

"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)

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**HOUSE BILL 4021**

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H. 4021 -- Reps. Clary, W. Newton, R. Williams and Funderburk: A BILL TO AMEND SECTION 51-3-10, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE PROHIBITION OF SWIMMING OR USE OF CABINS AT STATE PARKS, SO AS TO REMOVE THE PROHIBITION; TO AMEND SECTION 51-3-50, RELATING TO THE POWER OF THE DEPARTMENT OF PARKS, RECREATION AND TOURISM TO OPEN PARKS TO NORMAL PUBLIC USE, SO AS TO REMOVE A LIMITATION ON THE DEPARTMENT'S POWER; TO REPEAL SECTION 51-3-20 RELATING TO LIMITATIONS ON THE FACILITIES AT STATE PARKS; TO REPEAL SECTION 51-3-30 RELATING TO PENALTIES FOR USING CABINS OR SWIMMING AT A STATE PARK; AND TO REPEAL SECTION 51-3-40 RELATING TO THE LIMITATIONS ON THE OPERATIONS OF CERTAIN STATE PARKS.

***Received by Ways and Means:***

***Summary of Bill:***

This bill removes obsolete language providing for limited operation of state parks and facilities enacted during the 1960s struggle for civil rights in South Carolina. The statutes pertain to segregation and integration of state parks and facilities.

It revises S.C. Code Section 51-3-10 to strike through language prohibiting swimming and use of cabins at state parks, repeals S.C. Code Sections 51-3-20 through 51-3-40, which relate to facilities and permitted activities in state parks, and revises S.C. Code Section 51-3-50, which relates to the power to open parks to normal public use, to reflect elimination of Sections 51-2-30 through 51-3-40.

***Estimated Revenue Impact:***

Pending

***Subcommittee Recommendation:***

Favorable

***Full Committee Recommendation:***

***Other Notes/Comments:***

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

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***2<sup>nd</sup> Reading:***

***Amendments:***

***2<sup>nd</sup> Reading Vote:***

***Referred to Senate Finance:***                      [CLICK HERE](#) to Enter Date

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

***Subcommittee Recommendations:***

***Full Committee Recommendations:***

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

## H.4021 – Swimming and Cabin Rental at State Parks

### LOCAL 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) revise S.C. Code Section 51-3-10 to strike through language prohibiting swimming and use of cabins at state parks; (2) repeal S.C. Code Sections 51-3-20 through 51-3-40 which relate to facilities and permitted activities in state parks; and (3) revise S.C. Code Section 51-3-50, which relates to the power to open parks to normal public use, to reflect elimination of Sections 51-2-30 through 51-3-40.

#### Basis

- Agency recommendation
- Removes obsolete language providing for limited operation of state parks and facilities enacted during the 1960s struggle for civil rights in South Carolina. The statutes pertain to segregation and integration of state parks and facilities.
- Agency states the history of segregation and integration of state parks and facilities is included in state park publications and various presentations at different state parks.
  - o In 1961, a class action lawsuit was filed to integrate state parks. As a result of the lawsuit, the state Attorney General closed all state parks in 1963. In 1964, the General Assembly adopted the laws that are the subject of this recommendation, which specify and provide for limited operation of state parks and facilities, and the state parks were reopened on a limited basis. In 1966, state parks and facilities returned to full operation open to all citizens.

SECTION	Bill Summary	H.4021
Section 1 - Section 51-3-10 amended	<ul style="list-style-type: none"> <li>• Removes prohibition on swimming and rental or use of park cabins</li> </ul>	<p>"Section 51-3-10. The Department of Parks, Recreation and Tourism may control, supervise, maintain and, wherever practicable, improve all parks belonging to the State, for general recreational, educational and forestry purposes; <del>provided, however, that swimming and rental of use of park cabins shall not be allowed.</del>"</p>
Section 2 - Section 51-3-50 amended	<ul style="list-style-type: none"> <li>• Removes reference to statutes which are repealed as part of Section 3 of this bill</li> </ul>	<p>"Section 51-3-50. <del>Notwithstanding the provisions of Sections 51-3-10 through 51-3-40, the</del> Department of Parks, Recreation and Tourism shall open any State-state park to public use for such normal recreational, educational, and forestry purposes and uses, and for such hours of operation as it shall deem advisable."</p>
Section 3 - Sections 51-3-20, 51-3-30, and 51-3-40 repealed	<ul style="list-style-type: none"> <li>• Statutes repealed</li> </ul>	<p><del>SECTION 51-3-20. Facilities limited to camping; buildings closed to public; permits for use of facilities; changing permitted activities in seacoast parks.</del>  <del>The Department of Parks, Recreation and Tourism shall operate the parks without facilities of publicly conducted activities, exclusive of camping facilities, and all publicly owned buildings and structures within the parks shall be closed to entry by the general public. Provided, however, that organized groups may use the pavilions, picnic areas, and meeting places within the parks, upon</del></p>

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SECTION	Bill Summary	H. 4021
Section 4 - Effective Date Provision		<p>filing with the Park Superintendent of the park involved an application to be allowed to use the particular park facilities at least forty-eight hours in advance of the proposed use, and securing permission for such use from the Superintendent, who shall not give such permission to any two or more groups for use of the same area and buildings at the same time. These buildings and structures necessary for the operation, maintenance and upkeep of the park by employees of the Department not being open to the public, shall not be affected hereby. Provided, that any museum or relic room located in any park shall remain open. Provided, that where a park is located on any seacoast in this State, a request to the Department of Parks, Recreation and Tourism from a majority of the legislative delegation, including the Senator, of the particular county concerned to permit additional activities and the use of additional facilities or to eliminate camping in a park located in the county, shall be granted.</p> <p><del>HISTORY: 1962 Code Section 51-2-2; 1956 (49) 1841; 1964 (53) 2391.</del></p> <p><del>SECTION 51-3-30. Penalties for violating Sections 51-3-10 or 51-3-20. Anyone using the park cabins or swimming in violation of the terms of Sections 51-3-10 or 51-3-20, or any person which uses the pavilion or meeting place, or picnic area without a permit, shall be guilty of a misdemeanor and, on conviction, shall be fined not less than twenty five dollars nor more than one hundred dollars, or imprisonment for not more than thirty days.</del></p> <p><del>HISTORY: 1962 Code Section 51-2-3; 1956 (49) 1841; 1964 (53) 2391.</del></p> <p><del>SECTION 51-3-40. Edisto Beach State Park closed; Santee Park only open for certain purposes. Notwithstanding any other provision of law, Edisto Beach State Park shall remain closed until further action by the General Assembly; and Santee Park in Orangeburg County shall be open only as a nature trail or a place to be visited and for fishing and for no other purpose.</del></p> <p><del>HISTORY: 1962 Code Section 51-2-4; 1956 (49) 1841; 1964 (53) 2391.</del></p> <p>Upon approval by the Governor</p>

Applicable documents/information

- Department of Parks, Recreation, and Tourism reviewed draft bill and has no objections or suggested revisions.
- SCPR study, page 97-99, Recommendation #19 (Modernization of statutes - Revise to reflect current agency practices);
- SCPR Program Evaluation Report, page 28-29;
- State Parks Presentation, slide 40-41;
- July 9, 2018 Subcommittee meeting at 1:13:03 through 1:17:16 in archived video (background on segregation at state parks);
- History of South Carolina State Parks, 1992

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**A BILL**

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11 TO AMEND SECTION 51-3-10, CODE OF LAWS OF SOUTH  
12 CAROLINA, 1976, RELATING TO THE PROHIBITION OF  
13 SWIMMING OR USE OF CABINS AT STATE PARKS, SO AS  
14 TO REMOVE THE PROHIBITION; TO AMEND SECTION  
15 51-3-50, RELATING TO THE POWER OF THE DEPARTMENT  
16 OF PARKS, RECREATION AND TOURISM TO OPEN PARKS  
17 TO NORMAL PUBLIC USE, SO AS TO REMOVE A  
18 LIMITATION ON THE DEPARTMENT'S POWER; TO REPEAL  
19 SECTION 51-3-20 RELATING TO LIMITATIONS ON THE  
20 FACILITIES AT STATE PARKS; TO REPEAL SECTION  
21 51-3-30 RELATING TO PENALTIES FOR USING CABINS OR  
22 SWIMMING AT A STATE PARK; AND TO REPEAL SECTION  
23 51-3-40 RELATING TO THE LIMITATIONS ON THE  
24 OPERATIONS OF CERTAIN STATE PARKS.

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

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29 SECTION 1. Section 51-3-10 of the 1976 Code is amended to read:

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31 "Section 51-3-10. The Department of Parks, Recreation and  
32 Tourism may control, supervise, maintain and, wherever  
33 practicable, improve all parks belonging to the State, for general  
34 recreational, educational and forestry purposes; ~~provided, however,~~  
35 ~~that swimming and rental or use of park cabins shall not be~~  
36 ~~allowed."~~

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38 SECTION 2. Section 51-3-50 of the 1976 Code is amended to read:

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40 "Section 51-3-50. ~~Notwithstanding the provisions of Sections~~  
41 ~~51-3-10 through 51-3-40, the~~ The Department of Parks, Recreation  
42 and Tourism shall open any ~~State~~ state park to public use for such

1 normal recreational, educational, and forestry purposes and uses,  
2 and for such hours of operation as it shall deem advisable.”

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4 SECTION 3. Sections 51-3-20, 51-3-30, and 51-3-40 of the 1976  
5 Code are repealed.

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7 SECTION 4. This act takes effect upon approval by the Governor.

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