**South Carolina General Assembly**

125th Session, 2023-2024

**H. 5042**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. B.L. Cox, J.L. Johnson, Murphy, Sessions, Cobb-Hunter, Kirby, Brewer, Garvin, Henegan, M.M. Smith, Jefferson, Rivers, McDaniel, Davis, Haddon, King, Gilliard, Stavrinakis, Bauer, West, Wetmore, T. Moore, Thigpen, Chapman, Schuessler, Pope, Guffey, Dillard, W. Jones, Pendarvis, G.M. Smith, Weeks, Wheeler, Williams, S. Jones, J. Moore, O'Neal, B. Newton, Neese, Lawson, Atkinson, Hayes, W. Newton, Bannister, Caskey, Hyde, J.E. Johnson, Hiott, Brittain, Hartnett, Mitchell, Yow, Gagnon, Carter, Guest, Gatch, Crawford, Ott, Rutherford, Leber, Hixon, Herbkersman, Anderson, Bailey, Elliott, Gilliam, Calhoon, Wooten, Forrest, Pedalino, Jordan, Bustos, Bamberg, Bernstein, Clyburn, Hosey, Henderson-Myers, Howard, Vaughan, Beach, Erickson and Bradley

Companion/Similar bill(s): 55

Document Path: LC-0235AHB24.docx

Introduced in the House on February 6, 2024

Introduced in the Senate on March 26, 2024

Last Amended on May 8, 2024

Currently residing in the House

Summary: Robert Smalls Monument

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

2/6/2024 House Introduced and read first time ([House Journal‑page 7](h:\hj\20240206.docx))

2/6/2024 House Referred to Committee on **Medical, Military, Public and Municipal Affairs** ([House Journal‑page 7](h:\hj\20240206.docx))

3/19/2024 House Member(s) request name added as sponsor: J. Moore

3/20/2024 House Committee report: Favorable **Medical, Military, Public and Municipal Affairs** ([House Journal‑page 34](h:\hj\20240320.docx))

3/20/2024 House Member(s) request name added as sponsor: O'Neal,
B. Newton, Neese, Lawson, Atkinson, Hayes,
Gatch, W. Newton, Bannister, Caskey, Hyde,
J.E. Johnson, Hiott, Brittain, Hartnett,
Mitchell, Yow, Gagnon, Carter, Guest,
Crawford, Ott, Rutherford, Leber, Hixon,
Herbkersman, Anderson, Bailey, Elliott,
Gilliam, Calhoon, Wooten, Forrest, Pedalino,
Jordan, Bustos, Bamberg, Bernstein,
Clyburn, Hosey, Henderson-Myers, Howard,
Vaughan, Beach

3/21/2024 House Member(s) request name added as sponsor:
Erickson, Bradley

3/21/2024 Scrivener's error corrected

3/21/2024 House Read second time ([House Journal‑page 47](h:\hj\20240321.docx))

3/21/2024 House Roll call Yeas-99 Nays-0 ([House Journal‑page 48](h:\hj\20240321.docx))

3/21/2024 House Unanimous consent for third reading on next legislative day ([House Journal‑page 49](h:\hj\20240321.docx))

3/22/2024 House Read third time and sent to Senate ([House Journal‑page 5](h:\hj\20240322.docx))

3/26/2024 Senate Introduced and read first time ([Senate Journal‑page 10](h:\sj\20240326.docx))

3/26/2024 Senate Referred to Committee on **Operations and Management** ([Senate Journal‑page 10](h:\sj\20240326.docx))

5/2/2024 Senate Polled out of committee **Operations and Management** ([Senate Journal‑page 10](h:\sj\20240502.docx))

5/2/2024 Senate Committee report: Favorable **Operations and Management** ([Senate Journal‑page 10](h:\sj\20240502.docx))

5/8/2024 Senate Amended

5/8/2024 Senate Read second time

5/8/2024 Senate Roll call Ayes-44 Nays-0

5/9/2024 Senate Read third time and returned to House with amendments

5/9/2024 House Concurred in Senate amendment and enrolled

5/9/2024 House Roll call Yeas-99 Nays-0

View the latest  [legislative information](https://www.scstatehouse.gov/billsearch.php?billnumbers=5042&session=125&summary=B)  at the website

**VERSIONS OF THIS BILL**

[02/06/2024](https://www.scstatehouse.gov/sess125_2023-2024/prever/5042_20240206.docx)

[03/20/2024](https://www.scstatehouse.gov/sess125_2023-2024/prever/5042_20240320.docx)

[03/21/2024](https://www.scstatehouse.gov/sess125_2023-2024/prever/5042_20240321.docx)

[05/02/2024](https://www.scstatehouse.gov/sess125_2023-2024/prever/5042_20240502.docx)

[05/08/2024](https://www.scstatehouse.gov/sess125_2023-2024/prever/5042_20240508.docx)

Indicates Matter Stricken

Indicates New Matter

Amended

May 08, 2024

H. 5042

Introduced by Reps. B. L. Cox, J. L. Johnson, Murphy, Sessions, Cobb-Hunter, Kirby, Brewer, Garvin, Henegan, M. M. Smith, Jefferson, Rivers, McDaniel, Davis, Haddon, King, Gilliard, Stavrinakis, Bauer, West, Wetmore, T. Moore, Thigpen, Chapman, Schuessler, Pope, Guffey, Dillard, W. Jones, Pendarvis, G. M. Smith, Weeks, Wheeler, Williams, S. Jones, J. Moore, O'Neal, B. Newton, Neese, Lawson, Atkinson, Hayes, W. Newton, Bannister, Caskey, Hyde, J. E. Johnson, Hiott, Brittain, Hartnett, Mitchell, Yow, Gagnon, Carter, Guest, Gatch, Crawford, Ott, Rutherford, Leber, Hixon, Herbkersman, Anderson, Bailey, Elliott, Gilliam, Calhoon, Wooten, Forrest, Pedalino, Jordan, Bustos, Bamberg, Bernstein, Clyburn, Hosey, Henderson-Myers, Howard, Vaughan, Beach, Erickson and Bradley

S. Printed 05/08/24--S.

Read the first time March 26, 2024

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A bill

TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 10-1-185 SO AS TO ESTABLISH ON THE GROUNDS OF THE STATE HOUSE A ROBERT SMALLS MONUMENT, CREATE A COMMISSION TO DETERMINE THE DESIGN AND LOCATION OF THE MONUMENT, PROVIDE FOR THE MEMBERSHIP OF THE COMMISSION, AND SUNSET THE COMMISSION AT A DATE CERTAIN.

Amend Title To Conform

Whereas, the members of the General Assembly propose a monument of enduring historical significance to Robert Smalls, an escaped slave who became a Civil War hero and a legislator in the South Carolina General Assembly and served five terms in the United States House of Representatives; and

Whereas, Robert Smalls was born a slave on April 5, 1839, in Beaufort, South Carolina. He was the son of Lydia Polite but owned by John McKee; and

Whereas, during the Civil War, Mr. Smalls, illiterate and twenty-three years old, escaped by commandeering the Confederate ship, the Planter, on which he worked, delivering its black passengers from slavery to freedom through a gauntlet of gunboats and forts. Thereafter, he served the Union Army as a civilian boat pilot with distinction in numerous engagements, acted as a spokesperson for African Americans, and was made the first black captain of an Army vessel for his valor; and

Whereas, Mr. Smalls served in the South Carolina House of Representatives, the South Carolina Senate, and the United States House of Representatives, enduring violent elections to achieve internal improvements for coastal South Carolina and to fight for his black constituents in the face of growing disenfranchisement; and

Whereas, Mr. Smalls spoke openly in defense of his race and his party. Even with the rise of Jim Crow laws, Mr. Smalls stood firm as an unyielding advocate for the political rights of African Americans; and

Whereas, he was one of the first South Carolinians to advocate successfully for compulsory education; and

Whereas, Mr. Smalls played a critical role in bridging relations between the black and white communities during and after Reconstruction; and

Whereas, he was the founder of the Enterprise Railroad Company of Charleston; and

Whereas, Mr. Smalls also served as Brigadier General of the South Carolina Militia; opened a store for freedmen and a school for black children; published a newspaper, the Beaufort Southern Standard; and served as the U.S. Customs collector at the port of Beaufort; and

Whereas, he promoted the establishment of the US Naval Station at Port Royal and the purchase of Parris Island; and

Whereas, in 2007, the US Army named a ship after an African American for the first time, the support vessel Maj. Gen. Robert Smalls; and

Whereas, Mr. Smalls married Hannah Jones and, upon her death, remarried Annie Wigg. He had four children: Elizabeth, Sarah, Robert, Jr., and William Robert; and

Whereas, Mr. Smalls died in Beaufort on February 22, 1915, in the same house behind which he had been born and served as a slave, and later came to purchase; and

Whereas, a monument to honor Robert Smalls would represent the remarkable contributions, achievements, and accomplishments of this forgotten son of South Carolina and would serve as an overdue tribute to the many slaves who sacrificed alongside him. Now, therefore,

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

SECTION 1. Chapter 1, Title 10 of the S.C. Code is amended by adding:

Section 10-1-185. (A) Notwithstanding the provisions of Section 2‑1‑240, there is hereby established on the grounds of the State House a Robert Smalls Monument. The design and location of the monument shall be determined by the commission appointed pursuant to subsection (C). The monument must be erected as soon as is reasonably possible after the design plan has been approved by the General Assembly by concurrent resolution.

(B) The Robert Smalls Monument Commission is created to determine the design of the monument to Robert Smalls and its location on the State House grounds. The commission is empowered and directed to raise private funds and may receive gifts and grants to carry out its purpose. The commission has the power to create a tax‑exempt nonprofit corporation for the purpose of receiving and disbursing funds for the monument. The staff of the Department of Administration shall assist with the preparation and maintenance of financial records. The financial records are public records except that the names of anonymous donors must not be disclosed.

(C) The commission is composed of eleven members, including:

(1) the director of the Department of Administration or his designee, to serve as chairman of the commission;

(2) five members appointed by the Speaker of the House of Representatives; and

(3) five members appointed by the President of the Senate.

(D) The commission shall consult with the South Carolina Department of Archives and History to determine and confirm the historical accuracy of the monument’s engravings.

(E) By January 15, 2025, the commission must report the proposed design and location of the monument to the State House Committee for its approval.

(F) The commission is dissolved on January 15, 2028. The commission must be dissolved earlier if the monument is dedicated and the final report is made before the dissolution date. If the Robert Smalls Monument has not been dedicated by January 15, 2028, the powers, duties, and responsibilities of the commission must be transferred to the State House Committee.

SECTION 2. This act takes effect upon approval by the Governor.

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