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Indicates New Matter

AMENDED

May 7, 2019

**H. 4020**

Introduced by Reps. Clary, W. Newton, R. Williams, Funderburk, Erickson and Bradley

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Read the first time April 10, 2019.

**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.

Amend Title To Conform

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

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

“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:

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

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

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

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

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

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

(g) to borrow from time to time from any source available such sums of money as the department at its discretion deems advisable at interest rates approved by the State Fiscal Accountability Authority for the purposes of acquisition, construction, development, and maintenance of such lands and facilities as the director is empowered to operate and issue evidences of such indebtedness thereof in the form of notes or bonds as may be determined by the director. The department may secure any sums borrowed under the terms hereof by mortgage of any property or facilities owned by it and it may pledge any and all income from any of its properties or facilities. The State is in no manner liable for any debt incurred under the terms hereof but all such obligations shall be met by the department out of ~~moneys~~ monies coming into its hands from the property and facilities so pledged;

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

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

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

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

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.”

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

SECTION 3. Section 1-3-210 of the 1976 Code is amended to read:

“Section 1-3-210. (A)(1) ~~During the recess of the Senate, vacancy which occurs in an~~ If an office filled by an appointment of the Governor with the advice and consent of the Senate becomes vacant during the interim period between regular legislative sessions, then the office may be filled by an interim appointment of the Governor only if the Governor acts to fill the office during the same interim period during which the office became vacant. The Governor must report the interim appointment to the Senate and must forward a formal appointment at its next ensuing regular session. If the Senate votes to reject an interim appointee’s formal appointment during the next ensuing regular session then the office is immediately vacant and may not be filled by another interim appointment.

(2) If the Senate does not advise and consent ~~thereto~~ to the formal appointment prior to ~~sine die adjournment~~ the second Thursday in May following the interim period during which the interim appointment was made ~~of the next ensuing regular session~~, the office shall be vacant and the interim appointment shall not serve in hold over status notwithstanding any other provision of law to the contrary. The Governor may not make a subsequent interim appointment for the same vacancy. ~~A subsequent interim appointment of a different person to a vacancy created by a failure of the Senate to grant confirmation to the original interim appointment shall expire on the second Tuesday in January following the date of such subsequent interim appointment and the office shall be vacant.~~

(B) The Governor’s authority to make an interim appointment pursuant to subsection (A) terminates when the General Assembly convenes the regular legislative session following the interim period between regular legislative sessions during which the office became vacant.”

SECTION 4. Article 5, Chapter 3 of Title 1 of the 1976 Code is amended by adding:

“Section 1-3-211. (A) If a vacancy exists in the head of an agency that requires appointment by the Governor with the advice and consent of the Senate, the Governor may designate an employee of the agency as the acting head of the agency if the person designated was employed by the agency for at least twelve consecutive months prior to the date upon which the vacancy occurred. A person designated as an acting agency head pursuant to this subsection may serve as the acting agency head no longer than the second Thursday in May following date upon which the vacancy occurred.

(B)(1) A person nominated by the Governor to head an agency that requires the advice and consent of the Senate who did not receive the advice and consent of the Senate, or whose nomination was withdrawn, may not be designated by the Governor as the acting head of the agency to which the person was nominated.

(2) A person nominated by the Governor to head an agency that requires the advice and consent of the Senate who also had been previously designated as the acting head of the agency who did not receive the advice and consent of the Senate, or whose nomination was withdrawn, may no longer exercise any authority or duties of that agency.”

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

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