

"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 4020

H. 4020 -- Reps. Clary, W. Newton, R. Williams and Funderburk: A BILL TO AMEND SECTION 51-1-60, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE POWERS AND DUTIES OF THE DEPARTMENT OF PARKS, RECREATION AND TOURISM, SO AS TO PROVIDE NEW DUTIES FOR THE DEPARTMENT; AND TO REPEAL ARTICLE 3 OF CHAPTER 1, TITLE 51, RELATING TO THE DIVISION OF COMMUNITY DEVELOPMENT.

Received by Ways and Means:

Summary of Bill:

This bill repeals S.C. Code Sections 51-1-300 and 51-1-310, which relate to the agency's division of community development, and add the purpose and general duties of the agency related to community development activities to S.C. Code Section 51-1-60. This change allows the agency to fulfill the general duties of this division through its other existing divisions.

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

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Finance Subcomm. Hearing Date: [CLICK HERE to Enter Date](#)

Subcommittee Recommendations:

Full Committee Recommendations:

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

H.4020 – PRT Division of Community Development

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

The Committee recommends, as requested by the agency, the General Assembly consider taking the following actions: (1) repeal S.C. Code Sections 51-1-300 and 51-1-310, which relate to the agency's division of community development; and (2) add the purpose and general duties of the agency which relate to community development activities, that were in 51-1-300 and 51-1-310, to S.C. Code Section 51-1-60.

Basis

- Agency recommendation
- Agency no longer has a division of community development. H
- Agency continues to fulfill the general duties of this division through its other existing divisions.
- Recommendation does not alter any statutory duties of the agency, but instead allows the agency flexibility in determining which of its division(s) are responsible for the duties.

SECTION	Bill Summary	H.4020
Section 1 - Section 51-1-60 amended	<ul style="list-style-type: none"> • After initial geographic coordinates of a boundary line, which are determined by S.C. Geodetic Survey (SCGS), take effect, 	<p>“Section 51-1-60. 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:</p> <ul style="list-style-type: none"> (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

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SECTION	Bill Summary	H. 4020
		<p>recreational activities such as golfing, boating, and sightseeing;</p> <p>(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.;</p> <p>(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.;</p> <p>(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.;</p> <p>(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 monies monies coming into its hands from the property and facilities so pledged.;</p> <p>(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;</p> <p>(i) to allocate funds made available to the department, other than funds specifically allocated to it by</p>

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SECTION	Bill Summary	H.4020
<p>Section 2 – Article 3 of Chapter 1, Title 51 repealed</p>	<ul style="list-style-type: none"> Statutes repealed 	<p>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;</p> <p><u>(i) to promote economic diversity in all areas of the State by extending to them the full benefits of tourism and recreational development; and</u></p> <p><u>(k) to coordinate and act as a liaison with regional tourism organizations, local chambers of commerce, and development agencies.</u></p> <p>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."</p>
<p>Section 3 - Effective Date Provision</p>		<p>ARTICLE 3 Division of Community Development.</p> <p>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.</p> <p>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.</p>
		<p>Upon approval by the Governor</p>

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Applicable documents/information

- Department of Parks, Recreation, and Tourism reviewed draft bill and has no objections or suggested revisions.
- SCPRT study, page 96-97, Recommendation #18 (Modernization of statutes - Revise to reflect current agency practices);
- SCPRT Program Evaluation Report, page 27 and page 30-32;
- September 27, 2018 Subcommittee meeting at 3:00:02 through 3:02:15 in archived video.

Prior Applicable Legislation from LOC Recommendation

- None

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A BILL

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TO AMEND SECTION 51-1-60, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE POWERS AND DUTIES OF THE DEPARTMENT OF PARKS, RECREATION AND TOURISM, SO AS TO PROVIDE NEW DUTIES FOR THE DEPARTMENT; AND TO REPEAL ARTICLE 3 OF CHAPTER 1, TITLE 51, RELATING TO THE DIVISION OF COMMUNITY DEVELOPMENT.

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

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SECTION 1. Section 51-1-60 of the 1976 Code is amended to read:

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“Section 51-1-60. 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:

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

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

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

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

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

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

39 (g) to borrow from time to time from any source available
40 such sums of money as the department at its discretion deems
41 advisable at interest rates approved by the State Fiscal
42 Accountability Authority for the purposes of acquisition,
43 construction, development, and maintenance of such lands and

1 facilities as the director is empowered to operate and issue evidences
2 of such indebtedness thereof in the form of notes or bonds as may
3 be determined by the director. The department may secure any sums
4 borrowed under the terms hereof by mortgage of any property or
5 facilities owned by it and it may pledge any and all income from any
6 of its properties or facilities. The State is in no manner liable for any
7 debt incurred under the terms hereof but all such obligations shall
8 be met by the department out of ~~moneys~~ monies coming into its
9 hands from the property and facilities so pledged;

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

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

21 (j) to promote economic diversity in all areas of the State by
22 extending to them the full benefits of tourism and recreational
23 development; and

24 (k) to coordinate and act as a liaison with regional tourism
25 organizations, local chambers of commerce, and development
26 agencies.

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

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39 SECTION 2. Article 3 of Chapter 1, Title 51 of the 1976 Code is
40 repealed.

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42 SECTION 3. This act takes effect upon approval by the Governor.

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