**South Carolina General Assembly**

125th Session, 2023-2024

**S. 592**

**STATUS INFORMATION**

General Bill

Sponsors: Senators McElveen and Shealy

Companion/Similar bill(s): 3929

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Introduced in the Senate on March 2, 2023

Currently residing in the Senate Committee on **Fish, Game and Forestry**

Summary: Recreation Land Trust Fund

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 3/2/2023 Senate Introduced and read first time (Senate Journal‑page 9)

 3/2/2023 Senate Referred to Committee on **Fish, Game and Forestry** (Senate Journal‑page 9)

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**VERSIONS OF THIS BILL**

[03/02/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/592_20230302.docx)

A bill

TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 51‑11‑10, RELATING TO THE CREATION, PURPOSE, AND ADMINISTRATION OF THE RECREATION LAND TRUST FUND, SO AS TO PROVIDE FUNDING FOR THE RECREATION LAND TRUST FUND; BY AMENDING SECTION 51‑11‑20, RELATING TO RESTRICTIONS ON the USE OF the TRUST FUND, SO AS TO PROVIDE FOR THE EXPENDITURE OF FUNDS; BY REPEALING SECTION 51‑11‑30 RELATING TO THE TRANSFER OF THE TRICENTENNIAL FUND; BY REPEALING SECTION 51‑11‑50 RELATING TO APPROVAL OF EXPENDITURES; BY ADDING SECTION 51‑23‑15 SO AS TO PROVIDE FOR FUNDING OF THE PARKS AND THE RECREATION DEVELOPMENT FUND; BY AMENDING SECTION 51‑23‑20, RELATING TO THE ALLOCATION OF PROCEEDS OF THE PARKS AND RECREATION FUND, SO AS TO PROVIDE FOR AN ANNUAL ALLOCATION AMOUNT; AND by adding chapter 24, title 51, so as to CREATE THE STATE TRAILS TRUST FUND.

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

SECTION 1.A. Section 51‑11‑10 of the S.C. Code is amended to read:

 Section 51‑11‑10. There is hereby created the Recreation Land Trust Fund, hereafter referred to as the trust fund, which shall be kept separate from any other funds of the State. The trust fund shall be under the control of and administered by the Director of the Department of Parks, Recreation and Tourism for the purposes of acquiring recreational lands, the development of utilities and roads on lands owned or controlled by the department, and for such related professional and technical services, legal fees, court costs or such other costs as may be involved in the acquisition and development of such lands. Beginning in Fiscal Year 2023‑2024 and each fiscal year thereafter, an amount equal to eleven percent of the general fund portion of admissions tax collected by the State of South Carolina for the previous fiscal year must be funded annually by September first to the Recreation Land Trust Fund. The State Treasurer shall be the custodian of the fund, and all moneys and securities in the fund shall be held in trust by the State Treasurer.

B. Section 51‑11‑20 of the S.C. Code is amended to read:

 Section 51‑11‑20. No funds provided for in this chapter shall be expended to acquire property by eminent domain nor shall such funds be expended for any property without the approval of the State Fiscal Accountability Authority or Department of Administration, as applicable. The moneys in the trust fund shall be carried forward each year and used only for the purposes provided for in this chapter.

SECTION 2. Section 51‑11‑30 of the S.C. Code is repealed.

SECTION 3. Section 51‑11‑50 of the S.C. Code is repealed.

SECTION 4. Chapter 23, Title 51 of the S.C. Code is amended by adding:

 Section 51‑23‑15. Beginning in Fiscal Year 2023‑2024 and each fiscal year thereafter, an amount equal to thirty percent of the general fund portion of admissions tax collected by the State of South Carolina for the previous fiscal year must be funded annually by September first to the Parks and Recreation Development Fund.

SECTION 5. Section 51‑23‑20(1) of the S.C. Code is amended to read:

 (1) Twenty Fifty thousand dollars must be credited to the account of each county area.

SECTION 6. Title 51 of the S.C. Code is amended by adding:

 CHAPTER 24

 State Trails Trust Fund

 Section 51‑24‑10. There is hereby created the State Trails Trust Fund, hereinafter referred to as the trails fund, which shall be kept separate from any other funds of the State. The trails fund shall be under the control of and administered by the Director of the Department of Parks, Recreation, and Tourism for the purposes of acquiring property or developing trails, and for such related professional and technical services, legal fees, court costs or such other costs as may be involved in the acquisition and development of such lands. The State Treasurer shall be the custodian of the fund, and all moneys and securities in the fund shall be held in trust by the State Treasurer.

 Section 51‑24‑20. Beginning in Fiscal Year 2023‑24 and each fiscal year thereafter, an amount equal to eight percent of the general fund portion of admissions tax collected by the State of South Carolina for the previous fiscal year must be funded annually by September first to the trails fund.

 Section 51‑24‑30. The Director of the Department of Parks, Recreation and Tourism may make grants to local governments or non‑profit organizations recognized by the South Carolina Secretary of State from the State Trails Trust Fund for the acquisition or development of recreational trails in accordance with guidelines to be promulgated by the Department.

 Section 51‑24‑40. No funds provided for in this chapter shall be expended to acquire property by eminent domain. The moneys in the trails fund shall be carried forward each year and used only for the purposes provided for in this chapter.

 Section 51‑24‑50. The Department of Parks, Recreation and Tourism shall report by letter to the General Assembly not later than January fifteenth of each year all funds expended pursuant to this chapter for the previous year, including the amount of such funds expended and the uses to which such expenditures were applied.

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

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