Part II, Section 52A, eff. July 1, 2000.

SECTION 60-11-150. Board created; membership; terms:

(A) The South Carolina Civil War Sesquicentennial Advisory Board is hereby created to assist the South Carolina Commission of Archives and History in carrying out its duties and responsibilities as outlined in this article. The advisory board shall consist of twenty-two members. The members shall elect a chairman from among the board members every four years.

(B) The Governor, the Speaker of the House of Representatives, and the President Pro Tempore of the Senate shall each appoint two members to serve four-year terms, except initial appointees. These persons shall be residents of South Carolina who are recognized as being learned and interested in the field of history and archaeology of this State and who have demonstrated an interest in preserving the cultural resources of this State. These persons also must have a background in:

- (1) South Carolina history;
- (2) African-American history; or
- (3) Civil War history.

Persons initially appointed by the Governor shall serve two-year terms, persons initially appointed by the Speaker of the House of Representatives shall serve four-year terms, and persons initially appointed by the President Pro Tempore of the Senate shall serve six-year terms. Subsequent appointees shall serve four-year terms.

(C) The remaining board membership shall consist of the following persons or their designees:

- (1) Director of the South Carolina Department of Parks, Recreation and Tourism;
- (2) Superintendent of the State Department of Education;
- (3) Director of the South Carolina State Museum;
- (4) Director of the South Carolina Confederate Relic Room and Military Museum;
- (5) Director of the South Carolina Department of Archives and History;
- (6) Director of the South Carolina Historical Society;
- (7) Director of the South Carolina Historical Library;
- (8) Chairman of the African-American Heritage Commission;
- (9) Director of the Avery Research Center;
- (10) President of the Sons of Confederate Veterans;
- (11) President of the United Daughters of the Confederacy;
- (12) Superintendent of the Fort Sumter National Monument;
- (13) Colonel of the South Carolina Battalion;
- (14) Executive Director of Patriots Point;
- (15) Director of the Penn Center, Inc.; and
- (16) Chairman of the War Between the States Heritage Commission.

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SECTION	Bill Summary	H.4018 HISTORY: 2008 Act No. 247, Section 2, eff. upon approval (became law without the Governor's signature on June 5, 2008).
Section 3(B)	<ul style="list-style-type: none"> Directs where to put remaining funds in the War Between the States Heritage Preserve Commission account Credit funds to the General Fund 	<p>"Remaining funds in the account for the War Between the States Heritage Preserve Commission must be credited to the General Fund."</p>
Section 4 - Sections 53-3-90 and 53-3-100 repealed	<ul style="list-style-type: none"> Statutes repealed 	<p>SECTION 53-3-90. Family Week designated. The last week in August of each year is declared "Family Week in South Carolina." The Department of Parks, Recreation and Tourism shall develop a plan to promote the celebration of Family Week. The plan shall include, but not be limited to, the promotion of local festivals, pageants, field days, picnics, reunions and similar activities which would encourage participation by families as a unit. HISTORY: 1978 Act No. 398 Section 1.</p> <p>SECTION 53-3-100. Family Week: creation of committee to choose "South Carolina Family of the Year." A committee is created to choose and honor the "South Carolina Family of the Year" which must be recognized by the presentation of an appropriate award by the Governor on Saturday of "Family Week in South Carolina". The committee is composed of one member appointed by the Governor and one member appointed by the head of each of the following state agencies: the Department of Parks, Recreation and Tourism, the Department of Youth Services, the South Carolina Commission on Aging, the Department of Social Services, the Commission on Alcohol and Drug Abuse, and the Department of Agriculture-Clemson College Extension Service. The terms of the members are for four years and until their successors are appointed and qualify. The committee shall meet as soon after the appointment of its members as practicable and organize by electing one of its members as chairman, one as secretary, and such other officers that it may determine. The expenses of the committee must be paid by the Department of Parks, Recreation and Tourism from funds appropriated for this purpose. HISTORY: 1978 Act No. 398 Section 2; 1988 Act No. 600.</p>
Section 5 - Effective Date Provision	Upon approval by the Governor	

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Applicable documents/information

- Department of Parks, Recreation, and Tourism reviewed draft bill and has no objections or suggested revisions.
- Section 1 and 3
 - SCPRT study, page 95-96, Recommendation #17(a) and (b) (Modernization of statutes - Entities/activities no longer in existence) and page 112, Appendix B. Statutes applicable to the War Between the States Heritage Preserve: S.C. Code Sections 51-18-150, 12-6-506, 60-11-150;
 - September 5, 2018, Subcommittee meeting at 1:04:35 part 2 in archived video (commission never existed or never functioned; \$179,000 in reserve account; state income tax forms continue to allow voluntary contributions to commission) and at 1:06:18 in part two of the archived video (purpose of Revolutionary War Trail is to encourage visitors to historical sites; SC has more Revolutionary War sites than any state in the southeast);
 - July 9, 2018, Subcommittee meeting minutes and at 2:28:05 in the archived video (Revolutionary War Trail program is starting and may be in line with original intent of commission)
- Section 2
 - SCPRT study, page 94, Recommendation #15 (Modernization of statutes - Entities/activities no longer in existence); SCPRT Program Evaluation Report, page 24; State Parks Presentation, slide 39;
 - July 9, 2018 Subcommittee meeting at 1:08:50, 1:09:00, and 1:16:47 in the archived video (To reach the Fort Watson Revolutionary War Memorial, you drive through the U.S. Fishing Wildlife Service property to Santee national wildlife refuge. If you are a visitor who is wanting to go there, you think the U.S. Fishing Wildlife Service manages it and owns it. Property was deeded to the State Public Service Authority (i.e., Santee Cooper), which has managed the memorial for more than a decade)
- Section 4
 - SCPRT study, page 94-95, Recommendation #16 (Modernization of statutes - Entities/activities no longer in existence);
 - SCPRT Program Evaluation Report, page 25;
 - September 5, 2018, Subcommittee meeting at 1:00:27 and 1:01:20 in part two of the archived video (family week and family of the year hasn't been observed in 20 years, no one knows why started or stopped)

Prior Applicable Legislation from LOC Recommendation

- None

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A BILL

11 TO AMEND SECTION 12-6-5060, CODE OF LAWS OF SOUTH
12 CAROLINA, 1976, RELATING TO VOLUNTARY
13 CONTRIBUTIONS TO CERTAIN FUNDS ON AN INDIVIDUAL
14 INCOME TAX RETURN, SO AS TO REMOVE A REFERENCE
15 TO THE WAR BETWEEN THE STATES HERITAGE TRUST
16 FUND; TO REPEAL CHAPTER 9, TITLE 51 RELATING TO
17 THE FORT WATSON MEMORIAL; TO REPEAL SECTIONS
18 51-18-10 THROUGH 51-18-150 AND 60-11-150 ALL
19 RELATING TO THE WAR BETWEEN THE STATES
20 HERITAGE PRESERVE COMMISSION; AND TO REPEAL
21 SECTIONS 53-3-90 AND 53-3-100 BOTH RELATING TO
22 "FAMILY WEEK IN SOUTH CAROLINA".

23
24 Be it enacted by the General Assembly of the State of South
25 Carolina:

26
27 SECTION 1. Section 12-6-5060(A) of the 1976 Code is amended
28 to read:

29
30 "(A) Each taxpayer required to file a state individual income tax
31 return may contribute to ~~the War Between the States Heritage Trust~~
32 ~~Fund established pursuant to Section 51-18-115~~; the Nongame
33 Wildlife and Natural Areas Program Fund established pursuant to
34 Section 50-1-280, the Children's Trust Fund of South Carolina
35 established pursuant to Section 63-11-910, the Eldercare Trust Fund
36 of South Carolina established pursuant to Section 43-21-160, the
37 First Steps to School Readiness Fund established pursuant to
38 Section 63-11-1750, the South Carolina Military Family Relief
39 Fund established pursuant to Article 3, Chapter 11, Title 25, the
40 Donate Life South Carolina established pursuant to Section
41 44-43-1310, the Veterans' Trust Fund of South Carolina established
42 pursuant to Chapter 21, Title 25, the South Carolina Litter Control

1 Enforcement Program (SCLCEP) and used by the Governor's Task
2 Force on Litter only for the SCLCEP Program, the South Carolina
3 Law Enforcement Assistance Program (SCLEAP) and used as
4 provided in Section 23-3-65, the South Carolina Department of
5 Parks, Recreation and Tourism for use in the South Carolina State
6 Park Service in the manner the General Assembly provides, the
7 South Carolina Forestry Commission for use in the state forest
8 system, the South Carolina Department of Natural Resources for use
9 in its programs and operations, K-12 public education for use in the
10 manner the General Assembly provides by law, South Carolina
11 Conservation Bank Trust Fund established pursuant to Section
12 48-59-60, the Financial Literacy Trust Fund established pursuant to
13 Section 59-29-510, or the South Carolina Association of Habitat for
14 Humanity Affiliates, by designating the contribution on the return.
15 The contribution may be made by reducing the income tax refund or
16 by remitting additional payment by the amount designated."

17
18 SECTION 2. Chapter 9, Title 51 of the 1976 Code is repealed.

19
20 SECTION 3. A. Sections 51-18-10 through 51-18-150 and
21 60-11-150 of the 1976 Code are repealed.

22
23 B. Remaining funds in the account for the War Between the States
24 Heritage Preserve Commission must be credited to the General
25 Fund.

26
27 SECTION 4. Sections 53-3-90 and 53-3-100 of the 1976 Code are
28 repealed.

29
30 SECTION 5. This act takes effect upon approval by the Governor.

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