CHAPTER 17

Regional Airport Districts

**SECTION 55‑17‑10.** Designation of regional airport districts.

 An airport district in this State containing an airport, served by air carriers or cargo carriers certificated and reported by the United States Department of Transportation, Federal Aviation Administration may be designated as a regional airport district.

HISTORY: 1977 Act No. 205 Section 2; 2012 Act No. 270, Section 8, eff June 18, 2012.

Editor's Note

Section 1 of 1977 Act No. 205 provides as follows:

"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 nevigation 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 serves 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."

Effect of Amendment

The 2012 amendment rewrote the section.

**SECTION 55‑17‑20.** Issuance of general obligation bonds by districts.

 The governing authority of any regional airport district in this State, which has averaged on June 15, 1977, 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 Federal Aviation Administration, 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 chapter 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 prescribed, shall bear interest at such rates within the limitations of Section 11‑9‑350, 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 chapter 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 12‑1‑60, Code of Laws of South Carolina, 1976.

 (d) All general obligation bonds issued pursuant to this chapter 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 chapter 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 chapter 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 affect 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 chapter. No election is prescribed as a condition precedent to the issuance of any bonds under the provisions of this chapter.

HISTORY: 1977 Act No. 205 Section 3; 2012 Act No. 270, Section 8, eff June 18, 2012.

Editor's Note

Section 11‑9‑350, referred to in item (a) of this section, was repealed by 1989 Act No. 122, Section 1. Section 12‑1‑60, referred to in item (c), was repealed by 1991 Act No. 50, Section 5.

Effect of Amendment

The 2012 amendment substituted "Federal Aviation Administration" for "Civil Aeronautics Board" in the first paragraph; substituted "affect" for "effect' following "No action other than that prescribed herein need be taken to" in subsection (h); and made other, nonsubstantive, changes.

Attorney General's Opinions

Absent amendment of notice statutes requiring notice in a newspaper of general circulation by the General Assembly, the term newspaper of general circulation cannot be extended to include online newspapers. S.C. Op.Atty.Gen. (October 21, 2015) 2015 WL 6745997.

**SECTION 55‑17‑30.** Severability clause.

 If the provisions contained in the first paragraph of Section 55‑17‑20 relating to legislative approval are held to be unconstitutional by a court of competent jurisdiction all the provisions of this chapter shall be null and void.

HISTORY: 1977 Act No. 205 Section 4; 2012 Act No. 270, Section 8, eff June 18, 2012.

Effect of Amendment

The 2012 amendment deleted "proviso set out in the" preceding "first paragraph".