

Charleston County Aviation Authority

2634

56 STATUTES AT LARGE
GENERAL AND PERMANENT LAWS—1970

[No. 1235

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 14th day of May, 1970.

(R1463, H2869)

No. 1235

An Act To Create The Charleston County Airport District; To Define Its Area; To Establish A Governing Authority Therefor; To Prescribe The Functions And Powers Of The District And Its Authority; To Make Provisions For Borrowing By The District, Including The Issuance Of General Obligation Bonds Of The District; To Prescribe The Terms And Conditions Under Which Such Money May Be Borrowed By The District And To Make Provision For Its Payment; To Provide For The Application For And Use Of Funds Which May Be Allocated To The District By The Federal, State, Or Other Governments; To Provide For The Continuing Operation Of The Facilities Of The District; And To Provide For The Investment Of Funds Of The District.

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

SECTION 1. Findings.—The General Assembly finds that the public interest requires the establishment, within the District hereby created, of modern air transport facilities capable of providing service for all modern air transport. It has, therefore, determined to constitute all of the territory embraced by the County of Charleston into an Airport District, to commit to such District the function of acquiring, constructing, operating and maintaining adequate air transport facilities of suitable size and with suitable equipment to enable all types of air transport to utilize same; to authorize the Airport District to finance all costs that may be incurred by it in the acquisition, construction and equipment of such facilities through the issuance as defined herein of general obligation bonds of the Airport District.

SECTION 2. Airport District constituted.—The territory embraced by the County of Charleston is hereby constituted an Airport District and a political subdivision of this State, the functions of which shall be public and governmental, and the inhabitants of the territory are hereby constituted a body politic and corporate. The

corporate name of the Airport District shall be Charleston County Airport District, and by that name the Airport District may sue and be sued.

SECTION 3. Powers and duties.—The corporate powers and duties of the Charleston County Airport District shall be exercised and performed by an authority to be known as Charleston County Aviation Authority. The authority shall be composed of seven members, two of whom shall be appointed by the Governor upon the recommendation of a majority of the Charleston County House Delegation, two of whom shall be appointed by the Governor upon the recommendation of a majority of the Senators from Charleston County, and one of whom shall be appointed by the Governor upon the recommendation of the City Council of Charleston and the County Council of Charleston. The remaining two members shall be the Mayor of the City of Charleston and the Chairman of the Charleston County Council who shall be ex officio members of the authority. In making the foregoing ex officio designations, the General Assembly finds that the successful operation of the airport system has a distinct relation to the welfare of the City of Charleston and the County of Charleston. It has, therefore, determined that those responsible for the operation of such municipal governments should likewise participate in the operation of the authority. The members appointed by the Governor shall serve for terms of four years and until their successors are appointed and qualify, such terms to commence on the first day of the month following the approval of this act by the Governor. Vacancies shall be filled in the same manner as the original appointments for the unexpired portion of the term only. The members of the authority shall be allowed the usual per diem, mileage and subsistence as provided by law for members of boards, commissions and committees and their actual and necessary expenses while in performance of duties prescribed under this act.

SECTION 4. Officers.—The authority shall elect one of its members as chairman, one of its members as vice-chairman, and one of its members, or any other competent person, as secretary of the authority. The officers shall hold office at the pleasure of the authority. In the event that the office of chairman shall become vacant, the duties of the chairman shall be temporarily performed by the vice-chairman. Offices on the authority, shall be deemed an office of honor within the meaning of the provision of Section 2 of Article 2 of the Constitution

of South Carolina. The secretary of the authority shall have such term as shall be fixed by the authority.

SECTION 5. Powers and duties further.—There is hereby committed to the authority the functions of acquiring, planning, establishing, developing, constructing, enlarging, improving, maintaining, equipping, operating, regulating, protecting and policing airports and suitable air navigation facilities to serve the people of the Charleston County Airport District and the public generally. ~~To this end the authority shall be empowered:~~

1. To have and enjoy perpetual succession.
2. To adopt, use and alter a corporate seal.
3. To make bylaws for the management and regulation of its affairs, and to define a quorum for its meetings, which shall require the presence of at least four members. Adequate notification of all meetings and the time and place shall be given to each member.
4. To acquire, establish, develop, construct, enlarge, improve, maintain (which term shall include the power to establish a reasonable reserve for maintenance), equip, operate, regulate, protect and police its airport and air navigation facilities under such reasonable rules and regulations as the authority may from time to time promulgate.
5. To maintain, construct, and extend runways, terminals, maintenance shops, access roads, utilities systems, concessions, accommodations, and other facilities of whatever nature or kind for the comfort and accommodations of air travelers and air freight; to purchase and sell supplies, goods and commodities as an incident to the operation of its airport facilities; and for all such purposes, the authority may, by purchase, gift, devise, lease, eminent domain proceedings, or otherwise, acquire, hold, develop, use, lease, mortgage, sell, transfer, and dispose of any property, real, or personal, or any interest therein, including easements in or over land needed to prevent airport hazards, or land outside the boundaries of its airport or airport site, necessary to permit the removal, elimination obstruction-marking or obstruction-lighting, of airport hazards, or to prevent the establishment of airport hazards.
6. To license, lease, rent, sell or otherwise provide for the use of any of its airport facilities, and facilities auxiliary thereto, including the privilege of supplying goods, commodities, things, services or facilities at such airport by itself or by any persons or corporations qualified therefor, on such terms and conditions as its

GENERAL AND PERMANENT LAWS—1970

discretion may dictate, including the granting of exclusive franchises; *provided*, that in no case shall the public be deprived of its rightful, equal, and uniform use of its airport and air navigation facility.

7. For the purpose of promoting the safety of the airport and for the general welfare of air transportation, the authority is empowered by regulation to restrict the height of any building, structure or obstruction including but not limited to towers, dwellings, trees, or any other object which might constitute a hazard to air transportation at its facilities within the area herein described. The authority may by regulation restrict the construction or erection of any building, structure or obstruction on lands located on the projection of any runways of its airport facilities at a height above a glide angle for aircraft of fifty feet to one foot measured outward from the boundaries of the end of any runway at the airport, for a distance of up to ten thousand feet along a prolongation of the center line of the runways and extending laterally from the projection of the center lines of the runways from a distance of one thousand feet each way at the airport boundary, increasing to a lateral distance of four thousand feet each way from the center of any runway at a distance of ten thousand feet from the boundary of the airport.

It may also by regulation restrict the erection of any building or other type construction of any nature whatsoever on lands adjacent to its air transport facilities at any point adjacent to them, not covered by the preceding paragraphs, at a height above a glide angle for aircraft of fifteen feet to one foot, measured outward from the boundaries of any such air facilities for a distance of twenty-five hundred feet.

The authority shall, if it shall undertake to adopt regulations prohibiting such construction, conduct a public hearing prior to taking action of their own. Notice of the hearing shall be published in a newspaper of general circulation within the district not less than seven days prior to the date fixed for the holding of the meeting. The notice shall state the time and place of the meeting and shall briefly indicate the scope of the proposed regulation. At the meeting all persons affected by the proposed regulation shall be entitled to appear and to be heard. If, after the meeting, the regulation restricting the erection of any such buildings or structures is adopted, notice of the adoption of the regulation shall be given by filing a certified copy thereof in the office of the clerk of court for

the county, and additional copies shall be posted in the county courthouse; and notice of the adoption of such regulations shall be published at least once during each of three successive weeks in a newspaper published in and having general circulation in the district. The regulations shall not become effective until the foregoing has been complied with.

The authority is expressly authorized to apply to any court of general jurisdiction within the district for the enforcement of such regulations through the means of mandatory injunctions and other remedial proceedings and such courts are specifically empowered to render mandatory injunctions and such other remedial orders as shall appear to such courts to be just and reasonable.

8. To place in effect, and, from time to time, revise such schedules of licenses, rates, and charges for the use of its facilities as may be necessary or desirable to the orderly operation of its airport facility; provided that all such licenses, rates, and charges shall be reasonable and nondiscriminatory; *provided*, further, that the provisions of this section shall not be construed to be in conflict with the provisions of item 6, which authorize the leasing of land and buildings auxiliary to its airport facility.

9. To exercise the power of eminent domain for any corporate function. The power of eminent domain may be exercised through any procedure prescribed by Section 25-161 through Section 25-170, Code of Laws of South Carolina, 1962. All powers conferred on municipalities under such provisions are conferred hereby on the Charleston County Aviation Authority.

10. To appoint officers, agents, employees and servants, and to prescribe the duties of such, including the right to appoint persons charged with the duty of enforcing the rules and regulations promulgated pursuant to the provisions of this act, to fix their compensation, and to determine if, and to what extent they shall be bonded for the faithful performance of their duties.

11. To employ engineers, architects and attorneys, and to contract for such other services of a technical or professional nature as may be necessary or desirable to the performance of the duties of the authority.

12. To make contracts for the construction, erection, maintenance and repair of the facilities in its charge, by competitive bidding, after ten days published notice, if such contracts are in

excess of ten thousand dollars. If the contracts are less than ten thousand dollars, they may be made without competitive bids.

13. To deposit monies derived from the sale of any bonds authorized by the General Assembly and issued under the provisions of this act or from revenue-producing facilities in any bank or trust company having an office within the district, and to withdraw the monies for the purpose of operating, maintaining, constructing, improving and extending any facility in its charge.

14. To apply for, accept, receive, receipt for, disburse, and expend Federal, State, County, or Municipal monies and other monies, public or private, made available by grant or loan, or both, to accomplish, in whole or in part, any of the purposes of this act, and to this end, to continue to prosecute any application heretofore filed with the Federal Aviation Agency, or any other Federal agency, by the previous owner of any air facilities acquired by the authority. All federal monies accepted under this section shall be accepted and expended by the authority upon such terms and conditions as are prescribed by the United States, and as are consistent with State law; and all other monies accepted under this section shall be accepted and expended by the authority upon such terms and conditions as are prescribed by the State or other sources thereof.

15. To accept donations of all sorts.

16. To issue under the conditions prescribed in item 18 of this section general obligation bonds of the District.

17. In addition to the powers given by item 16 of this section, to borrow on behalf of the District money and to make and issue negotiable bonds, notes and other evidences of indebtedness payable solely from the revenue derived from the operation of any revenue-producing facility, or facilities, in its charge. The sums borrowed may be those needed to pay costs incident to the acquisition, operation and maintenance of its airport facility, or such sums as may be needed to pay the costs of any extension, addition, or improvement to its airport facility, or both. If the method of financing authorized by this item is used, neither the faith and credit of the State of South Carolina, the city or county of Charleston, nor of the District itself shall be pledged to the payment of the principal and interest of the obligations, and there shall be on the face of such obligation a statement, plainly worded, to that effect. Neither the members of the authority nor any person signing the obligations shall be personally liable thereon. In order that a convenient procedure for borrowing

money pursuant to this item may be prescribed, the District shall be fully empowered to avail itself of all powers granted by Chapters 4, 5 and 6, Title 59, Code of Laws of South Carolina, 1962, as now and hereafter amended. In exercising the powers conferred upon the District by such code provisions, the District may make all pledges and covenants authorized by any provision thereof, and may confer upon the holders of its securities all rights and liens authorized by such code provisions. Specifically and notwithstanding contrary provisions in any such code provisions, the District may:

(a) Provide that such bonds, notes, or other evidences of indebtedness be payable, both as to principal and interest, from the net revenues derived from the operation of any revenue-producing facility or facilities, as such net revenues may be defined by the authority.

(b) Covenant and agree that upon its being adjudged in default as to the payment of any installment of principal and interest upon any obligation issued by it or in default as to the performance of any covenant or undertaking made by it, that in such event the principal of all obligations of such issue may be declared forthwith due and payable, notwithstanding that any of them may not have then matured.

(c) Confer upon a corporate trustee the power to make disposition of the proceeds from all borrowings, and also all revenues derived from the operation of the revenue-producing facility whose revenues are pledged for the payment of such obligations, in accordance with and in the order of priority prescribed by resolution adopted by the authority as an incident to the issuance of any notes, bonds, or other evidences of indebtedness.

(d) Dispose of its obligations at public or private sale and upon such terms and conditions as it shall approve.

(e) Make such provision for the redemption of any obligations issued by it prior to their stated maturity, with or without a premium, and on such terms and conditions as the authority shall approve.

(f) Covenant and agree that any cushion fund established to further secure the payment of principal, and interest of any obligation shall be a fixed amount.

(g) Covenant and agree that it will not enter into any agreements with any person, firm, corporation, or with the government of this State, the United States, or any of the political subdivisions

of the same for the furnishing of free services where such services are ordinarily charged for.

(h) Prescribe the procedure, if any, by which the terms of the contract with the holders of its obligations may be amended, the number of obligations whose holders must consent thereto, and the manner in which such consent shall be given.

(i) Prescribe the evidences of default and conditions upon which all or any obligation shall become or may be declared due before maturity and the terms and conditions upon which such declaration and its consequences may be waived.

(18) The authority, on behalf of the District, shall be empowered to issue upon authorization of the General Assembly general obligation bonds of the District, whose proceeds shall be used to defray the cost of acquiring, constructing and establishing suitable airport facilities within the District. For the purpose of this section, the terms "acquire, construct and establish" shall embrace the cost of direct construction, the cost of acquiring present airport facilities, the cost of all land, property, rights, easements, and franchises acquired which are deemed necessary for the construction and use of runways, terminal buildings, maintenance shops, freight depots, service establishments, and any and all facilities incident, or in anywise appurtenant to an airport facility, and all machinery and equipment needed therefor, payments to contractors, laborers, or others for work done or material furnished, financing charges, interest incurred in connection therewith, interest on the bonds herewith authorized, cost of engineering services, architectural services, legal and engineering expenses, plans, specifications, surveys, projections, drawings, brochures, administrative expenses, and such other expenses as may be necessary or incident to the acquisition, construction and operation of an airport facility within the district, hereafter incurred, for the purposes for which the District is created. All or any general obligation bonds issued pursuant to this paragraph shall conform to the following specifications and be subject to the following procedures:

(a) They shall be issued as a single issue, or from time to time as several separate issues. They shall bear such date or dates as the authority shall determine, and bonds of any issue shall mature in such equal or unequal installments as may be determined by the authority. They shall be made payable at such place or places as the authority shall prescribe, and they shall bear interest at such

rate or rates, and shall be payable in such manner as the authority may determine. The bonds may be issued with the privilege of having them registered as to principal on the books of the authority and the principal thus made payable to the registered holder (unless the last registered transfer shall have been to bearer), upon such conditions as the authority may prescribe. Any bond issued pursuant to this paragraph may be made subject to redemption prior to its stated maturity, on such terms and conditions and with such redemption premium as the authority shall prescribe.

(b) They shall be sold at not less than par and accrued interest to the date of their respective deliveries at public sale. At least ten days prior to any sale, notice announcing the intention to receive bids for sale of such bonds shall be published in a newspaper of general circulation in the State of South Carolina. In offering the bonds for sale, the authority shall reserve the right to reject any and all bids, and if all bids shall be rejected, the authority may negotiate privately for the disposition of such bonds.

(c) Such bonds and all interest to become due thereon shall have the tax exempt status prescribed by Section 65-4.1 of the 1962 Code.

(d) All general obligation bonds issued by the District shall be manually signed by the chairman of the authority. The seal of the District shall be affixed to, impressed or reproduced upon each of such bonds, and each of such bonds shall be attested by the secretary of the authority. The coupons attached to such bonds shall be authenticated by a facsimile of the signatures of the chairman and the secretary of the authority, who shall be in office on the date of the adoption of the resolution of the authority authorizing the bonds.

(e) The delivery of any bonds so executed and authenticated shall be valid notwithstanding any changes in officers or seal occurring after such execution and authentication.

(f) There shall be irrevocably pledged for the payment of such bonds and interest as they mature the full faith, credit and resources of the District. Until the principal and interest of all bonds issued under this act shall be fully paid, there shall be levied on all taxable property in the District an annual tax ad valorem sufficient to pay the principal and interest of all general obligation bonds issued by the District as levied by the Auditor of Charleston County and collected by the Treasurer of Charleston County at the same time and in the same manner as other county

taxes are collected. The Treasurer of Charleston County shall set such taxes apart in a special fund and apply them solely to the payment of principal and interest of the bonds so long as any such principal or interest remains outstanding. The tax to be levied under the provisions of this paragraph shall not be substantially greater than the amount necessary to pay principal and interest of bonds maturing during the year in which moneys produced by such levy will come into the hands of the Charleston County Treasurer, as reduced by the anticipated balance of funds actually in the hands of the Charleston County Treasurer, on the occasion when it becomes necessary to fix such tax levy, produce by: (a) additional collections from such levies made in prior years; (b) net revenues derived by the authority from the operation of its facilities not required to meet costs of operating, maintaining, enlarging and improving its facilities, or to discharge covenants securing bonds issued pursuant to item 17 of this section. When all principal and interest of outstanding bonds have been paid, the Charleston County Treasurer shall transfer any balance remaining in the special fund created under the terms of this paragraph to the general fund of the authority subject to its draft or money order for any legitimate purpose incident to the operation, maintenance or extension of the District's airport facilities.

(g) The proceeds derived from the sale of such bonds shall be deposited with the Treasurer of Charleston County in a separate and special fund, and shall be subject to transfer, upon warrants or orders of the authority, to any bank or trust company having an office within the District, to be expended by the authority for the purposes specified herein, and no others; *provided*, however, that any premium received shall be deposited with the Treasurer of Charleston County and applied by him to the first installment of principal becoming due on the bonds, and any accrued interest received shall be applied by the Charleston County Treasurer to the first installment of interest becoming due on the bonds and *provided*, further, pending such withdrawals, the Treasurer of Charleston County shall, upon the request of the authority, be empowered to invest and re-invest the proceeds derived from the sale of the bonds in direct general obligations of the United States of America having a maturity of not more than one year from the date as of which such investment shall be made. Income derived from such investments shall be applied to the payment of any interest to accrue on the general obli-

gation bonds of the District. Neither the purchaser of the bonds nor any subsequent holders thereof shall be responsible for the proper application of the proceeds of sales.

19. To purchase existing airport terminal and auxiliary facilities in Charleston County, with or without the acquisition of landing areas, if there is in existence contracts or agreements which will inure to the benefit of the District providing for the use of such landing areas.

20. Do all other acts and things necessary or convenient to carry out any function or power committed or granted to the District.

SECTION 6. Tax levy.—In order to obtain funds for general operating purposes, including the preparation of plans, estimates and surveys, the authority is authorized to impose an annual tax levy commencing in 1970 not to exceed one-half mill, exclusive of any millage imposed for bond debt service. Upon certification by the authority to the county auditor of the tax levy to be imposed, the auditor shall levy and the county treasurer shall collect the millage so certified upon all taxable property in the District.

SECTION 7. Disposition of revenues.—All revenues derived by the authority from the operation of any revenue-producing facility which may not be required to operate, maintain, enlarge and improve its airport facilities or to pay obligations incurred in the issuance of any revenue bonds sold pursuant to the authorizations of paragraph 17 of Section 5 shall be paid over to the Charleston County Treasurer and held by him for the payment of interest and principal of general obligation bonds of the District.

SECTION 8. Rates not subject to regulation.—The rates charged for services furnished by any revenue-producing facility of the District as constructed, improved, enlarged or extended shall not be subject to supervision or regulation of any State bureau, commission, board, or other like instrumentality or agency thereof.

SECTION 9. Exempt from taxes.—Property and income of the District shall be exempt from all taxes levied by the State, County or any municipality, division, subdivision, or agency thereof direct or indirect.

SECTION 10. Obligations not to be impaired.—So long as the District shall be indebted to any person, firm or corporation on any

bonds, notes or other obligations issued pursuant to the authority of this act, provisions of this act and the powers granted to the District and the authority shall not be in any way diminished, and the provisions of this act shall be deemed a part of the contract between the District and the holders of such obligations.

SECTION 11. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 22nd day of May, 1970.

(R1464, H2978)

No. 1236

An Act To Require The Clerk Of Court Of Laurens County To Index Property Transfers Resulting From Tax Sales In The Name Of The Former Owner.

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

SECTION 1. Tax sales—indexing.—In Laurens County, in addition to all other indexing required by law, the clerk of court shall index tax sales in the direct index for deeds in the name of the owner of the property at the time of the tax sale, and shall further list the name of such former owner in the indirect index, in parenthesis, along with the name of the actual grantor.

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 22nd day of May, 1970.

(R1465, H2983)

No. 1237

An Act To Amend Act 881 Of 1962, As Amended, Relating To Mobile Homes And House Trailers Used As Dwellings, So As To Add A Special Provision Relative To Utility Company Or Rural Electric Co-operative Connections In Charleston County.

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

SECTION 1. Electrical connections to be reported.—Section 5A of Act 881 of 1962 is amended by adding at the end:

- (1) Contact prospective employers; or
- (2) Secure a suitable residence for use when released on parole or upon discharge; or
- (3) Obtain medical services not otherwise available; or
- (4) Participate in a training program in the community or any other compelling reason consistent with the public interest; or
- (5) Visit or attend the funeral of a spouse, child (including stepchild, adopted child or child as to whom the prisoner, though not a natural parent, has acted in the place of a parent), parent (including a person though not a natural parent, has acted in the place of a parent), brother or sister.

The willful failure of a prisoner to remain within the extended limits of his confinement or to return within the time prescribed to the place of confinement designated by the county engineer shall be deemed an escape from the custody of the county engineer punishable as provided in Section 55-6 of the 1962 Code.

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 2nd day of June, 1971.

(R. 34, H. 1921)

No. 329

An Act To Amend Act No. 1235 Of 1970, Relating To The Charleston County Airport District, So As To Provide For Certain Technical Changes.

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

SECTION 1. Findings.—Section 1 of Act No. 1235 of 1970 is amended by inserting after "obligation" on the last line "or revenue". The section when amended shall read as follows:

"Section 1. The General Assembly finds that the public interest requires the establishment, within the District hereby created, of modern air transport facilities capable of providing service for all modern air transport. It has, therefore, determined to constitute all of the territory embraced by the County of Charleston into an Airport District, to commit to such District the function of acquiring, constructing, operating and maintaining adequate air transport facilities of suitable size and with suitable equipment to enable all types of

air transport to utilize same; to authorize the Airport District to finance all costs that may be incurred by it in the acquisition, construction and equipment of such facilities through the issuance as defined herein of general obligation or revenue bonds of the Airport District."

SECTION 2. Officers.—Section 4 of Act No. 1235 of 1970 is amended by inserting after "secretary" on line three "or treasurer or secretary and treasurer" and by striking the fourth sentence in its entirety and inserting: "Membership on the authority shall not be deemed an office of honor or profit within the meaning of the provisions of Section 2 of Article II of the Constitution of South Carolina and any ex officio member shall be eligible for the position of chairman or any other office of the authority." The section when amended shall read as follows:

"Section 4. The authority shall elect one of its members as chairman, one of its members as vice-chairman, and one of its members, or any other competent person, as secretary or treasurer or secretary and treasurer of the authority. The officers shall hold office at the pleasure of the authority. In the event that the office of chairman shall become vacant, the duties of the chairman shall be temporarily performed by the vice-chairman. Membership on the authority shall not be deemed an office of honor or profit within the meaning of the provisions of Section 2 of Article II of the Constitution of South Carolina and any ex officio member shall be eligible for the position of chairman or any other office of the authority. The secretary of the authority shall have such term as shall be fixed by the authority."

SECTION 3. May adopt seal.—Item 2 of Section 5 of Act No. 1235 of 1970 is amended by striking the period at the end thereof and adding: "for the District and the authority." The item when amended shall read as follows:

"2. To adopt, use and alter a corporate seal for the District and the authority."

SECTION 4. Notice of hearings.—The third paragraph of Item 7 of Section 5 of Act No. 1235 of 1970 is amended by striking "their" on line 3 and inserting "its". The paragraph when amended shall read as follows:

"The authority shall, if it shall undertake to adopt regulations prohibiting such construction, conduct a public hearing prior to taking action of its own. Notice of the hearing shall be published in

a newspaper of general circulation within the district not less than seven days prior to the date fixed for the holding of the meeting. The notice shall state the time and place of the meeting and shall briefly indicate the scope of the proposed regulation. At the meeting all persons affected by the proposed regulation shall be entitled to appear and to be heard. If, after the meeting, the regulation restricting the erection of any such buildings or structures is adopted, notice of the adoption of the regulation shall be given by filing a certified copy thereof in the office of the clerk of court for the county, and additional copies shall be posted in the county courthouse; and notice of the adoption of such regulations shall be published at least once during each of three successive weeks in a newspaper published in and having general circulation in the district. The regulations shall not become effective until the foregoing has been complied with."

SECTION 5. Deposits and withdrawals.—Item 13 of Section 5 of Act No. 1235 of 1970 is amended by inserting after "bank" on line three ", savings and loan association". The item when amended shall read as follows:

"13. To deposit monies derived from the sale of any bonds authorized by the General Assembly and issued under the provisions of this act or from revenue-producing facilities in any bank, savings and loan association or trust company having an office within the district, and to withdraw the monies for the purpose of operating, maintaining, constructing, improving and extending any facility in its charge."

SECTION 6. Investments.—Section 5 of Act No. 1235 of 1970 is amended by adding a new item to be Item 13A which shall read as follows:

"13A. To invest funds which it is holding, and which are not needed to meet current obligations, and which otherwise would be on deposit, in direct general obligations of the United States of America, having maturity of not more than one year from the date such investment shall be made."

SECTION 7. Execution of bonds.—Subitem (d) of Item 18 of Section 5 of Act No. 1235 of 1970 is amended by inserting "-Authority" after "District" on line three. The subitem when amended shall read as follows:

"(d) All general obligation bonds issued by the District shall be manually signed by the chairman of the authority. The seal of the

District-Authority shall be affixed to, impressed or reproduced upon each of such bonds, and each of such bonds shall be attested by the secretary of the authority. The coupons attached to such bonds shall be authenticated by a facsimile of the signatures of the chairman and the secretary of the authority, who shall be in office on the date of the adoption of the resolution of the authority authorizing the bonds."

SECTION 8. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 2nd day of June, 1971.

(S.S. 81733)

No. 330

An Act To Further Provide For Game Management Areas And Partial Financing By The Users Thereof.

Whereas, many individuals and corporations, at no charge, have made their lands available to the South Carolina Wildlife Resources Department for game management areas upon which public hunting has been enjoyed by the sportsmen of South Carolina who have been charged no fee therefor; and

Whereas, because of a growing demand for hunting areas these lands formerly being provided as aforesaid are being rented to individuals and hunting clubs and less lands are available for public hunting; and

Whereas, the members of the General Assembly feel that the State, acting through the South Carolina Wildlife Resources Department, should provide public hunting for its citizens within its financial means, upon such game management areas as are available to it, and upon such areas should carry out proper management procedures such as planting, stocking, improving habitat, etc., all of which are expensive and beyond the present financial means of the Department and, further, that persons over the age of fourteen who use the areas should render financial assistance in support thereto. Now, therefore,

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

SECTION 1. Permits.—The South Carolina Wildlife Resources Department shall issue its Rule and Regulation requiring each person above the age of fourteen years who hunts upon its game manage-

No. 1164]

OF SOUTH CAROLINA
GENERAL AND PERMANENT LAWS—1974

2677

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 9th day of July, 1974.

(R1137, 5978)

No. 1164

An Act To Amend Act No. 1235 Of 1970, Relating To The Charleston County Airport District, So As To Change The Procedure For Condemning Property.

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

SECTION 1. Eminent domain.—Item 9 of Section 5 of Act No. 1235 of 1970 is amended by striking "Section 25-161 through Section 25-170" and inserting "Sections 25-101 through 25-140" and by striking "municipalities" on next to the last line and inserting "any State body". The item when amended shall read as follows:

"9. To exercise the power of eminent domain for any corporate function. The power of eminent domain may be exercised through any procedure prescribed by Sections 25-101 through 25-140, Code of Laws of South Carolina, 1962. All powers conferred on any State body under such provisions are conferred hereby on the Charleston County Aviation Authority."

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 9th day of July, 1974.

(R1138, 5984)

No. 1165

An Act To Create A Committee To Study Medical Care Delivery.

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

SECTION 1. Committee created.—There is hereby created a committee of twelve members, four of whom shall be members of the Senate to be appointed by the President of the Senate; four of whom shall be members of the House of Representatives to be appointed by the Speaker; and four members to be appointed by the Governor.

No. 1211]

OF SOUTH CAROLINA
GENERAL AND PERMANENT LAWS—1974

2821

after, in biennial elections, councilmen shall be elected for terms of four years each. At the next election for Mayor of the Town of Loris after July 1, 1974, and in all such elections thereafter, the mayor shall be elected for a term of four years and until his successor is elected and qualifies."

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 18th day of July, 1974.

(B1431, H3319)

No. 1211

An Act To Amend Act 1235 Of 1970, As Amended, Relating To The Charleston County Airport District, So As To Change The Tax Levy For General Operating Purposes And Establish The Date For Such Increase.

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

SECTION 1. Annual tax levy.—Section 6 of Act 1235 of 1970, as last amended by Act 1602 of 1972, is further amended by striking out on line four "1972" and inserting "1974" and by striking out "one mill" and inserting "four mills." The section when amended shall read:

"Section 6. In order to obtain funds for general operating purposes, including the preparation of plans, estimates and surveys, the authority is authorized to impose an annual tax levy commencing in 1974 not to exceed four mills, exclusive of any millage imposed for bond debt service. Upon certification by the authority to the county auditor of the tax levy to be imposed, the auditor shall levy and the county treasurer shall collect the millage so certified upon all taxable property in the District."

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 18th day of July, 1974.

tenths (258.5) feet to a point; thence northwest along the property of the said W. C. Cumbee and David H. Smith, a distance of three hundred seventy-nine (379) feet to the southwestern corner of a lot owned by David H. Smith; thence northeast along the property of David H. Smith, a distance of approximately three hundred and twenty-five (325) feet to a point on the northeastern side of said U. S. Highway No. 78 (also known as Fifth North Street); thence west along the northeast side of said U. S. Highway No. 78 (also known as Fifth North Street) to the point of beginning.

The proper proportion of the existing Charleston County indebtedness of the area so transferred shall be assumed by Dorchester County.

Transfer of Records

SECTION 2. Upon application, the clerk of court, register of mesne conveyances, sheriff and probate judge of Charleston County shall furnish certified copies of any judgment roll, entry on abstract of judgment book, will, record, execution, decree, deed, mortgage or other papers signed or recorded in the office of such officers, upon payment of proper fees and when such certified copy is filed or recorded in the proper office of Dorchester County, the same shall have the same force and effect in Dorchester County that it had in Charleston County and any record not so transferred shall continue in force and effect and each shall have the same force and effect in Dorchester County as if it had been transferred and made a record in the proper office in Dorchester County.

Time effective

SECTION 3. This act shall take effect upon approval by the Governor.

Approved the 13th day of May, 1977.

(R317, H2090)

No. 298

An Act To Remove A Portion Of Edisto Beach Recently Annexed To Colleton County And Areas Annexed To Dorchester County From The Charleston County Airport District.

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

Area removed from Charleston County Airport District

SECTION 1. The portion of Edisto Beach transferred to Colleton County by Act 81 of 1975 is removed from the Charleston County Airport District.

Further

SECTION 2. (1) The portion of Dorchester County transferred to Dorchester County from Charleston County pursuant to the provisions of an act of 1977 bearing ratification number 143 is hereby removed from the Charleston County Airport District.

(2) The portion of Dorchester County transferred to Dorchester County from Charleston County pursuant to the provisions of an act of 1977 bearing ratification number 150 is hereby removed from the Charleston County Airport District.

(3) The portion of Dorchester County transferred to Dorchester County from Charleston County pursuant to the provisions of an act of 1977 bearing ratification number 151 is hereby removed from the Charleston County Airport District.

Time effective

SECTION 3. This act shall take effect upon approval by the Governor.

Became law without the signature of the Governor.

(R193, H2999)

No. 299

An Act To Amend Act 1235 Of 1970, As Amended, Relating To The Charleston County Airport District, So As To Change The Tax Levy For General Operating Purposes; To Establish The Date For Such Change; And To Authorize Unexpended Surpluses To Be Carried Over From One Fiscal Year To The Next.

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

Annual tax levy for airport district

SECTION 1. Section 6 of Act 1235 of 1970, as last amended by Act 641 of 1976, is further amended to read:

"Section 6. In order to obtain funds for general operating purposes, including the preparation of plans, estimates and surveys, the authority is authorized to impose an annual tax levy commencing

in 1977 of sufficient millage to the nearest one-half mill, exclusive of any millage imposed for bond debt service, to produce three hundred eighty thousand dollars. Upon certification by the authority to the county auditor of the tax levy to be imposed, the auditor shall levy and the county treasurer shall collect the millage so certified upon all taxable property in the district. The authority shall be authorized to carry over any unexpended surplus from one fiscal year to the next."

Time effective

SECTION 2. This act shall take effect upon approval by the Governor.

Became law without the signature of the Governor.

(R194, H3000)

No. 300

An Act To Amend Act 603 Of 1973, As Amended, Relating To Charleston County's Share Of Certain Expenses Of The Berkeley-Charleston-Dorchester Technical Education Center, So As To Provide For Charleston County's Share Of The Operating Expenses For 1977-78.

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

Tax levy for technical education center

SECTION 1. Section 1 of Act 603 of 1973, as last amended by Act 796 of 1976, is further amended to read:

"Section 1. The auditor of Charleston County shall levy for the Berkeley-Charleston-Dorchester Technical Education Center such millage to the nearest one-half mill necessary for the treasurer to collect during the fiscal year beginning July 1, 1977, and ending June 30, 1978, at least a total of four hundred thirty thousand dollars for Charleston County's share of the operating expenses for the center. The Area Commission for the Berkeley-Charleston-Dorchester Technical Education Center shall have sole authority to expend these funds collected."

Time effective

SECTION 2. This act shall take effect upon approval by the Governor.

Became law without the signature of the Governor.

Time effective

SECTION 3. This act shall take effect upon approval by the Governor.

Became law without the signature of the Governor.

(R648, H4173)

No. 725

An Act To Amend Act 1235 Of 1970, As Amended, Relating To The Charleston County Airport District, So As To Change The Tax Levy For General Operating Purposes; To Establish The Date For Such Change; And To Authorize Unexpended Surpluses To Be Carried Over From One Fiscal Year To The Next.

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

Annual tax levy for Airport District

SECTION 1. Section 6 of Act 1235 of 1970, as last amended by Act 299 of 1977, is further amended to read:

"Section 6. In order to obtain funds for general operating purposes, including the preparation of plans, estimates and surveys, the authority is authorized to impose an annual tax levy commencing in 1978 of sufficient millage to the nearest one-half mill, exclusive of any millage imposed for bond debt service, to produce four hundred five thousand six hundred twenty-seven dollars. Upon certification by the authority to the county auditor of the tax levy to be imposed, the auditor shall levy and the county treasurer shall collect the millage so certified upon all taxable property in the district. The authority shall be authorized to carry over any unexpended surplus from one fiscal year to the next."

Time effective

SECTION 2. This act shall take effect upon approval by the Governor.

Became law without the signature of the Governor.

ginning July 1, 1979, and ending June 30, 1980. Any other revenue or taxes received by the treasurer in excess of this limitation shall be carried over to the account of the district and remain unexpended."

Time effective

SECTION 9. This act shall take effect upon approval by the Governor.

Approved the 22nd day of August, 1979.

(R261, H3036)

No. 250

An Act To Amend Sections 5 And 6 Of Act 1235 Of 1970, As Amended, Relating To The Powers And Duties Of The Charleston County Airport District And A Tax Levy Therefor, So As To Further Provide For The Investment Of Funds And To Provide That No Taxes Shall Be Levied Without The Approval Of The County Legislative Delegation And The County Governing Body And To Provide That Any Taxes Levied Shall Be To The Nearest One-Tenth Mill Rather Than One-Half Mill.

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

Annual tax levy for airport district

SECTION 1. Section 6 of Act 1235 of 1970, as last amended by Act 725 of 1978, is further amended to read:

"Section 6. In order to obtain funds for general operating purposes, including the preparation of plans, estimates and surveys, the authority is authorized to impose an annual tax levy commencing in 1978 of sufficient millage to the nearest one-tenth mill, exclusive of any millage imposed for bond debt service, to produce four hundred five thousand, six hundred twenty-seven dollars. Upon certification by the authority to the county auditor of the tax levy to be imposed, the auditor shall levy and the county treasurer shall collect the millage so certified upon all taxable property in the district. The authority shall be authorized to carry over any unexpended surplus from one fiscal year to the next. No taxes shall be levied pursuant to this section without the approval of a majority of the county legislative delegation and a majority of the governing body of the county."

Investments authorized

SECTION 2. Notwithstanding the provisions of item 13A and subitem (g) of item 18 of Section 5 of Act 1235 of 1970, all investments for the Charleston County Airport District authorized pursuant to the above items shall be made pursuant to the provisions of Section 6-5-10 of the 1976 Code.

Time effective

SECTION 3. This act shall take effect upon approval by the Governor.

Approved the 25th day of July, 1979.

(R298, H3139)

No. 251

An Act To Direct The Department Of Highways And Public Transportation To Remove From The State Highway System Road S-10-1917 In Charleston County.

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

Road to be removed from Highway System

SECTION 1. The Department of Highways and Public Transportation shall remove from the State Highway System Road S-10-1917, a driveway at Baptist Hill Intermediate School in Charleston County extending from Road S-10-965 adjacent to Hollywood for approximately eight one-hundredths of a mile.

Time effective

SECTION 2. This act shall take effect upon approval by the Governor.

Approved the 21st day of August, 1979.

(R248, S571)

No. 252

An Act To Establish Single Member Election Districts For Election Of The Members Of The Chester County Council Under The Council-Supervisor Form Of County Government Pursuant To Chapter 9 Of Title 4 Of The 1976 Code; Provide For The

(R564. H2090)

AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1978, BY ADDING SECTION 55-1-30 SO AS TO PROVIDE FOR ADDITIONAL MEMBERS OF COUNTY AVIATION COMMISSIONS OR LIKE AUTHORITIES.

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

Additional members of county aviation commissions

SECTION 1. The 1978 Code is amended by adding:

"Section 55-1-30. (A) Any county aviation commission or like authority may be increased by two members, one of whom must be appointed by the House of Representatives' delegation of the county and one of whom must be appointed by the Senatorial delegation of the county. The additional members shall serve terms of the same length as other members of the commission or like authority.

(B) Any county governing body who has the authority to appoint members to the aviation commission or like authority may add two members for terms as provided in this section."

Time effective

SECTION 2. This act shall take effect January 1, 1985.

In the Senate House the 19th day of June

In the Year of Our Lord One Thousand Nine Hundred and Eighty-Four.

Michael R. Daniel,
President of the Senate
W. Sterling Anderson,
Speaker Pro Tempore of the
House of Representatives

Approved the 22nd day of June, 1984.

Richard W. Riley,
Governor

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Printer's Date — 6/26/84 — S.

existed shall be upon the person landing the aircraft on the highway or causing it to take off therefrom.

Any person who violates the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction shall be fined not more than five hundred dollars or imprisoned for not more than sixty days.

HISTORY: 1962 Code § 2-25; 1974 (58) 2320.

Cross references—

Highways generally, see §§ 57-1-10 et seq.

Research and Practice References—

8 Am Jur 2d, Aviation §§ 20, 158.

§ 55-1-60. Operator of intrastate scheduled airline service to obtain certificate.

Any person desiring to operate an intrastate scheduled airline service wherein a schedule of flights is to be posted or otherwise publicized or maintained shall apply to the South Carolina Aeronautics Commission for a certificate to allow him to operate such service. Before any certificate shall be issued by the Commission the schedule of flights to be made by such service must be approved by the Commission and the equipment to be used by such airline service must also be approved. After the Commission issues a certificate to a person desiring to operate such airline service, the scheduled flights approved by the Commission must be commenced within ninety days of such certification.

HISTORY: 1962 Code § 2-81; 1957 (50) 358.

Research and Practice References—

8 Am Jur 2d, Aviation §§ 18-20.

§ 55-1-70. Rules and regulations for intrastate scheduled airlines.

The South Carolina Aeronautics Commission shall promulgate such rules and regulations as are necessary to govern the operation of any and all intrastate scheduled airline operations.

HISTORY: 1962 Code § 2-82; 1957 (50) 358.

§ 55-1-80. Appointment of additional members to county aviation commission.

(A) Any county aviation commission or like authority may be increased by two members, one of whom must be appointed by the House of Representatives' delegation of the county and one of whom must be appointed by the Senatorial delegation of the county. The additional members shall serve terms of the same length as other members of the commission or like authority.

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(B) Any county governing body who has the authority to appoint members to the aviation commission or like authority may add two members for terms as provided in this section.

(C) In counties that have two municipalities with a population in excess of fifty thousand persons according to the latest official United States Census, and the county has an aviation commission or like authority, then the mayors of such municipalities having a population in excess of the fifty thousand persons shall serve, ex officio, as members of the commission or authority.

HISTORY: 1984 Act No. 471; 1985 Act No. 64.

ne service

§ 55-1-90. Use of state-owned aircraft in medical emergency; payment of insurance proceeds to State Treasurer.

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If a state-owned aircraft is needed on a medical-emergency basis by an individual other than a member of the General Assembly, the aircraft may be used upon the filing with the State Aeronautics Commission or other agency of state government owning and operating the aircraft of an affidavit by a medical doctor that an emergency or a life-saving situation exists with respect to the individual which would probably make waiting or the use of a commercial or nonstate-owned aircraft or other transportation not in the best interest of the individual's physical condition and upon the completion of all other records, forms, or paperwork as may be required. If the individual needing and using the state-owned aircraft on a medical-emergency basis has insurance which covers this transportation, an insurance claim must be filed by the insured individual or by any other person permitted or required to file the claim, and any reimbursement under any policy of insurance pertaining to this transportation must be paid to the State Treasurer, who must deposit the funds in the general fund of the State.

HISTORY: 1984 Act No. 512, Part II, § 56.

scheduled

§ 55-1-100. Operating or acting as flightcrew member of aircraft while under influence of alcohol or drugs unlawful; penalties.

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(A) It is unlawful for any person to operate or act as a flightcrew member of any aircraft in this State:

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- (1) within eight hours after the consumption of any alcoholic beverage;
- (2) while under the influence of alcohol; or
- (3) while using any drug that affects his faculties in any way contrary to safety; or
- (4) with four one-hundredths of one percent or more by

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Bill 4574

Current Status

Bill Number: 4574
Ratification Number: 315
Type of Legislation: General Bill GB
Introducing Body: House
Introduced Date: 19980204
Primary Sponsor: Limehouse
All Sponsors: Limehouse, Campsen, Mack, Breeland, Whatley and Altman
Drafted Document Number: pt\1678htc.98
Date Bill Passed both Bodies: 19980213
Governor's Action: V
Date of Governor's Action: 19980407
Action on Governor's Veto: 0
Subject: Charleston County Airport District Aviation Authority, mayor of Mount Pleasant added to; Aeronautics

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History

Table with 5 columns: Body, Date, Action Description, Com, Leg Involved. Rows include Senate and House actions from 19980204 to 19980421.

placed on Calendar without reference

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(Text matches printed bills. Document has been reformatted to meet World Wide Web specifications.)

(R315, H4574)

AN ACT TO AMEND ACT 1235 OF 1970, AS AMENDED, RELATING TO THE CHARLESTON COUNTY AIRPORT DISTRICT AND ITS GOVERNING BOARD, SO AS TO ADD THE MAYOR OF MOUNT PLEASANT, EX OFFICIO, TO THE GOVERNING BOARD OF THE DISTRICT.

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

Member added

SECTION 1. Act 1235 of 1970, as last amended by Act 250 of 1979, is further amended by adding:

"Section 3A. There is added as a member of the Charleston County Aviation Authority the Mayor of the City of Mount Pleasant, ex officio, who shall exercise the powers and duties as other ex officio members of the authority."

Time effective

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

In the Senate House April 1, 1998.

Robert L. Peeler,

President of the

Senate

David H. Wilkins,

Speaker of the House of

Representatives

Vetoes by the Governor -- 04/07/98.

Veto overridden by House -- 04/15/98.

Veto overridden by Senate -- 04/21/98.

Printer's Date -- April 23, 1998 -- L.

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ENABLING ACT