

(R327, S518)

No. 205

An Act To Declare Airport Districts Containing An Airport Which Has On The Effective Date Of This Act Three Hundred Thousand Or More Enplaning Passengers Annually To Be Regional Airport Districts; To Provide That The Governing Authority Of The Districts May Issue General Obligation Bonds Not To Exceed The Constitutional Debt Limitation Of The Districts; To Prescribe The Conditions Under Which They May Be Issued; To Prescribe The Use Of Their Proceeds; And To Make Provision For The Payment Thereof.

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

Findings

SECTION 1. The General Assembly has found it to be in the public interest to provide modern air transportation facilities capable of providing service for all modern air transport. To accomplish this, the General Assembly has heretofore created several airport districts and charged the governing authorities thereof with the functions of acquiring, planning, establishing, developing, constructing, enlarging, improving, maintaining, equipping, operating, regulating, protecting and policing airports and suitable air navigation facilities.

The General Assembly finds that the function of air transportation is not peculiar to a single county or counties. The providing and maintaining of modern air transportation service and facilities serve the needs of a large region of the state's population. The General Assembly has determined to designate certain airport districts in this State as regional airport districts.

The General Assembly finds that some of the airport facilities are inadequate and from time to time are in need of repair and improvement and has theretofore determined to empower the governing authorities of such regional airport districts to issue general obligation bonds of the airport district.

What constitutes a regional airport district

SECTION 2. Any airport district in this State containing an airport, served by air carriers certificated by the United States Civil Aeronautics Board, enplaning on the effective date of this act three hundred thousand or more passengers per year, as reported to and published by the United States Civil Aeronautics Board, is hereby designated a regional airport district.

Bonds may be issued—conditions

SECTION 3. The governing authority of any regional airport district in this State, which has averaged on the effective date of this act three hundred thousand or more enplaning passengers per year for the preceding three consecutive calendar years, as reported to and published by the United States Civil Aeronautics Board, may issue, without an election, general obligation bonds of the district in an amount as is within the constitutional debt limit applicable to the district for the purpose of paying the cost of maintenance, construction, renovation, extension, enlargement, improvement and acquisition of airports and suitable air navigation facilities; *provided*, however, that as a condition precedent to the issuance of bonds a majority of the members of each delegation, including members of the House of Representatives and the Senate whose districts are located either wholly or partially within an airport district, must give their prior written approval. All or any general obligation bonds issued pursuant to this act 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 be in such denominations, bear such date as the governing authority shall determine and bonds of any issue shall mature in such equal or unequal installments as may be determined by the governing authority. They shall be made payable at such places as the governing authority shall prescribe, shall bear interest at such rates within the limitations of Act 902 of 1970 and shall be payable in such manner as the governing authority may determine. The bonds may be issued with the privilege of having them registered as to principal on the books of the governing 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 governing authority may prescribe. Any bond issued pursuant to this act may be made subject to redemption prior to its stated maturity, on such terms and conditions and with such redemption premium as the governing 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 governing authority shall reserve the right to

reject any and all bids and if all bids shall be rejected, the governing 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, Code of Laws of South Carolina, 1962.

(d) All general obligation bonds issued pursuant to this act shall be executed in a manner prescribed by the governing 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 governing authority. The coupons attached to such bonds shall be authenticated by a facsimile of the signature of the chairman and the secretary of the governing authority who shall be in office on the date of the adoption of the resolution of the governing 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 ad valorem tax sufficient to pay the principal and interest of all bonds issued under this act as such principal and interest become due. The tax shall be annually levied by the Comptroller General of South Carolina and collected by the county treasurer of the county or counties in which the district is located at the same time and in the same manner as county taxes are collected. Each of the county treasurers, if the district comprises more than a single county, shall collect the tax in his county and pay it to the State Treasurer in the manner and within the time heretofore provided by law for the payment of state taxes to the State Treasurer, who shall set them 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 item shall not be substantially greater than the amount necessary to pay principal and interest of bonds maturing during the year in which monies produced by such levy will come into the hands of the State Treasurer, as reduced by the anticipated balance of funds actually in the hands of the State Treasurer, on the occasion when it becomes necessary to fix such

tax levy, produced by: (1) additional collections from such levies made in prior years; (2) net revenues derived by the governing authority from the operation of its facilities not required to meet costs of operating, maintaining, enlarging, improving and acquiring its facilities. When all principal and interest of outstanding bonds have been paid, the State Treasurer shall transfer any balance remaining in the special fund created under the terms of this item to the general fund of the governing authority subject to its draft or 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 State Treasurer in a separate and special fund and shall be subject to transfer, upon warrants or orders of the governing authority to any bank or trust company having an office within the district, to be expended by the governing authority for the purpose of meeting any costs incurred in the issuance of the bonds and to meet the cost of maintenance, construction, renovation, extension, enlargement, improvement and acquisition of airport facilities within the district and to no other purposes; *provided*, however, that any premium received shall be deposited with the State Treasurer and applied by him to the first installment of principal becoming due on the bonds and any accrued interest shall be applied to the first installment of interest becoming due on the bonds. *Provided*, further, pending such withdrawals, the State Treasurer shall, upon the request of the governing authority, be empowered to invest and reinvest the proceeds derived from the sale of the bonds in direct general obligations of the United States of America or any agency thereof 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 subject to the transfer upon warrants or orders of the governing authority to any bank or trust company having an office within the district to be expended by the governing authority for the purposes of meeting the costs of issuing the bonds and any costs incurred in the maintenance, construction, renovation, extension, enlargement, improvement and acquisition of any airport facility. Neither the purchaser of the bonds nor any subsequent holders thereof shall be responsible for the proper application of the proceeds of sales.

(h) The powers and authorizations hereby conferred upon the governing authority shall be in addition to all other powers and authorizations previously vested in it, and may be availed of at a

special or regular meeting of the governing authority by resolution to become effective immediately upon its adoption at the meeting at which it is presented. No action other than that prescribed herein need be taken to effect the issuance of the bonds nor shall the governing authority be required to obtain the approval of any other public body or agency to any action taken pursuant to the authorization of this act. No election is prescribed as a condition precedent to the issuance of any bonds under the provisions of this act.

Constitutionality

SECTION 4. If the provisions contained in the proviso set out in the first paragraph of Section 3 relating to legislative approval are held to be unconstitutional by a court of competent jurisdiction all the provisions of this act shall be null and void.

Time effective

SECTION 5. This act shall take effect upon approval by the Governor.

Approved the 15th day of June, 1977.

(R328, H2312)

No. 206

An Act To Amend Sections 17-510, 17-511, 17-512 And 17-513, Code Of Laws Of South Carolina, 1962, Relating To Waiver Of Indictment, Immediate Disposition And Plea Of Guilty In Certain Misdemeanor Cases, So As To Provide That Such Procedure Shall Also Be Applicable In Felony Cases And To Provide That Sentencing For Felonies Under Such Procedure Shall Only Take Place In Open Court.

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

Immediate disposition of certain charges

SECTION 1. Section 17-510 of the 1962 Code is amended by inserting after the first "court" on line three "or, notwithstanding any other provision of law, when any defendant is arrested upon a warrant charging a felony". The section when amended shall read:

"Section 17-510. When any defendant is arrested upon a warrant charging a misdemeanor which is not within the jurisdiction of the magistrate's court or, notwithstanding any other provision of law,