CHAPTER 13

Regional Districts, Commissions and Authorities

ARTICLE 1

Richland‑Lexington Riverbanks Parks District

**SECTION 51‑13‑10.** Riverbanks Parks Commission established; purpose.

There is hereby created and established the Riverbanks Parks Commission for the purpose of providing an agency through which recreational facilities may be provided for the citizens of the State through the joint participation of any other commissions, counties, municipalities, public or private agencies of the State or of the United States, with such duties, functions, powers and authority as herein provided.

HISTORY: 1962 Code Section 51‑61; 1969 (56) 391, 639.

CROSS REFERENCES

Amusements and athletics generally, see Sections 52‑1‑20 et seq.

Environmental protection and conservation, see Sections 48‑1‑10 et seq.

LIBRARY REFERENCES

73 C.J.S., Public Administrative Law and Procedure Sections 8‑11.

**SECTION 51‑13‑20.** Appointment and terms of Commission members.

The Commission shall consist of seven members. Two members shall be appointed by the County Council of Richland County for terms of three and four years; two members shall be appointed by the Lexington County Council for terms of two and five years; two members shall be appointed by the Mayor and City Council of Columbia for terms of one and six years; one member shall be appointed for an initial term of one year by the Lexington County Council, the Richland County Council and the Mayor and City Council of Columbia. Thereafter, all appointments shall be for a term of six years and until their successors are appointed and qualify.

HISTORY: 1962 Code Section 51‑62; 1969 (56) 391; 1971 (57) 765; 1975 (59) 103.

LIBRARY REFERENCES

73 C.J.S., Public Administrative Law and Procedure Sections 12‑16.

NOTES OF DECISIONS

In general 1

1. In general

The appointive power granted under this section to the Lexington County legislative delegation is not violative of former SC Const, Art 1, Section 14 (now Art 1, Section 8), which requires a separation of the executive and legislative powers of the government. However, the provision in this section for the appointment of a member of the Riverbanks Parks Commission by the Columbia Zoological Society constitutes an unlawful delegation of the appointive power in violation of SC Const, Art 3, Section 1, which renders the district without a legally constituted governing body and unable to function under the present legislation. Gould v. Barton (S.C. 1971) 256 S.C. 175, 181 S.E.2d 662.

**SECTION 51‑13‑30.** Powers of Commission.

The Commission shall have the authority to plan, establish, equip, staff, operate, regulate and protect public recreation and zoo facilities within the territory in the counties of Richland and Lexington contiguous to the Saluda River and the Congaree River from Highway I‑26 on the north to the Granby Locks on the south; to contract, sue and be sued in its own name; to make bylaws for the management and regulations of its affairs; to acquire real and personal property by gift, deed, easement, lease or otherwise; to mortgage, pledge, license or lease its real and personal property; to receive funds by loan, grant, donation and appropriations and to make application therefor; to establish and collect reasonable charges for the use, lease or license of its facilities.

HISTORY: 1962 Code Section 51‑63; 1969 (56) 391; 1971 (57) 765.

LIBRARY REFERENCES

73 C.J.S., Public Administrative Law and Procedure Sections 49‑75.

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1. In general

The prohibitions of SC Const, Art 10, Section 6, extend to political subdivisions of the State and would be applicable to the district created by this chapter. Moreover, since this chapter does not relate to the city of Columbia, nor does it restrict, alter, or impair any of its powers or functions, there is no violation of SC Const, Art 8, Section 1. Gould v. Barton (S.C. 1971) 256 S.C. 175, 181 S.E.2d 662.

2. Requirement for approval of annual budget by county delegation

The requirement for approval of the annual budget by the Lexington County delegation constitutes a violation of former SC Const, Art 1, Section 14 (now Art 1, Section 8), which provides for a separation of the legislative, executive, and judicial powers of government and that no person or persons exercising the functions of one shall assume or discharge the duties of the other, since the power to approve the budget of the Commission carries with it the power to disapprove until the budget conforms to the legislative wish, and thereby places in the legislative delegation control of the administration of the funds of the Commission. However, the provision requiring approval of the budget by the Lexington County delegation is severable from the remainder of the chapter, and does not affect its remaining portions. Gould v. Barton (S.C. 1971) 256 S.C. 175, 181 S.E.2d 662.

3. Vagueness in description of territorial area

The challenge to this chapter, because of that it is fatally vague in describing the territorial area within which the project is to be located, is without merit, as the description is not so vague and indefinite as to make it impossible to determine the location of the facilities in accord with the legislative intent. Gould v. Barton (S.C. 1971) 256 S.C. 175, 181 S.E.2d 662.

4. Power of General Assembly to create district

There is no constitutional barrier to the creation by the General Assembly of overlapping special purpose districts, where there is a reasonable basis upon which to distinguish between the nature and type of the services and facilities to be provided by the respective districts. Gould v. Barton (S.C. 1971) 256 S.C. 175, 181 S.E.2d 662.

The creation of the district coterminous with Richland and Lexington Counties for the purpose of constructing a zoological park constituted a valid exercise by the General Assembly of its plenary power to create special purpose districts. Gould v. Barton (S.C. 1971) 256 S.C. 175, 181 S.E.2d 662. Municipal Corporations 3

The jurisdiction of the Riverbanks Parks Commission, under this chapter, is confined to the specified area where the park will be constructed. The facilities to be constructed by it do not duplicate those proposed in the recreation districts. Therefore, the recreation districts and the Richland‑Lexington Riverbanks Parks District will each operate within their respective territory in performing their distinct functions, and the contention that the General Assembly was without power to create the Richland‑Lexington Riverbanks Parks District because it overlaps recreation districts previously established, is without merit. Gould v. Barton (S.C. 1971) 256 S.C. 175, 181 S.E.2d 662.

5. Nature and purposes of zoological park

A zoological park subserves a public purpose. It is primarily educational and instructive in nature, but also has a recreational aspect. Both aspects serve the public interest and welfare. Gould v. Barton (S.C. 1971) 256 S.C. 175, 181 S.E.2d 662.

6. Powers of Commission—In general

Under this section, the Commission is granted the authority to acquire property “by gift, deed, easement, lease or otherwise.” The power of eminent domain is not granted. Gould v. Barton (S.C. 1971) 256 S.C. 175, 181 S.E.2d 662.

7. —— Power to establish zoo facilities and related recreational facilities, powers of Commission

While this chapter refers to the establishment of recreation and zoo facilities, the basic legislative intent was to provide the means for the establishment of a zoological park or, as stated in the statutes, “zoo facilities”; and it was not intended to grant authority to the Commission to establish recreational facilities except as they may directly relate to and support the function of the zoological park. Thus, the sections provide for the establishment of a zoological park with related and supportive recreational facilities. Accordingly, Richland‑Lexington Riverbanks Parks District was created primarily to finance a zoological park within a limited and specified area, with the recreational facilities to be included therein merely incidental to the operation of the park. And, the establishment of the zoological park on leased property is within the discretionary powers granted to the Commission. Gould v. Barton (S.C. 1971) 256 S.C. 175, 181 S.E.2d 662.

8. —— Power to tax, powers of Commission

The Richland‑Lexington Riverbanks Parks District is a separate and distinct corporate entity and the taxes imposed by it are imposed solely to accomplish the district’s particular corporate function. The power or authority conferred upon the city to tax is in no way affected. Furthermore, the fact that the city of Columbia is included within the Richland‑Lexington Riverbanks Parks District, and that residents of the city are required to pay district taxes, does not operate to restrict the powers or functions of the city within the meaning of SC Const, Art 8, Section 1. Gould v. Barton (S.C. 1971) 256 S.C. 175, 181 S.E.2d 662.

9. —— Power to finance, powers of Commission

The Richland‑Lexington Riverbanks Parks District is not intended to finance facilities which duplicate those already provided by the three recreation districts previously included within Richland and Lexington Counties, which were established to provide “tennis courts, baseball diamonds, football fields, basketball courts, swimming pools, other facilities of like nature and general recreational facilities.” Gould v. Barton (S.C. 1971) 256 S.C. 175, 181 S.E.2d 662.

10. Purpose of delineating territorial area

The delineation in this section of a territorial area did not attempt to define the area over which the Commission would necessarily have jurisdiction, but was for the purpose of locating the facilities to be established. The legislative intent was to require that the authorized recreation and zoo facilities be located within the area described. Gould v. Barton (S.C. 1971) 256 S.C. 175, 181 S.E.2d 662.

11. Issuance of bonds by county

Under SC Const, Art 10, Section 6, a county may levy a tax and issue bonds for educational purposes, and a zoological park falls within a constitutionally permitted function for which a county could issue bonds. Gould v. Barton (S.C. 1971) 256 S.C. 175, 181 S.E.2d 662.

12. Constitutional debt limitations: computations

The Richland‑Lexington Riverbanks Parks District is subject to the 8% constitutional debt limit imposed by SC Const, Art 10, Section 5. Gould v. Barton (S.C. 1971) 256 S.C. 175, 181 S.E.2d 662.

In computing the 8% constitutional debt limit, the Richland‑Lexington Riverbanks Parks District’s 8% debt limit need not be reduced by the bonded indebtedness incurred by the city of Columbia and the underlying recreation districts for recreational purposes, since the district was formed to create a separate and distinct facility from that to be provided by the bonds previously issued for recreational purposes by the city of Columbia and the underlying recreational districts. It is a separate and distinct corporate entity and, as such, is entitled to incur bonded debt to the extent of 8% of the assessed value of all taxable property within its boundaries, unaffected by the bonds issued for recreational purposes by the city of Columbia and the underlying recreational districts. Gould v. Barton (S.C. 1971) 256 S.C. 175, 181 S.E.2d 662.

The 15% debt limitation prescribed by SC Const, Art 10, Section 5, applies to the Richland‑Lexington Riverbanks Parks District. Gould v. Barton (S.C. 1971) 256 S.C. 175, 181 S.E.2d 662.

In computing the Richland‑Lexington Riverbanks Parks District’s 15% debt limitation, it is proper to exclude the bonded indebtedness of underlying subdivisions which are subject to special constitutional amendments increasing their capacity to incur bonded debt, since the indebtedness of these political subdivisions is permitted in each instance by a special constitutional amendment relaxing the debt limitation of SC Const, Art 10, Section 5. Gould v. Barton (S.C. 1971) 256 S.C. 175, 181 S.E.2d 662.

While the establishment of a zoo would serve a public purpose, there are no overriding considerations which would justify holding that the two‑county district established under this chapter to accomplish it is not subject to the overall 15% debt limitation of SC Const, Art 10, Section 5, where nothing appears which would sustain a finding that such undertaking necessarily involves governmental interests extending beyond the boundaries of both counties. Gould v. Barton (S.C. 1971) 256 S.C. 175, 181 S.E.2d 662.

Act No. 1207 [1970 (56) 2599] was obviously enacted for the purpose of authorizing the issuance of general obligation bonds to construct the project on the site which had been previously acquired. This constituted legislative approval of the location of the project, removing any previous ambiguity thereabout. The fact that Section 1 of Act No. 1207 refers to the acreage in the tract acquired by the Commission as containing 116 acres when it actually contains approximately 124 acres is of no consequence, since the record is clear that the property owned by the Commission was the same as that referred to in Act No. 1207. Gould v. Barton (S.C. 1971) 256 S.C. 175, 181 S.E.2d 662.

**SECTION 51‑13‑40.** Exemption of Commission property from taxation.

All property owned by the Riverbanks Parks Commission shall be exempt from all county and municipal taxes so long as it is used by the Commission for public purposes.

HISTORY: 1962 Code Section 51‑64; 1969 (56) 391, 639.

**SECTION 51‑13‑50.** Territory constituted special‑purpose district and political subdivision of State; corporate name.

The territory embraced by the counties of Richland and Lexington is hereby constituted a special‑purpose 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 special‑purpose district shall be Richland‑Lexington Riverbanks Parks District (the district), and the special‑purpose district may sue and be sued in that name.

HISTORY: 1962 Code Section 51‑65; 1970 (56) 2599.

NOTES OF DECISIONS

In general 1

1. In general

The legislature is empowered to carve out a district from a territory of the State for the accomplishment of some public purpose. Gould v. Barton (S.C. 1971) 256 S.C. 175, 181 S.E.2d 662.

**SECTION 51‑13‑60.** Corporate powers and duties shall be exercised by Commission.

The corporate powers and duties of the Richland‑Lexington Riverbanks Parks District shall be exercised and performed by the Commission known as Riverbanks Parks Commission, previously created by Sections 51‑13‑10 to 51‑13‑40, and the Commission as thereby created and now existing is hereby ratified and confirmed and the members thereof shall continue to be appointed in the manner provided by Sections 51‑13‑10 to 51‑13‑40.

HISTORY: 1962 Code Section 51‑66; 1970 (56) 2599.

LIBRARY REFERENCES

73 C.J.S., Public Administrative Law and Procedure Sections 49‑75.

**SECTION 51‑13‑70.** Officers of Commission.

The Commission shall appoint one of its members as chairman, one as vice‑chairman, and one of its members, or any other competent person, as secretary of the Commission. The chairman of the Commission shall serve for a term of two years and until his successor is appointed and qualifies. The vice‑chairman shall also serve for a term of two years and until his successor is appointed and qualifies.

HISTORY: 1962 Code Section 51‑67; 1970 (56) 2599.

LIBRARY REFERENCES

73 C.J.S., Public Administrative Law and Procedure Sections 12‑16.

**SECTION 51‑13‑80.** Prohibition of certain activities while on park property; penalties.

(A) A person who enters Riverbanks Park property may not, without express permission of the executive director:

(1) frighten, annoy, kill, injure, feed or attempt to frighten, annoy, kill, injure, or feed a mammal, bird, reptile, amphibian, or other animal in the zoo or gardens;

(2) display advertising matter by signs or distribute advertising matter within the park area;

(3) sell or offer for sale goods, wares, services, or merchandise within the park area;

(4) use boisterous, insulting, or profane language or conduct himself in a disorderly, lewd, obscene, or lascivious manner in the park area;

(5) enter a portion of the park which is designated as restricted, enter an area during the hours of the day when the area is not open to the public, or enter the park or recreation area which is closed. The executive director shall post the hours during which the area is open to the public;

(6) keep, permit, or bring a mammal, bird, reptile, amphibian, or other animal, domestic or wild, in a zoo or garden area unless permitted by the Parks Service Animal Guidelines and approved by the executive director;

(7) carry on or about his person or discharge a gun, pistol, or firearm of any kind, including an air gun, bow and arrow, or dangerous weapon within or across the park, which does not apply to a person licensed to carry a concealed weapon;

(8) wade, swim, fish, or boat within an area of the zoo or garden not so designated;

(9) drive or propel a vehicle in, over, or through the park area except in areas designated for driving or park purposes;

(10) operate a motor vehicle in the park area at a speed in excess of the posted speed limit;

(11) use the park or its recreation areas, grounds, or facilities to either perform or allow the performance of the following acts, unless the activity is authorized, permitted, or supervised by the executive director or his designees:

(a) wilfully mark, deface, disfigure, injure, tamper with, or displace or remove buildings, bridges, tables, benches, fireplaces, railings, paving or paving material, water lines, or other public utilities or parts or appurtenances, signs, notices or placards, whether temporary or permanent, monuments, stakes, posts or other boundary markers, or other structures or equipment, facilities or park property or appurtenances whatsoever, either real or personal;

(b) throw, discharge, or otherwise place or cause to be placed in the waters of a fountain, pond, lake, stream, bay, or other body of water in or adjacent to the park or a tributary, stream, storm sewer, or drain flowing into these waters any substance, matter, or things, liquid or solid, which will or may result in the pollution of these waters;

(c) dig or remove soil, rock, stones, trees, shrubs, or plants, down‑timber or other wood or materials, or make an excavation by tool, equipment, blasting, or other means, except that digging must be permitted in areas designated for this purpose;

(d) damage, cut, carve, transplant, or remove a tree or plant, injure the bark or pick the flowers or seeds of a tree or plant, or attach a rope, wire, or other contrivance to a tree or plant. A person may not dig in or otherwise disturb grass areas, or in any other way injure or impair the natural beauty or usefulness of an area;

(e) bring in or dump, deposit, or leave bottles, broken glass, ashes, paper, boxes, cans, dirt, rubbish, waste, garbage, refuse, or other litter, or place refuse or litter in waters in or contiguous to the park, or anywhere on the grounds, other than in the proper receptacles, where provided;

(f) endanger the safety of a person by conduct or act, prevent a person from using the park or its facilities, or interfere with use in compliance with this section;

(g) build or attempt to build a fire, except at places specifically designated for this purpose or as permitted by the park. A person may not drop, throw, or otherwise scatter lighted matches, burning cigarettes or cigars, tobacco paper, or other inflammable material within the park;

(h) possess or consume alcoholic beverages, beer, or wine; provided, however, alcoholic beverages, beer, or wine, must be allowed:

(i) when possession and consumption is specifically authorized by the executive director and the event organizer obtains a permit or license if required by the South Carolina Department of Revenue for the possession or consumption of alcoholic beverages, beer, or wine at the event; or

(ii) at private functions, authorized by the executive director, for which the South Carolina Department of Revenue does not require a permit or license for the possession or consumption of alcoholic beverages, beer, or wine;

(i) possess, explode, discharge, or ignite fireworks unless specifically permitted by the park;

(j) park or leave automobiles, trucks, bicycles, unicycles, tricycles, scooters, mopeds, motorcycles, motorbikes, motorized carts, or other motorized vehicles in areas not specifically designated for that purpose or other than at unauthorized times; and

(k) vend, sell, peddle, or offer for sale a commodity or article, except sales conducted by or specifically permitted by the executive director.

(B)(1) A person who violates the provisions of this section must be tried by the magistrate of Richland or Lexington County who has jurisdiction of the area in which the violation occurred.

(2) A person who violates the provisions of this section is guilty of a misdemeanor and, upon conviction, must be fined not more than one hundred dollars or imprisoned for not more than thirty days.

HISTORY: 1962 Code Section 51‑68; 1972 (57) 2142; 2010 Act No. 197, Section 1, eff June 3, 2010.

Editor’s Note

Section 1‑1‑210, cited in the first paragraph of this section was repealed by 1977 Act No. 176, Article III, Section 2. For similar provisions, see Sections 1‑23‑10 et seq.

Effect of Amendment

The 2010 amendment rewrote the section.

LIBRARY REFERENCES

73 C.J.S., Public Administrative Laws and Procedure Sections 87‑102.

ARTICLE 3

Santee‑Cooper Counties Promotion Commission

**SECTION 51‑13‑210.** Santee‑Cooper Counties Promotion Commission created; purpose.

There is hereby created the Santee‑Cooper Counties Promotion Commission which shall be a body corporate and politic, hereinafter referred to as the “Commission.” The purpose of the Commission shall be to institute and operate programs to improve, enlarge, increase and otherwise enhance recreation and development in the area around the Santee‑Cooper Lakes in the counties of Berkeley, Calhoun, Clarendon, Orangeburg and Sumter.

HISTORY: 1962 Code Section 51‑255; 1968 (55) 3066.

LIBRARY REFERENCES

73 C.J.S., Public Administrative Law and Procedure Sections 8‑11.

**SECTION 51‑13‑220.** Appointment and terms of Commission members; organization.

The commission shall be composed of four members from Berkeley County, two members from Orangeburg County, two members from Clarendon County, one member from Sumter County, and one member from Calhoun County, who shall be appointed by the Governor upon the recommendation of the legislative delegations from the respective counties.

The president and chief executive officer of the South Carolina Public Service Authority shall be an ex officio member of the commission and may be represented by his nominee at any meetings which the president and chief executive officer is unable to attend in person.

The terms of office shall be for four years and until their successors are appointed and qualify.

HISTORY: 1962 Code Section 51‑255.1; 1968 (55) 3066; 2002 Act No. 270, Section 1, eff January 1, 2003.

Effect of Amendment

The 2002 amendment, in the first undesignated paragraph, deleted “initially” following “composed”, in the second undesignated paragraph, substituted “The president and chief executive officer” for “The general manager”, and deleted the fourth undesignated paragraph relating to the organizational meeting.

LIBRARY REFERENCES

73 C.J.S., Public Administrative Law and Procedure Sections 12‑16.

**SECTION 51‑13‑230.** Powers of Commission.

In order to carry out the purposes for which it was created, the Commission shall have the following powers:

(1) To have perpetual succession;

(2) To sue and be sued;

(3) To adopt, use and alter a corporate seal;

(4) To define a quorum for its meetings;

(5) To make bylaws for the management and regulation of its affairs;

(6) To accept gifts or grants of services, properties or moneys from the United States Government or any of its agencies or from the State or any of its political subdivisions; and

(7) To institute and operate programs to improve, enlarge, increase and otherwise enhance recreation and development in the area around and in the Santee‑Cooper Lakes in the counties of Berkeley, Calhoun, Clarendon, Orangeburg and Sumter.

(8) To borrow money, provided it does not have the power to assume any obligation or incur any indebtedness binding upon the State or the counties of Berkeley, Calhoun, Clarendon, Orangeburg, and Sumter.

HISTORY: 1962 Code Section 51‑255.2; 1968 (55) 3066; 1999 Act No. 19, Section 1, eff upon approval (became law without the Governor’s signature on May 5, 1999).

Effect of Amendment

The 1999 amendment added item (8).

LIBRARY REFERENCES

73 C.J.S., Public Administrative Law and Procedure Sections 49‑75.

**SECTION 51‑13‑240.** Funds.

All funds used by the Commission to acquire lands and rights in land shall be provided by the county governments comprising the area represented by the Commission.

HISTORY: 1962 Code Section 51‑255.3; 1968 (55) 3066.

**SECTION 51‑13‑250.** Powers of Public Service Authority unaffected.

Nothing contained in this article shall in anywise affect the operation of the Santee‑Cooper project by the South Carolina Public Service Authority or the powers vested in the South Carolina Public Service Authority.

HISTORY: 1962 Code Section 51‑255.4; 1968 (55) 3066.

**SECTION 51‑13‑260.** Annual report.

The Commission shall make an annual report to the several legislative delegations from the counties entitled to representation.

HISTORY: 1962 Code Section 51‑255.5; 1968 (55) 3066.

ARTICLE 5

Lake Robinson Recreation Authority

**SECTION 51‑13‑410.** Lake Robinson Recreation Authority created; purpose.

There is hereby created the Lake Robinson Recreation Authority in Darlington and Chesterfield Counties for the purpose of developing and supervising Lake Robinson and lands adjacent thereto as may be made available to the Authority by the Carolina Power and Light Company as a recreational area under such terms and conditions as may be mutually agreed upon between the company and the Authority.

HISTORY: 1962 Code Section 51‑309; 1966 (54) 2742.

LIBRARY REFERENCES

73 C.J.S., Public Administrative Law and Procedure Sections 8‑11.

**SECTION 51‑13‑420.** Appointment, terms and compensation of Authority members; vacancies; officers; powers and duties.

The Authority shall be composed of four resident electors of Darlington County to be appointed by the governing body thereof and four resident electors of Chesterfield County to be appointed by the governing body of that county. The terms of the members of the Authority shall be four years and until their successors have been appointed and qualify, except of those first appointed two members from Darlington County and two members from Chesterfield County shall serve terms of two years. Any vacancy shall be filled by the appropriate appointing authority for the balance of the unexpired term only. All members shall hold office for their respective terms and until their successors have been appointed and qualify.

Immediately upon the appointment of the Authority it shall organize by electing one of its number as chairman, a second as vice‑chairman and a third as secretary. The officers of the Authority shall hold office for terms of one year and until their successors are elected and qualify. It shall be the duty of the Authority to see that a record of the appointees shall be filed in the clerk of court’s office in Darlington and Chesterfield Counties so as to indicate the persons holding office as members of the Authority and the duration of their respective terms. No member of the Authority shall receive any compensation for his services as a member of the Authority.

Subject to a contract to be mutually agreed upon between the Carolina Power and Light Company and the Authority, the Authority shall exercise the following powers and duties:

(1) Establish, maintain and operate on the recreational tract suitable facilities for public recreation including but not limited to roads, parking areas, picnic tables, sanitary facilities, camping sites and concession stands;

(2) Supervise and control the use by the public and the conduct on the recreational tract, the waters of the lake and the perimeter strip;

(3) Lease concession privileges and charge a reasonable fee for the use of the recreational tract and its facilities;

(4) Sublease portions of the perimeter strip with the form of the lease subject to the approval of the Company;

(5) Permit subleased portions of the perimeter strip to be used for piers, launching ramps and boathouses approved by it; and

(6) Accept and expend funds coming into its possession for the purposes enumerated herein. Darlington and Chesterfield Counties, and the municipalities located therein, are authorized to make from available funds annual contributions to the Authority for the purpose of defraying the necessary expenses of its operation.

(7) To enter into agreements to provide for policing of the waters and lands under the supervision or control of the Authority by deputy sheriffs or other law‑enforcement officers, and to employ for such purposes special deputies or constables.

(8) To prepare recommendations for zoning laws and plans for the area in the vicinity of Lake Robinson under the jurisdiction of Authority.

HISTORY: 1962 Code Section 51‑310; 1966 (54) 2742.

LIBRARY REFERENCES

73 C.J.S., Public Administrative Law and Procedure Sections 12‑16.

**SECTION 51‑13‑430.** Quorum; voting by chairman.

A majority of the said Authority shall constitute a quorum to do business. The chairman of the Authority shall not vote on any question or issue considered and voted on by the said Authority except in cases where there is a tie vote on any pending question or issue before the Authority.

HISTORY: 1962 Code Section 51‑310.1; 1966 (54) 2742.

LIBRARY REFERENCES

73 C.J.S., Public Administrative Law and Procedure Sections 20, 21.

ARTICLE 7

Pendleton District Historical and Recreational Commission

**SECTION 51‑13‑510.** Pendleton District Historical, Recreational, and Tourism Commission created; appointment and terms of members; employment and compensation of director and secretary.

There is hereby created an historical, recreational, and tourism commission for Anderson, Oconee, and Pickens Counties to be known as the Pendleton District Historical, Recreational, and Tourism Commission. The commission shall be composed of nine members, three each from Anderson, Oconee, and Pickens Counties, who shall be appointed by the Governor on recommendation by a majority of the county legislative delegation of the respective counties. The members of the commission shall be appointed for terms of six years and until their successors are appointed and qualify, except that of those first appointed, one member from each county shall serve for two years, one member from each county shall serve four years, and one member from each county shall serve for six years. In case of any vacancy, the appointment to fill the vacancy shall be made in the same manner as provided for the original appointment. The commissioners, upon being appointed, shall meet and elect a chairman and secretary‑treasurer. The members of the commission shall serve without compensation. They may employ a director and a secretary who shall perform such duties as the commission may direct. Compensation paid the director and secretary shall be fixed by the commission.

HISTORY: 1962 Code Section 9‑751; 1966 (54) 2073, 2183; 1967 (55) 363; 1992 Act No. 358, Section 1, eff May 6, 1992.

Effect of Amendment

The 1992 amendment renamed the “Pendleton District Historical and Recreational Commission” to “Pendleton District Historical, Recreational, and Tourism Commission”.

LIBRARY REFERENCES

73 C.J.S., Public Administrative Law and Procedure Sections 8‑16.

**SECTION 51‑13‑520.** Powers of Commission generally.

The commission may, without regard to the laws and procedures applicable to state agencies, sue and be sued, adopt and use a corporate seal, charge admission fees, and prescribe rules and regulations with respect to its facilities, purposes, and affairs, and employ personnel, acquire property, receive grants, conduct activities to promote tourism, procure supplies, services, and property and make contracts and expend in furtherance of this article funds donated or funds received and may, within the limits of statutory authority, exercise those powers that are necessary to enable it to carry out efficiently and in the public interest the purposes of this article. The commission shall have the authority to procure and purchase books, documents, transcripts of documents, or other historical materials, paintings, works of art, or any artistic objects of historic interest; to collect and preserve objects of interest pertaining to natural history of Anderson, Oconee, and Pickens Counties or the State of South Carolina and other like property; to arrange and catalogue them; to provide for their restoration when necessary; to provide for public display, examination, and use in the furtherance of the cultural life of Anderson, Oconee, and Pickens Counties and the State; to purchase or lease property or buildings necessary to establish and conduct a museum of history and natural science; to mortgage or pledge its real or personal property, and to receive funds, grants, donations, and appropriations for the purpose of establishing and operating a museum of history and natural science. The commission shall have full authority to operate, maintain, and expand the collection or museum so far as its funds allow. The commission may enter into agreements, leases, working arrangements with other museums, art centers, or eleemosynary corporations or with state or federal departments or agencies in the acquisition of historic sites or historic objects or in the purchase, development, and operation of historic properties, pageants, or dramas for the cultural and economic development of the three‑county area.

HISTORY: 1962 Code Section 9‑752; 1966 (54) 2073; 1992 Act No. 358, Section 2, eff May 6, 1992.

Editor’s Note

2012 Act No. 123, Section 1 amended 1966 Act No. 794, Section 4 to read as follows:

“Effective March 1, 2012, the name of the Pendleton District Agricultural Museum established and operated by the Pendleton District Historical and Recreational Commission, pursuant to Section 2 of this act, must be the ‘Bart Garrison Agricultural Museum of South Carolina’. The commission shall erect appropriate markers and signs reflecting the name of the agricultural museum as the ‘Bart Garrison Agricultural Museum of South Carolina’.”

Effect of Amendment

The 1992 amendment provided for additional powers of the Commission.

LIBRARY REFERENCES

73 C.J.S., Public Administrative Law and Procedure Sections 49‑75.

**SECTION 51‑13‑530.** Acceptance of donations; cooperation with and assistance from other agencies.

The Commission is authorized to accept donations of money, property or personal services; to cooperate with national, State, civil, patriotic, hereditary and historical groups and institutions of learning; and to call upon State and Federal departments or agencies for their advice and assistance in carrying out the purposes of this article.

HISTORY: 1962 Code Section 9‑753; 1966 (54) 2073.

**SECTION 51‑13‑540.** Duties of Commission.

The Commission shall select markers and appropriately mark and designate points and places of historical interest in the three counties. The Commission shall be responsible for the operation and upkeep of such historical sites. It shall receive and disburse funds, accept donations, and compile, print and sell historical pamphlets. In addition, the Commission shall advise the county legislative delegations on matters of historical interest in the three counties.

HISTORY: 1962 Code Section 9‑754; 1966 (54) 2073.

**SECTION 51‑13‑545.** Century Farms Program.

The Century Farms Program is established as a statewide project honoring farm families in South Carolina whose property has been in the same family for one hundred years or more with the presentation of plaques and certificates. Papers and other items relative to the program must be housed in the Pendleton Agricultural Museum, and Century Farms families who have donated items to the museum must be given special designation. Century Farms families throughout the State must be honored each year in a special program to be held at the Pendleton Agricultural Museum. The commission shall administer the program.

HISTORY: 1991 Act No. 9, Section 1.

ARTICLE 9

Pee Dee Tourism Commission

**SECTION 51‑13‑610.** Pee Dee Tourism Commission created; purpose; appointment and terms of members.

There is hereby created the Pee Dee Tourism Commission (Commission) for the purpose of promoting the economic development through a formal program of tourism promotion in the following counties: Florence, Lee, Williamsburg, Marion, Dillon, Marlboro, and Darlington. The Commission shall be composed of four members from each county, to be appointed by the Governor upon the recommendation of the legislative delegation of each county, to serve for terms of four years and until their successors are appointed and qualify. One member from each county shall be a representative of the tourism business community to provide input to the Commission from those persons directly involved in the leisure industry; one member from each county shall be a representative of a chamber of commerce to provide input from the general business community; one member from each county shall be a representative from the county historical society or historical commission or of a related commission to provide input from historical, cultural, environmental, and recreational interests; and one member shall be a member of the public at large. Of those first appointed from each county, the member representing the tourism business shall serve for a term of four years, the member representing the chamber of commerce shall serve for a term of three years, the member representing the historical society, commission, or related commission shall serve for a term of two years and the member representing the public at large shall serve for a term of one year.

HISTORY: 1962 Code Section 9‑781; 1974 (58) 2628; 1982 Act No. 336, Section 1.

LIBRARY REFERENCES

73 C.J.S., Public Administrative Law and Procedure Sections 8‑16.

**SECTION 51‑13‑620.** Officers of Commission; meetings.

The Commission shall meet as soon after the appointment of its members as may be practicable and shall organize by electing one of its members as chairman and one as secretary and such other officers as it may deem desirable. The Commission shall meet thereafter upon the call of the chairman or a majority of its members.

HISTORY: 1962 Code Section 9‑783; 1974 (58) 2628.

LIBRARY REFERENCES

73 C.J.S., Public Administrative Law and Procedure Sections 8‑24.

**SECTION 51‑13‑630.** Powers and duties of Commission.

The Commission shall:

(1) Take such action as necessary to establish the Pee Dee Region as a major center of tourism similar to but separate and apart from the Grand Strand, Santee Cooper County, and historic Charleston regions.

(2) Bring together the abilities and interests of private industry, chambers of commerce, and historical and cultural interests for the purpose of developing a formal program of tourism promotion.

(3) Encourage the promotion of the Pee Dee area through travel agencies such as (a) the South Carolina Parks, Recreation and Tourism Department; (b) visit U. S. A. Program; (c) discover America Program; and (d) any other similar agency or program.

(4) Inventory and identify potential attractions of tourist interest in the Pee Dee area.

(5) Establish guidelines to insure the protection of the interests of the individual citizens and environmental and cultural interests and to assure an ethical, truly representative image of the Pee Dee area to the tourist.

(6) Seek out apply for, receive, process, and distribute available funds through agencies such as the Regional Planning and Development Councils, the Department of Parks, Recreation and Tourism, BOR, and the Federal Departments of Commerce or Interior, or any other similar agency or department.

HISTORY: 1962 Code Section 9‑782; 1974 (58) 2628; 1982 Act No. 336, Section 2.

LIBRARY REFERENCES

73 C.J.S., Public Administrative Law and Procedure Sections 49‑75.

ARTICLE 11

Patriot’s Point Development Authority

**SECTION 51‑13‑710.** Patriot’s Point Development Authority created; transfer of powers, obligations and accounts.

There is hereby created the Patriot’s Point Development Authority, a body politic and corporate under the laws of this State, consisting of and governed by a board of nine members hereinafter referred to as the Authority. On June 30, 1983, the General Assembly may transfer the powers, responsibilities, liabilities and assets of the Authority to the Department of Parks, Recreation and Tourism; but no obligation or contract of the Authority shall be impaired by such transfer, and the full faith and credit of the State shall be given to assure the performance of obligations so transferred.

[From and after such time as all claims and litigation brought against the Patriot’s Point Development Authority have been settled (see Editor’s Note below), this section will read as follows:]

There is hereby created the Patriot’s Point Development Authority, a body politic and corporate under the laws of this State, consisting of and governed by a board of five members hereinafter referred to as the authority.

HISTORY: 1962 Code Section 51‑91; 1973 (58) 132; 1978 Act No. 427 Section 1; 1990 Act No. 349, Section 1 (for effective date, see Editor’s Note below).

Editor’s Note

1990 Act No. 349, Section 7, approved March 19, 1990, provides as follows:

“This act takes effect upon approval by the Governor, except that the provisions of Sections 1, 2, 5, and 6 of this act do not take effect until the date that all claims and litigation, brought against the Patriot’s Point Development Authority, its officers, employees, or agents and arising from, related to, or connected with the development of a hotel and marina complex upon the lands of the authority, have been settled or otherwise disposed of to the satisfaction of the Governor and the State Budget and Control Board as evidenced by written resolution of the board. On the date of this written resolution, the terms of the present members of the authority expire and their successors appointed in the manner provided by this act shall take office.”

1993 Act No. 2, Section 2, eff December 11, 1992, provides as follows:

“SECTION 2. Notwithstanding the provisions of Section 7 of Act 349 of 1990 which provides that the composition of the authority may not be changed until all claims and litigation brought against the authority have been settled or otherwise disposed of to the satisfaction of the Governor and the Budget and Control Board evidenced by a resolution of the board, the terms of the members of the authority serving on the effective date of this act are terminated and the Governor shall appoint the members of the authority as provided in Section 51‑13‑720 of the 1976 Code, as amended in Section 1 of this act.”

LIBRARY REFERENCES

73 C.J.S., Public Administrative Law and Procedure Sections 8‑11.

**SECTION 51‑13‑720.** Appointment and terms of Board members; vacancies.

(A) Members of the authority must be appointed by the Governor as follows: one upon the joint recommendation of the Chairman of the House Ways and Means Committee and the Speaker of the House, one upon the joint recommendation of the Chairman of the Senate Finance Committee and the President Pro Tempore of the Senate, and three to be appointed by the Governor. The Governor shall appoint the chairman. The terms of the members are for four years and until their successors are appointed and qualify. Members may succeed themselves. Vacancies must be filled in the same manner of the original appointment for the remainder of the unexpired term.

(B) In addition to the members of the board provided in subsection (A), there shall be three additional members of the board appointed by the Governor, one appointed upon recommendation of the President Pro Tempore of the Senate, one appointed upon recommendation of the Speaker of the House of Representatives, and one appointed upon recommendation of the State Adjutant General. These three members shall serve for four years and until their successors are appointed and qualify, and vacancies must be filled in the manner of original appointment for the remainder of the unexpired term.

HISTORY: 1962 Code Section 51‑92; 1973 (58) 132; 1978 Act No. 427 Section 2; 1990 Act No. 349, Section 2, (for effective date, see Editor’s Note below); 1993 Act No. 2, Section 1, eff December 11, 1992; 2010 Act No. 281, Section 1, eff June 16, 2010.

Editor’s Note

1990 Act No. 349, Section 7, approved March 19, 1990, provides as follows:

“This act takes effect upon approval by the Governor, except that the provisions of Sections 1, 2, 5, and 6 of this act do not take effect until the date that all claims and litigation, brought against the Patriot’s Point Development Authority, its officers, employees, or agents and arising from, related to, or connected with the development of a hotel and marina complex upon the lands of the authority, have been settled or otherwise disposed of to the satisfaction of the Governor and the State Budget and Control Board as evidenced by written resolution of the board. On the date of this written resolution, the terms of the present members of the authority expire and their successors appointed in the manner provided by this act shall take office.”

1993 Act No. 2, Section 2, eff December 11, 1992, provides as follows:

“SECTION 2. Notwithstanding the provisions of Section 7 of Act 349 of 1990 which provides that the composition of the authority may not be changed until all claims and litigation brought against the authority have been settled or otherwise disposed of to the satisfaction of the Governor and the Budget and Control Board evidenced by a resolution of the board, the terms of the members of the authority serving on the effective date of this act are terminated and the Governor shall appoint the members of the authority as provided in Section 51‑13‑720 of the 1976 Code, as amended in Section 1 of this act.”

Effect of Amendment

The 1993 amendment changed the method for appointing Board members and deleted a provision pertaining to the election of officers other than chairman.

The 2010 amendment made subsection (A) designation and added subsection (B) relating to additional members of the board.

CROSS REFERENCES

Mayor of Mt. Pleasant to serve as ex officio member of authority, see Section 51‑13‑725.

LIBRARY REFERENCES

73 C.J.S., Public Administrative Law and Procedure Sections 12‑16.

**SECTION 51‑13‑725.** Mt. Pleasant mayor to serve as ex officio member of authority.

In addition to the members of the Patriot’s Point Development Authority provided for in Section 51‑13‑720, the mayor of Mt. Pleasant, South Carolina, shall serve as an ex officio member of the authority.

HISTORY: 1992 Act No. 424, Section 1, eff June 1, 1992.

**SECTION 51‑13‑730.** Meetings of Board; quorum; compensation.

The Board shall meet upon the call of the chairman or a majority of its members, and a majority of its members shall constitute a quorum for the transaction of business. Members of the Board shall receive per diem for each day of performance of official duties and actual expense, including travel expense, shall be allowed for attendance thereon.

HISTORY: 1962 Code Section 51‑93; 1973 (58) 132.

LIBRARY REFERENCES

73 C.J.S., Public Administrative Law and Procedure Sections 8, 9, 17, 18, 20‑24.

**SECTION 51‑13‑740.** Executive director and other employees.

The Authority may employ an executive director, a secretary, attorney and such other employees or consultants as it deems necessary for the performance of its duties and shall fix their compensation.

HISTORY: 1962 Code Section 51‑94; 1973 (58) 132.

LIBRARY REFERENCES

73 C.J.S., Public Administrative Law and Procedure Sections 8, 12‑16.

**SECTION 51‑13‑750.** Jurisdiction of Authority; taking, use and occupancy of lands owned by State.

The Authority shall have jurisdiction over the lands, waters, shores, spoil areas and marshes of that area in Charleston harbor in Charleston County consisting of lands, shores and marshes known as Hog Island and lands, shores, marshes and spoil areas immediately adjacent to said Island; being bounded on the north by the rights‑of‑way of U.S. Highway 17 and of the Cooper River bridges, on the northeast by a creek running from said right‑of‑way to Shem Creek, on the east by Shem Creek, on the south by Hog Island channel, and on the west by the Cooper River, all of which area is hereby designated as Patriot’s Point and shall be known and described as such; and the Authority may take, exclusively occupy, use and possess, to the extent necessary for carrying out the provisions of this article, any lands owned by the State within the area hereinabove described, including shores, waters, marshes, swamps and overflowed lands, bottoms of streams, and bays within the area, and the riparian rights pertaining thereto; excluding the adjacent navigation channels of Charleston harbor; provided such use may be limited by navigation rights or other easements reserved by the State or the United States and by operation and maintenance of the harbor, channels and port of Charleston by the State Ports Authority. When so taken and occupied, due notice of such taking and occupancy having been filed with the Secretary of State, such areas are hereby granted to and shall be the property of the Authority, subject to the limitations for navigation and harbor and port uses above provided, and the laws of the United States with respect to navigable waters. For the purposes of this section, the meaning of the term “use” shall include the removal of material, including spoil or fill material, from and the placing of such material on any part of the lands, shores, marshes and areas hereinabove described. In the event it shall be held by a court of competent jurisdiction that there is any property in the above described areas which may not be so granted by the State, the provisions of this section shall continue of full force and effect as to all other areas so granted to the Authority, and the remainder may be purchased or condemned by the Authority in the manner hereinafter provided.

HISTORY: 1962 Code Section 51‑95; 1973 (58) 132.

**SECTION 51‑13‑760.** Purposes of Authority.

The Authority is created as an instrumentality of the State for the accomplishment of the following general purposes, all or any of them, which are intended to broaden and not to restrict any other powers given to it in this article, namely:

(1) To develop and improve the Patriot’s Point area to provide a place of education and recreation to foster among the people pride and patriotism in our nation and its heritage;

(2) To establish and develop a National Naval Museum of ships, naval and maritime equipment, artifacts, books, manuscripts, art and historical materials for the education and enjoyment of the people of our nation and to instill in them a knowledge of our naval and maritime history; and of the importance of sea power to our economy and defense;

(3) To foster and stimulate national and international travel to and participation in the development of Patriot’s Point, by acquiring, constructing, equipping and maintaining museum buildings, seaquariums and laboratories, public exhibits and entertainment facilities, historical monuments and sites; and providing lodging and accommodations for travelers by land or water to Patriot’s Point;

(4) To cooperate with the State of South Carolina and the United States of America, and any agency or any department, corporation or instrumentality thereof, in the maintenance, development, improvement and use of Patriot’s Point and all its functions;

(5) To accept funds, other assets and services from Charleston County and municipalities located therein and the State of South Carolina, and to use them in such manner, within the purposes of the Authority, as shall be stipulated by the county or the State in any matter coming within the general purposes of the Authority;

(6) To act as agent for the United States of America, or any agency, department, corporation or instrumentality thereof, in any matter coming within the purposes of the Authority;

(7) In general to do and perform any act or function which may tend to or be useful toward the development and improvement of Patriot’s Point.

HISTORY: 1962 Code Section 51‑96; 1973 (58) 132.

Attorney General’s Opinions

The Patriots Point Development Authority is required to collect admissions tax to the Naval and Maritime Museum in Charleston; the Authority is required to collect and remit sales tax on food, beverages, souvenirs and other items sold at the park or museum. 1974‑75 Op Atty Gen, No 4200, p 247.

The Patriot’s Point Development Authority (PPDA) should be permitted to create a nonprofit corporation as a necessary tool to the improvement and development of the Patriot’s Point area over which the PPDA has jurisdiction. 1994 Op Atty Gen, No. 94‑69, p. 145.

**SECTION 51‑13‑765.** Maintenance of special accounts; fiscal reports; retention and use of earnings and interest.

(A) The Patriot’s Point Development Authority may maintain special accounts controlled by the authority and made up of funds received by the authority. The authority may retain and carry over these funds it has on account from fiscal year to fiscal year. The receipt and expenditure of funds in these accounts must be reported in an annual fiscal audit of the authority.

(B) All earnings and interest accrued on accounts held by the authority must be retained and expended by the authority to carry out its purpose and mission.

HISTORY: 2000 Act No. 387, Part II, Section 18A, eff July 1, 2000.

**SECTION 51‑13‑770.** Powers of Authority.

In order to enable it to carry out the purposes of this article, the Authority:

(1) Shall have the powers of a body corporate, including the power to sue and be sued, to make contracts and to adopt and use a common seal and alter it as may be deemed expedient;

(2) May rent, lease, buy, own, acquire, mortgage and dispose of such property, real or personal, as the Authority may deem proper to carry out the purposes and provisions of this article, all or any of them;

(3) May acquire, construct, maintain, equip and operate docks, ships, piers, quays and other structures and any and all facilities needful for the convenient use of them in the aid of Patriot’s Point development, including the dredging of approaches thereto and the construction of roads and highways thereon and bridges and causeways necessary or useful in connection therewith and transportation facilities incident thereto and useful or convenient for the use thereof, including a marina, except that these piers, ships, docks, quays or similar structures shall be used exclusively for fulfilling the educational, recreational and tourist missions of Patriot’s Point and shall not be used for any active ocean‑going cargo or passenger vessels;

(4) Shall establish an office for the transaction of its business in the County of Charleston and such other offices within and without the State as may be deemed by the Board to be necessary or useful in carrying out the purposes of this article;

(5) May create and operate such agencies and departments as the Board may deem necessary or useful for the furtherance of any of the purposes of this article;

(6) May pay all necessary costs and expenses involved in and incident to the formation and organization of the Authority and incident to the administration and operation thereof and all other costs and expenses reasonably necessary or expedient in carrying out and accomplishing the purposes of this article;

(7) May apply for and accept loans and grants of money from any Federal agency, private sources or any other source for any and all of the purposes authorized in this article and expend such moneys in accordance with the directions and requirements attached thereto or imposed thereon by any such Federal agency and give such evidences of indebtedness as shall be required by any such Federal agency, except that no indebtedness of any kind incurred or created by the Authority shall constitute an indebtedness of the State, or any political subdivision thereof, and no such indebtedness shall involve or be secured by the faith, credit or taxing power of the State, or any political subdivision thereof;

(8) May adopt, alter or repeal its own bylaws, rules and regulations governing the manner in which its business may be transacted and in which the powers granted to it may be enjoyed; may provide rules and regulations for the use of its facilities by the public, and may provide for the appointment of such committees, and the functions thereof, as the Authority may deem necessary or expedient in facilitating its business;

(9) May do any and all other acts and things authorized or required to be done by this article, whether or not included in the general powers mentioned in this section;

(10) May do any and all things necessary to accomplish the purposes of this article; and

(11) May promulgate rules and regulations governing the use of or doing business on the Authority’s property or facilities, including the adoption of safety standards and insurance coverage or proof of financial responsibility, and may provide for the licensing of or enter into concession and use contracts with persons, firms or corporations using or doing business on such property or facilities and require license or other fees therefor. Licenses or concession and use contracts may be revoked after notice and hearing by the Authority for willful breach of or failure to comply with such rules and regulations.

HISTORY: 1962 Code Section 51‑97; 1973 (58) 132.

LIBRARY REFERENCES

73 C.J.S., Public Administrative Law and Procedure Sections 49‑75.

Attorney General’s Opinions

The Patriot’s Point Development Authority (PPDA) should be permitted to create a nonprofit corporation as a necessary tool to the improvement and development of the Patriot’s Point area over which the PPDA has jurisdiction. 1994 Op Atty Gen, No. 94‑69, p. 145.

**SECTION 51‑13‑780.** Power of Authority to acquire property by purchase or eminent domain.

For the acquiring of rights‑of‑way and property necessary for the construction of structures, including piers, ships, docks, quays, and other riparian and littoral facilities and structures and approaches to them and transportation facilities needful for their convenient use and highways, causeways, and bridges and for the acquiring of property necessary for the Patriot’s Point development project, the Authority may purchase them by negotiation or may condemn them. The power of eminent domain shall apply not only to all property of private persons or corporations but also to property already devoted to public use within the area of jurisdiction of the Authority.

HISTORY: 1962 Code Section 51‑98; 1973 (58) 132; 1987 Act No. 173 Section 33.

CROSS REFERENCES

Acquisition of real estate to promote places of general recreation, see Section 48‑23‑120.

Procedures for the condemnation of property, see the Eminent Domain Procedure Act, see Sections 28‑2‑10 et seq.

**SECTION 51‑13‑790.** Exchange or purchase of property; removal of structures.

The Authority may exchange any property acquired under the provisions of this article for other property usable in carrying out the powers hereby conferred or may purchase property for purposes of the Authority and also may remove buildings or other structures from lands needed for its purposes for reconstruction on other locations upon the payment of just compensation if, in its judgment, it is necessary or expedient to do so in order to carry out any of its plans for development under the authorization of this article.

HISTORY: 1962 Code Section 51‑99; 1973 (58) 132.

CROSS REFERENCES

Acquisition of real estate to promote places of general recreation, see Section 48‑23‑120.

Conveyances of public lands of the state, see SC Const, Art 3, Section 31.

**SECTION 51‑13‑800.** Transfer of property to United States Government.

The Board of the Authority may assign, transfer, lease, convey, grant or donate to the United States of America, or to the appropriate agency or department hereof, any or all of the property of the Authority for any use by such grantee for any purpose included within the general purposes of this article, such assignment, transfer, lease, conveyance, grant or donation to be upon such terms as the Board of the Authority may deem advisable. In the event the United States of America should decide to undertake the acquisition, construction, equipment, maintenance or operation of the piers, ships, docks, Naval Museum or any other facilities before referred to, including roads, highways, causeways or bridges, and should itself decide to acquire the lands and properties necessarily needed in connection therewith by condemnation or otherwise, the Board of the Authority may transfer and pay over to the United States of America, or to the appropriate agency or department thereof, such of the moneys belonging to the Authority as may be found needed or reasonably required by the United States of America to meet and pay the amount of judgments or condemnation, including costs, if any be taxed thereon, as may from time to time be rendered against the United States of America, or its appropriate agency, or as may be reasonably necessary to permit and allow the United States of America, or its appropriate agency, to acquire and become possessed of such lands and properties as are reasonably required for the construction and use of the facilities before referred to.

HISTORY: 1962 Code Section 51‑99.1; 1973 (58) 132.

CROSS REFERENCES

Agreements and relations with the United States government, see Sections 3‑1‑10 et seq.

Conveyances of public lands of the state, see SC Const, Art 3, Section 31.

**SECTION 51‑13‑810.** Authorization to borrow money.

As a means of raising the funds needed in the acquisition, construction, equipment, maintenance, and operation of any facility, building, structure, or other matter or thing which the authority is authorized to acquire, construct, equip, maintain, or operate, all or any of them, the authority, subject to the approval of the State Fiscal Accountability Authority or Department of Administration, as applicable, may borrow money and make and issue negotiable notes, or other evidences of indebtedness and provide for their payment under terms and conditions the authority determines.

HISTORY: 1962 Code Section 51‑99.3; 1973 (58) 132; 1990 Act No. 349, Section 3.

Code Commissioner’s Note

At the direction of the Code Commissioner, references in this section to the offices of the former State Budget and Control Board, Office of the Governor, or other agencies, were changed to reflect the transfer of them to the Department of Administration or other entities, pursuant to the directive of the South Carolina Restructuring Act, 2014 Act No. 121, Section 5(D)(1), effective July 1, 2015.

CROSS REFERENCES

Public finance generally, see Sections 11‑1‑10 et seq.

**SECTION 51‑13‑820.** Receipts and expenditures.

All funds of the Authority shall be deposited in a bank or banks to be designated by the State Treasurer. Funds of the Authority shall be paid out only upon warrants signed by the director of the Authority and countersigned by the chairman or the acting chairman. No warrants shall be drawn or issued disbursing any of the funds of the Authority except for a purpose authorized by this article and only when the account or expenditure for which they are to be given in payment has been audited and approved by the Authority. The Authority may accept contributions of money or property from all persons for the construction, equipping and operation of its facilities and improvements in the areas within its jurisdiction; and may receive such State, Federal or other grants or appropriations as may be made to it from time to time.

HISTORY: 1962 Code Section 51‑99.4; 1973 (58) 132.

**SECTION 51‑13‑830.** Financial report.

At least once in each year the Authority shall report to the Governor and the General Assembly a complete detailed statement of all moneys received and disbursed by the Authority during the preceding year. Such statement shall also show the several sources from which such funds were received and the balance on hand at the time of publishing the statement and shall show the complete financial condition of the Authority.

HISTORY: 1962 Code Section 51‑99.5; 1973 (58) 132.

**SECTION 51‑13‑840.** Exemption of Authority property from taxation.

The property of the authority is not subject to any taxes, or sums in lieu of taxes, or assessments on the property.

HISTORY: 1962 Code Section 51‑99.6; 1973 (58) 132; 1990 Act No. 349, Section 4.

**SECTION 51‑13‑850.** Penalties.

If any person using or going upon the property or facilities of Patriot’s Point shall be guilty of a violation of the rules and regulations provided and prescribed by the Authority, such person shall, upon conviction, incur a penalty for each offense of not less than ten dollars nor more than one hundred dollars.

HISTORY: 1962 Code Section 51‑99.2; 1973 (58) 132.

**SECTION 51‑13‑860.** State Fiscal Accountability Authority authorized to make loan to authority for purpose of settling certain claims and litigation.

The State Fiscal Accountability Authority may transfer to the authority an amount not to exceed six million dollars from the funds made available to the South Carolina Coordinating Council for Economic Development pursuant to Section 12‑27‑1270, for the purpose of the authority participating in any court approved settlement of the claims and litigation brought against the authority, its officers, employees or agents and arising from, related to, or connected with the development of a hotel and marina complex upon the lands of the authority, and for those other operating expenses necessary for the further development of the authority. This transfer is considered a loan to the authority, and it must be for a period not to exceed three years as determined by the State Fiscal Accountability Authority and must be free of interest for that period.

HISTORY: 1990 Act No. 349, Section 5 (for effective date, see Editor’s Note below).

Code Commissioner’s Note

At the direction of the Code Commissioner, references in this section to the offices of the former State Budget and Control Board, Office of the Governor, or other agencies, were changed to reflect the transfer of them to the Department of Administration or other entities, pursuant to the directive of the South Carolina Restructuring Act, 2014 Act No. 121, Section 5(D)(1), effective July 1, 2015.

Editor’s Note

1990 Act No. 349, Section 7, approved March 19, 1990, provides as follows:

“This act takes effect upon approval by the Governor, except that the provisions of Sections 1, 2, 5, and 6 of this act do not take effect until the date that all claims and litigation, brought against the Patriot’s Point Development Authority, its officers, employees, or agents and arising from, related to, or connected with the development of a hotel and marina complex upon the lands of the authority, have been settled or otherwise disposed of to the satisfaction of the Governor and the State Budget and Control Board as evidenced by written resolution of the board. On the date of this written resolution, the terms of the present members of the authority expire and their successors appointed in the manner provided by this act shall take office.”

1993 Act No. 2, Section 2, eff December 11, 1992, provides as follows:

“SECTION 2. Notwithstanding the provisions of Section 7 of Act 349 of 1990 which provides that the composition of the authority may not be changed until all claims and litigation brought against the authority have been settled or otherwise disposed of to the satisfaction of the Governor and the Budget and Control Board evidenced by a resolution of the board, the terms of the members of the authority serving on the effective date of this act are terminated and the Governor shall appoint the members of the authority as provided in Section 51‑13‑720 of the 1976 Code, as amended in Section 1 of this act.”

The preamble to 1994 Act No. 586, provides as follows:

“Whereas, the Spoleto Festival, USA has brought positive international attention to South Carolina since 1977, enhancing economic development and tourism for our State; and

“Whereas, a 1993 on‑site economic impact study of the Festival, commissioned by the Joint Legislative Committee on Cultural Affairs and performed by the business school at the University of South Carolina, found that the Festival brings $73 million annually into South Carolina and has created the impetus for over 2,500 jobs; and

“Whereas, the Festival is currently experiencing a critical shortage of operational funds due to past problems with Festival management and marketing; and

“Whereas, those problems have now been corrected with the recent hiring of a new, highly respected management and marketing team and stronger artistic leadership, and the future of the Festival has been stabilized; and

“Whereas, the Festival must immediately erase a $600,000 vendor debt from prior years in order to mount the 1994 Festival, which has been shortened by five days in order to save approximately $500,000; and

“Whereas, the Patriots Point Development Authority has agreed to release claim to $600,000 of a six million dollar loan made available in 1990 to the Authority, interest free, by the South Carolina Coordinating Council for Economic Development. Now, therefore,”

**SECTION 51‑13‑870.** Report and recommendations of authority.

On or before January 1, 1994, the authority shall submit a report to the Governor and the General Assembly which provides a detailed status of the development activities, financial condition of the authority, and recommendations for legislation to assure the permanent status of the Patriot’s Point Naval and Maritime Museum.

HISTORY: 1990 Act No. 349, Section 6 (for effective date, see Editor’s Note below).

Editor’s Note

1990 Act No. 349, Section 7, approved March 19, 1990, provides as follows:

“This act takes effect upon approval by the Governor, except that the provisions of Sections 1, 2, 5, and 6 of this act do not take effect until the date that all claims and litigation, brought against the Patriot’s Point Development Authority, its officers, employees, or agents and arising from, related to, or connected with the development of a hotel and marina complex upon the lands of the authority, have been settled or otherwise disposed of to the satisfaction of the Governor and the State Budget and Control Board as evidenced by written resolution of the board. On the date of this written resolution, the terms of the present members of the authority expire and their successors appointed in the manner provided by this act shall take office.”

1993 Act No. 2, Section 2, eff December 11, 1992, provides as follows:

“SECTION 2. Notwithstanding the provisions of Section 7 of Act 349 of 1990 which provides that the composition of the authority may not be changed until all claims and litigation brought against the authority have been settled or otherwise disposed of to the satisfaction of the Governor and the Budget and Control Board evidenced by a resolution of the board, the terms of the members of the authority serving on the effective date of this act are terminated and the Governor shall appoint the members of the authority as provided in Section 51‑13‑720 of the 1976 Code, as amended in Section 1 of this act.”

**SECTION 51‑13‑880.** USS Laffey.

Members of the USS Laffey Association who are temporarily present at Patriot’s Point to perform voluntary maintenance on the USS Laffey may remain onboard the vessel overnight if the executive director approves and has deemed it safe to do so.

HISTORY: 2014 Act No. 289 (S.825), Pt VI, Section 9, eff June 23, 2014.

ARTICLE 13

Old Abbeville District Historical Commission

**SECTION 51‑13‑910.** Old Abbeville District Historical Commission created; appointment and terms of members; vacancies.

There is hereby created the Old Abbeville District Historical Commission for Abbeville, Greenwood and McCormick counties. The commission shall be composed of nine members, six of whom shall be appointed by the Governor on recommendation of the resident members of the Abbeville, Greenwood and McCormick counties legislative delegations. The appointed members of the commission shall serve four year terms and until their successors are appointed and qualify. In case of any vacancy, the appointment to fill the vacancy shall be made in the same manner as provided for the original appointment. The remaining three members shall be the chairman of the three county historical societies, respectively. They shall serve ex officio.

HISTORY: 1976 Act No. 595 Section 1; 1976 Act No. 726.

LIBRARY REFERENCES

20 C.J.S., Counties Section 127.

81A C.J.S., States Sections 133, 134, 136‑140.

**SECTION 51‑13‑920.** Commission to be corporate body.

The commission is hereby declared to be a body politic and corporate.

HISTORY: 1976 Act No. 595 Section 2.

**SECTION 51‑13‑930.** Powers of Commission.

The commission is empowered to:

(a) sue and be sued;

(b) adopt, use and alter a corporate seal;

(c) enter into contracts in furtherance of its purposes;

(d) charge admission fees to its facilities;

(e) make bylaws for the management and regulation of its affairs;

(f) acquire, own, hold in trust, preserve, restore, maintain, suitably mark, develop, advertise, manage and operate or sell property of historical or architectural value in Abbeville, Greenwood and McCormick counties, and to receive funds, grants, donations and appropriations for the accomplishment of these purposes;

(g) acquire or purchase books, documents or other historical materials of interest;

(h) prescribe rules and regulations governing the use of its facilities;

(i) develop plans and orders of priority for the restoration of historical places in the three counties;

(j) appoint agents, employees and servants, prescribe their duties, fix their compensation, and to determine if and to what extent they shall be bonded for the faithful performance of their duties;

(k) apply for funds from State or federal agencies;

(l) property, provided it shall not have the power to assume any obligation or incur any indebtedness binding upon the State or the counties of Abbeville, Greenwood and McCormick.

HISTORY: 1976 Act No. 595 Section 3.

LIBRARY REFERENCES

81A C.J.S., States Sections 133, 134, 136‑140.

**SECTION 51‑13‑940.** Exemption of Commission property from taxation.

All property of the commission shall be exempt from all ad valorem taxes levied by the counties, municipalities, and other political subdivisions.

HISTORY: 1976 Act No. 595 Section 4.

LIBRARY REFERENCES

20 C.J.S., Counties Section 233.

63 C.J.S., Municipal Corporations Sections 1138 et seq.

**SECTION 51‑13‑950.** Deeds of conveyance to contain restrictive covenants to preserve historical value.

Every deed to a historical building conveyed by the commission shall contain a restrictive covenant to protect the building’s facade so as to preserve its historical value.

HISTORY: 1976 Act No. 595 Section 5.

**SECTION 51‑13‑960.** Meetings of Commission; quorum.

Any action required of the commission may be taken at any meeting of the commission, regular or special, and at any such meeting a majority of the members of the commission shall constitute a quorum for the purpose of transacting the business of the commission.

HISTORY: 1976 Act No. 595 Section 6.

ARTICLE 15

Old Ninety Six Tourism Commission

**SECTION 51‑13‑1110.** Old Ninety Six Tourism Commission created; appointment of members.

There is hereby created the Old Ninety Six Tourism Commission (commission) for the purpose of promoting the economic development through a formal program of tourism promotion in the following counties: Abbeville, Edgefield, Greenwood, Laurens, McCormick and Saluda. The commission shall be composed of two members from each county, to be appointed by the Governor upon the recommendation of the legislative delegation of each county, to serve for terms of four years and until their successors are appointed and qualify.

HISTORY: 1981 Act No. 59, Section 1.

Attorney General’s Opinions

Old Ninety Six Tourism Commission, created by Act No. 59 of 1981 to promote tourism, is not state agency or political subdivision for purposes of exemption from certain taxation regulations, but there are methods which can be utilized to confer tax‑exempt status on contributions made to Commissions through State. 1985 Op Atty Gen, No. 85‑14, p 57.

**SECTION 51‑13‑1120.** Duties of commission.

The commission shall:

(1) Take such action as necessary to establish the Old Ninety Six Tourism Region as a major center of tourism.

(2) Bring together the abilities and interests of private industry, chambers of commerce, development organizations and historical and cultural interests for the purpose of developing a formal program of tourism promotion.

(3) Encourage the promotion of Old Ninety Six Tourism Commission through such organizations as (a) the South Carolina Parks, Recreation and Tourism Department including other similar state agencies; (b) U. S. Travel Service; (c) Congressional Tourism caucus; (d) U. S. Travel Association; and (e) any other similar agency or program.

(4) Inventory and identify potential attractions of tourist interest in Old Ninety Six Tourism Commission.

(5) Establish guidelines to insure the protection of the interests of the individual citizens and environmental and cultural interests and to assure an ethical, truly representative image of Old Ninety Six Tourism Commission.

(6) Seek out, apply for, receive, process and distribute available funds through agencies such as the Department of Parks, Recreation and Tourism, Regional Councils of Government, and the Federal Departments of Commerce or Interior or any other similar agency or department.

HISTORY: 1981 Act No. 59, Section 2.

**SECTION 51‑13‑1130.** Commission meetings; officers.

The commission shall meet as soon after the appointment of its members as may be practicable and shall organize by electing one of its members as chairman and one as secretary and such other officers as it may deem desirable. The commission shall meet thereafter upon the call of the chairman or a majority of its members.

HISTORY: 1981 Act No. 59, Section 3.

ARTICLE 17

Heritage World Expo Authority [Repealed]

**SECTIONS 51‑13‑1310 to 51‑13‑1440.** Repealed by 1986 Act No. 351, Section 1.

Editor’s Note

Former Sections 51‑13‑1310 to 51‑13‑1440 were derived from 1982 Act No. 341, Section 1.

Former Article 17 contained provisions relative to the creation of the Heritage World Expo Authority, its membership, meetings, and staff, and its various powers and duties; provisions relative to the tax exempt status of property of the authority; and provisions relative to penalties for violations of regulations of the authority.

ARTICLE 19

Olde English District Commission

**SECTION 51‑13‑1610.** Creation of commission; membership; vacancies.

There is created the Olde English District Commission (Commission) for the purpose of instituting and operating programs to improve, enlarge, increase and otherwise enhance tourism, recreation and, development in the counties of Chester, Chesterfield, Fairfield, Lancaster, Kershaw, Union and York (District). The Commission shall be composed of three members from each county, one to be appointed by the governing body of the county, one by the legislative delegation of the county and one by the county planning and development board or its equivalent for terms of three years and until successors are appointed and qualify. Vacancies shall be filled in the manner of the original appointment for the unexpired portion of the term.

HISTORY: 1982 Act No. 347, Section 1.

**SECTION 51‑13‑1620.** Meetings; officers.

The Commission shall meet as soon after the appointment of its members as may be practicable and shall organize by electing one of its members as chairman, one as vice chairman, and one as secretary‑treasurer and such other officers as it may deem desirable. The Commission shall meet thereafter at times established in its bylaws or upon the call of the chairman or a majority of its members.

HISTORY: 1982 Act No. 347, Section 1.

**SECTION 51‑13‑1630.** Powers and duties; bylaws.

The Commission shall:

(1) Take such action as necessary to establish the District as a major center of tourism and recreation.

(2) Bring together the abilities and interests of private industry, chambers of commerce and historical and cultural interests for the purpose of developing a formal program of tourism promotion, recreation, and development.

(3) Encourage the promotion of the District through travel agencies such as (a) the South Carolina Parks, Recreation and Tourism Department; (b) visit U. S. A. Program; (c) Discover America Program; (d) any other similar agency or program.

(4) Inventory and identify potential attractions of tourist and recreation interest in the District.

(5) Establish guidelines to insure the protection of the interests of the individual citizens and environmental and cultural interests and to assure an ethical, truly representative image of the District to the tourist.

(6) Seek out, apply for, receive, process and distribute available funds and grants through agencies such as the Regional Planning and Development Councils, the Department of Parks, Recreation and Tourism, Heritage, Conservation, and Recreation Service, and the Federal Departments of Commerce or Interior or any other similar agency or department.

(7) Adopt bylaws to carry out the purposes for which it is created.

HISTORY: 1982 Act No. 347, Section 1.

ARTICLE 20

Old Jacksonborough Historic District

**SECTION 51‑13‑1710.** Historic district created; composition.

There is hereby created the Old Jacksonborough Historic District (District) in Colleton County, which shall be under the jurisdiction of the Old Jacksonborough Historic District Authority (Authority), a body politic and corporate under the laws of this State.

The District shall be composed of the Village of Old Jacksonborough, as well as any other historic sites that may have historical or cultural connection or relevance to Old Jacksonborough.

HISTORY: 1980 Act No. 597, Section 1, eff April 22, 1980.

Code Commissioner’s Note

The Code Commissioner has determined that Act No. 597 of 1980 is statewide in nature, and it has been included in the code for that reason.

**SECTION 51‑13‑1720.** Board of regents; composition; terms; vacancies.

The authority must be governed by a board of regents consisting of seven members, as follows:

(a) one member appointed by the Senator in whose district the present Village of Jacksonborough is located. The member must be a resident of this State;

(b) one member appointed by the Representative in whose district the present Village of Jacksonborough is located. The member must be a resident of this State;

(c) four members resident in Colleton County appointed by the Governor upon recommendation of the Colleton County Legislative Delegation;

(d) one member appointed by the Governor with the advice and consent of the Senate who resides in the congressional district in which the present Village of Jacksonborough is located.

The terms of the members must be for four years and until their successors are appointed and qualify except that those originally appointed to the board of regents, four shall serve two years and three shall serve for four years. The length of such terms must be determined by lot. In the case of a vacancy, the vacancy must be filled in the manner of the original appointment for the unexpired portion of the term only. The board of regents, upon being appointed, shall meet and elect a chairman and other officers it considers necessary from its membership.

HISTORY: 1980 Act No. 597, Section 2, eff April 22, 1980; 2012 Act No. 279, Section 21, eff June 26, 2012; 2014 Act No. 278 (H.5040), Section 1, eff June 9, 2014.

Editor’s Note

2012 Act No. 279, Section 33, provides as follows:

“Due to the congressional redistricting, any person elected or appointed to serve, or serving, as a member of any board, commission, or committee to represent a congressional district, whose residency is transferred to another district by a change in the composition of the district, may serve, or continue to serve, the term of office for which he was elected or appointed; however, the appointing or electing authority shall appoint or elect an additional member on that board, commission, or committee from the district which loses a resident member as a result of the transfer to serve until the term of the transferred member expires. When a vacancy occurs in the district to which a member has been transferred, the vacancy must not be filled until the full term of the transferred member expires. Further, the inability to hold an election or to make an appointment due to judicial review of the congressional districts does not constitute a vacancy.”

2014 Act No. 278, Section 2, provides as follows:

“SECTION 2. This act takes effect upon approval by the Governor. However, any member serving on the effective date of this act may continue to serve until their term expires, at which time the succeeding member must be appointed pursuant to the provisions of this act.”

Effect of Amendment

The 2012 amendment changed the number of board members from nine to ten, added item (g) relating to the seventh Congressional District, and made other nonsubstantive changes.

2014 Act No. 278, Section 1, rewrote the section, reducing the board to seven members and to change the manner of appointments.

**SECTION 51‑13‑1730.** Meetings; quorum; compensation; director and employees.

The board of regents shall meet upon the call of the chairman or a majority of its members, and a majority of its members, excluding the ex officio members, shall constitute a quorum for the transaction of business. The board of regents shall serve without compensation, but shall be entitled to receive reimbursement for mileage at the existing state rate. It may employ a director and other employees who shall perform such duties as the board may direct. Compensation paid the director and other employees shall be fixed by the board.

HISTORY: 1980 Act No. 597, Section 3, eff April 22, 1980.

**SECTION 51‑13‑1740.** Powers to make studies, surveys and maps.

The Authority is authorized to:

(a) Make studies, surveys, maps and do such other functions as may be necessary to determine the exact site and location of the Village of Old Jacksonborough at the time it served as the state’s provisional capital, determine the exact site and location, and obtain information about the buildings used for sessions of the General Assembly during its 1782 session;

(b) Make studies, surveys and maps about other structures, dwellings, buildings, roads, streets, bridges and highways, in or near the Village of Old Jacksonborough;

(c) Make studies, surveys and maps to determine, identify, locate, and designate the historic and cultural sites in the surrounding area, including the dwelling in which Governor John Matthews visited, the headquarters of General Nathanael Greene, the tomb of Colonel Isaac Hayne, Pon Pon Chapel, the grave of Congressman O’Brien Smith, Duharra Plantation House where President Washington spent the night, the grave of Judge Aedanus Burke, the graves of Commander John Herbert Dent, Senator Simon Verdier, Lieutenant Governor William Cotesworth Pinckney, and Lieutenant Governor Merrick E. Carn, the site of Bethel “Pon Pon” Presbyterian Church, Edmundsbury Episcopal Chapel, and the Battle of Parker’s Ferry, and such other historic and cultural sites as may be located and identified.

HISTORY: 1980 Act No. 597, Section 4, eff April 22, 1980.

**SECTION 51‑13‑1750.** Power to make contracts and procure historic materials.

The Authority may, without regard to the laws and procedures applicable to state agencies, procure supplies, services and property and make contracts and expend in furtherance of this act funds donated or funds received and may, within the limits of statutory authority, exercise those powers that are necessary to enable it to carry out efficiently and in the public interest the purposes of this act.

The Authority shall have the power to procure and purchase books, documents, transcripts of documents, or other historic or cultural materials, paintings, works of art or any artistic objects of historic or cultural interest; to collect and preserve objects of interest pertaining to natural or cultural history of the Village of Old Jacksonborough, Colleton County, or the State of South Carolina and other like property; to arrange and catalogue them; to provide for their restoration when necessary; to provide for public display, examination and use in the furtherance of the cultural life of the Village of Old Jacksonborough, Colleton County, and the State; to purchase or lease property or buildings necessary to establish and conduct a museum of cultural history and natural science, an historic restoration of the Village of Old Jacksonborough, or an historic site or restoration at any other of the sites set forth herein; to mortgage or pledge its real or personal property, and to receive funds, grants, donations and appropriations for the purpose of establishing and operating historic restorations, historic sites, or a museum of history and natural science. The Authority shall have full power to operate, maintain and expand any restoration or museum so far as its funds allow. The Authority may enter into agreements, leases, working arrangements with other museums, art centers or eleemosynary corporations or with state or federal departments or agencies in the acquisition of historic sites or historic objects or in the purchase, development and operation of historic or cultural properties, pageants or dramas for the historical, cultural, or economic development of the Village of Old Jacksonborough, Colleton County, and the State of South Carolina.

HISTORY: 1980 Act No. 597, Section 5, eff April 22, 1980.

**SECTION 51‑13‑1760.** Power to accept donations; coordination with other agencies.

The Authority is authorized to accept donations of money, property or personal services; to cooperate with national, state, civic, patriotic, hereditary and historical groups and institutions of learning; and to call upon state and federal departments or agencies for their advice and assistance in carrying out the purposes of this act.

HISTORY: 1980 Act No. 597, Section 6, eff April 22, 1980.

**SECTION 51‑13‑1770.** Designation of places of historical interest; operation and maintenance; historical pamphlets.

The Authority shall select markers and appropriately mark and designate points and places of historical interest in the territory that may comprise the Old Jacksonborough Historic District. The Authority shall be responsible for the operation and upkeep of such historical sites. It shall receive and disburse funds, accept donations, and compile, print and sell historical pamphlets. In addition, the Authority shall advise the county legislative delegation on matters of historical interest in the Old Jacksonborough Historic District, Colleton County, and adjacent areas.

HISTORY: 1980 Act No. 597, Section 7, eff April 22, 1980.

ARTICLE 21

Lowcountry and Resort Islands Tourism Commission

**SECTION 51‑13‑1810.** Lowcountry and Resort Islands Tourism Commission created; membership of commission; terms of office.

There is created the Lowcountry and Resort Islands Tourism Commission for the purpose of promoting the economic development of the region through a formal program of tourism promotion in Beaufort, Colleton, Hampton, and Jasper counties. The commission is composed of three members from each county, to be appointed by the Governor upon recommendation of the legislative delegation of each county, to serve for terms of four years and until their successors are appointed and qualify. One member from each county must be a representative of the hospitality business industry to provide input to the commission from those persons directly involved in the travel and leisure industry. Two members from each county must be representatives of the chamber of commerce in the county to provide input from the historical, cultural, environmental, and recreational interests, and general business community. Of those first appointed, the members representing the hospitality industry shall serve three years and the members representing chambers of commerce shall serve four years. Vacancies must be filled in the manner of the original appointment for the unexpired portion of the term.

HISTORY: 1991 Act No. 42, Section 1.

**SECTION 51‑13‑1820.** Duties of commission.

The commission shall:

(1) take necessary action to establish the lowcountry and resort islands region as a major center of tourism;

(2) bring together the abilities and interests of private industry, chambers of commerce, development organizations, and historical and cultural interests for the purpose of developing a formal program of tourism promotion;

(3) encourage the promotion of the region through organizations such as the South Carolina Department of Parks, Recreation and Tourism, the United States Travel Service, the Travel Industry of America, the Southeast Tourism Society, and similar agencies or programs;

(4) inventory and identify potential attractions of tourist interest in the region;

(5) establish guidelines to ensure the protection of the interests of the individual citizens and environmental and cultural interests and to assure an ethical, truly representative image of the region to the tourist;

(6) seek out, apply for, receive, process, and distribute available funds through agencies such as the South Carolina Department of Parks, Recreation and Tourism, Regional Councils of Government, and the United States Departments of Commerce and Interior, or any other similar agency or department.

HISTORY: 1991 Act No. 42, Section 1.

**SECTION 51‑13‑1830.** Officers; meetings.

The commission shall meet as soon after the appointment of its members as practicable and shall organize by electing one of its members as chairman, one as secretary, and other officers as it considers necessary. This commission shall meet thereafter on call of the chairman or a majority of its members.

HISTORY: 1991 Act No. 42, Section 1.

ARTICLE 23

Enoree River Greenway Commission

**SECTION 51‑13‑2000.** Enoree River Greenway Commission; creation; purposes; powers.

(A) The Enoree River Greenway Commission (commission) is created to serve the following purposes in the South Carolina Piedmont:

(1) promote the use and appreciation of the Enoree River and associated natural resources;

(2) promote the development of historical resources;

(3) promote outdoor recreation and enjoyment;

(4) promote tourism, focusing on the natural and cultural resources; and

(5) foster the conservation and wise use of natural resources.

(B) The commission may exercise the following powers within Laurens, Newberry, Union, and Spartanburg counties to achieve its purposes:

(1) coordinate the activities of volunteers, organizations, and business and government agencies;

(2) accept funds from business, private individuals, and government agencies and to open such accounts with financial institutions to administer these funds;

(3) enter into contracts with individuals, and business or government agencies;

(4) select a location of a commission office within its service area;

(5) hire and dismiss employees to the extent it has funds available;

(6) operate such activities as necessary to successfully promote and develop natural and historic resources in its area of interest; and

(7) undertake other activities normally granted nonprofit organizations toward achieving its purpose.

HISTORY: 1998 Act No. 273, Section 1, eff April 7, 1998.

**SECTION 51‑13‑2010.** Board of directors; indemnification; appointments; compensation.

(A) The management of the commission is vested in the Board of Directors (board). The directors shall be indemnified by the commission in all civil actions for actions taken within the scope of their authority toward achieving the purposes of this article.

The fifteen members shall serve three‑year terms and must be appointed in the following manner:

(1) one director appointed by each of the respective county councils in Laurens, Newberry, Union, and Spartanburg;

(2) one director appointed by the U.S. Forest Service;

(3) one director appointed by the S.C. Department of Parks, Recreation and Tourism;

(4) one director appointed by the South Carolina Department of Natural Resources; and

(5) two directors appointed by each of the respective Laurens, Newberry, Union, and Spartanburg county legislative delegations.

The board may appoint individuals as nonvoting ex officio members by a majority vote.

(B) Vacancies shall be filled in the same manner as original appointment for the remaining portion of the unexpired term. Upon expiration of a term, a director may continue to serve until a successor is appointed and qualified.

(C) Directors shall not be compensated for service, but may receive, at the discretion of the board, reasonable reimbursement for services rendered in performance of the commission’s purposes.

HISTORY: 1998 Act No. 273, Section 1, eff April 7, 1998.

**SECTION 51‑13‑2020.** Board meetings; quorum; vacancies; officers; powers.

(A) Regular meetings of the board shall be held at least bi‑annually at places within the service area.

(B) At all meetings of the board, a quorum of the board for the transaction of business shall consist of a majority of the membership of the board. If any member misses three consecutive meetings, then that seat is deemed to be vacant and the vacancy shall be filled in the manner provided by this article.

(C) Meetings of the board shall be presided over by the chairman, the vice chairman, or in their absence by an interim chairman chosen at the meeting. The secretary/treasurer, or other designated director in the case of an absence, shall act as secretary of a meeting. Conduct of a meeting shall be governed by Roberts Rules of Order, revised latest edition.

(D) The board shall choose a chairman, vice chairman, and secretary/treasurer at any regular meeting. The officers shall serve one‑year terms and shall hold office until a successor is elected. Officers shall have the following powers:

(1) The chairman shall have such powers and duties in the management of the commission as may be prescribed by the board of directors.

(2) The vice chairman shall work and cooperate with the chairman, in the exercise of the powers and duties of the chairman as the chairman may request, and shall act in place of and for the chairman in the event of an absence.

(3) The secretary/treasurer shall maintain a record of the meetings and other proceedings of the commission. The secretary/treasurer shall have the custody of all funds of the commission and shall deposit the same in the name of the commission in such bank or financial institutions as the directors may choose. The secretary/treasurer shall keep current records and financial accounts open to any director and shall give financial reports as the board may require.

(4) The acceptance or transfer of land or interests in land, or the execution of papers, including deeds, mortgages, leases, contracts, bonds, notes, and powers of attorney or other obligations related to land or interests in land, shall require approval of an absolute majority of the board (eight or more directors).

HISTORY: 1998 Act No. 273, Section 1, eff April 7, 1998.

Attorney General’s Opinions

Pursuant to the rules as set forth in Robert’s Rules of Order, a member of an appointed body must refrain from making official corrections to meeting minutes until asked by the Secretary, during a regularly scheduled meeting, if corrections to minutes from the past meeting need to be made. At that time, the member may propose his or her corrections and the body will vote, or by general consent determine, whether or not the corrections should be made. Once corrections are made, the presiding officer may deem the minutes “approved as corrected.” S.C. Op.Atty.Gen. (April 7, 2010) 2010 WL 1808726.

**SECTION 51‑13‑2030.** Fiscal year; financial accounts, disbursements, and audits.

The fiscal year of the commission is July 1 to June 30. The board may establish such accounts with banks, trust companies, and other financial institutions as it deems appropriate. Disbursements shall be made only in accordance with a specific authorization by the board or within a general budget approved by the board. There shall be an annual audit of accounts by an independent public accountant.

HISTORY: 1998 Act No. 273, Section 1, eff April 7, 1998.

ARTICLE 25

Francis Marion Trail Commission

Code Commissioner’s Note

This article was added at the direction of the Code Commissioner to accommodate the provisions added by 2005 Joint Resolution No. 159.

**SECTION 51‑13‑2110.** Francis Marion Trail Commission created; powers and duties.

There is created the Francis Marion Trail Commission for the purpose of establishing a heritage and tourism trail to be designated as the Francis Marion Trail. The commission is authorized to solicit and raise funds for the trail from public or private sources, and, in coordination with the Department of Parks, Recreation and Tourism, to designate the location and route of the trail to be included in the department’s State Trail System. The commission is empowered and directed to raise private funds, to solicit and receive private and public grants, and to receive gifts to carry out the purpose for which the commission is created. If necessary for proper funding to establish the trail, the commission may recommend an appropriation for the trail. The Department of Parks, Recreation and Tourism shall provide the necessary staff and assistance to the commission. After the trail is established, the Department of Parks, Recreation and Tourism must maintain the trail as part of the State Trail System; however, the commission shall continue to raise public and private funds to assist in maintaining the trail.

HISTORY: 2005 Joint Resolution No. 159, Section 1, eff June 14, 2005.

Code Commissioner’s Note

This section was codified at the direction of the Code Commissioner.

**SECTION 51‑13‑2120.** Commission membership.

The commission shall consist of the following seven members:

(1) the Director of the Department of Parks, Recreation and Tourism or his designee, ex officio;

(2) the President of Francis Marion University or his designee, ex officio;

(3) one member appointed by the President Pro Tempore of the Senate;

(4) one member appointed by the Speaker of the House of Representatives;

(5) one member appointed by the Chairman of the Senate Finance Committee;

(6) one member appointed by the Chairman of the House Ways and Means Committee; and

(7) one member appointed by the Governor.

The members of the commission shall serve terms of four years and until their successors are appointed. Vacancies must be filled in the same manner as original appointment for the remainder of the unexpired term. The commission shall elect one of its members to serve as chairman for a term of two years. Commission members are not entitled to receive the subsistence, mileage, and per diem otherwise provided by law for members of state boards, committees, and commissions.

HISTORY: 2005 Joint Resolution No. 159, Section 2, eff June 14, 2005.

Code Commissioner’s Note

This section was codified at the direction of the Code Commissioner.

**SECTION 51‑13‑2130.** Advisory committee.

The presidents of the historical societies located in each of the counties identified in Joint Resolution 159 of 2005, or their designees, shall serve on an advisory committee in a nonvoting capacity.

HISTORY: 2005 Joint Resolution No. 159, Section 3, eff June 14, 2005.

Code Commissioner’s Note

At the direction of the Code Commissioner, this section was codified and “in Joint Resolution Number 159 of 2005” was substituted for “in this resolution”.

The following counties are identified in Joint Resolution 159 of 2005: Marion, Florence, Williamsburg, Horry, Georgetown, Berkeley, Charleston, Sumter, Clarendon, and Colleton.