**A** **JOINT RESOLUTION**

TO REPEAL ACT 990 OF 1928, RELATING TO THE PROVISION FOR THE ERECTION OF A MONUMENT TO THE MEMORY OF DR. J. MARION SIMS UPON THE STATE HOUSE GROUNDS IN COLUMBIA, TO DIRECT THE REMOVAL OF THE SIMS STATUE TO THE STATE MUSEUM, TO CREATE THE ROBERT SMALLS MONUMENT COMMISSION, AND TO PROVIDE FOR THE COMMISSION’S MEMBERSHIP, DUTIES, AND RELATED MATTERS.

Whereas, in recognition that while J. Marion Sims made significant contributions to the medical field, he engaged in inhumane practices in his efforts to do so, and these inhumane practices do not reflect the values of the South Carolina General Assembly; and

Whereas, Robert Smalls was an exemplary individual, demonstrating courage and perseverance in the face of impossible odds. He was born a slave and, during the Civil War, commandeered a Confederate ship to transport his family and others to freedom. After the war, he received a commission as a brigadier general of the South Carolina militia. He was a delegate to the 1868 South Carolina constitutional convention and served in the South Carolina Senate from 1870 to 1874. He was elected to the United States House of Representatives in 1874, where he passionately served four terms; and

Whereas, Robert Smalls’ lifetime achievements and accomplishments are, for all practical purposes, legendary, and the citizens of South Carolina have benefited greatly from his contributions and talents for several successive generations. Now, therefore,

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

SECTION 1. Act 990 of 1928, relating to the provision for the erection of a monument to the memory of Dr. J. Marion Sims upon the State House Grounds in Columbia, is repealed.

SECTION 2. The Dr. J. Marion Sims statue shall be permanently removed, in its entirety, from its location on the Capitol Complex Grounds. The process of removing the statue shall begin within thirty days of the effective date of this act and shall be completed as soon as practicable thereafter. Upon its removal, the statue shall be transported to the State Museum for storage and display at the museum’s discretion. The area adjacent to the monument must be returned to its previous condition by the Division of General Services.

SECTION 3. (A) The Robert Smalls Monument Commission is created to design and establish an appropriate monument to be placed on the grounds of the Capitol Complex to recognize the accomplishments of Robert Smalls. The Robert Smalls monument shall be located in generally the same location as the Dr. J. Marion Sims statue was located, provided that the Smalls monument may extend beyond the footprint of the Sims statue. The commission is empowered and directed to raise private funds, to receive private grants, to receive gifts to carry out the purpose for which it is created, and to designate the location of the monument; provided that this monument must be funded entirely by private funds. No later than one year after the effective date of this Joint Resolution, the commission shall report the proposed design and dedication date of the monument to the General Assembly. Upon the dedication of this monument, the commission shall dissolve. Upon dissolution, the State shall ensure proper maintenance of the monument as is done for other historical markers and monuments on the grounds of the Capitol Complex.

(B) The commission shall be comprised of three Senators appointed by the President of the Senate, three members of the House of Representatives appointed by the Speaker of the House of Representatives, and three members of the general public appointed by the Governor. Notwithstanding Section 8‑13‑770 of the 1976 Code of Laws or any other provision of law, members of the General Assembly may be appointed to this commission and may serve on the commission.

(C) Commission members are not entitled to receive the subsistence, mileage, and per diem otherwise provided by law for members of state boards, committees, and commissions.

SECTION 4. This joint resolution takes effect upon approval by the Governor.

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