

1960

## Recent Legislation

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*Legislative Council of the General Assembly*

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## RECENT LEGISLATION

### A SUMMARY OF ACTS PASSED DURING THE 1960 SESSION OF THE GENERAL ASSEMBLY OF SOUTH CAROLINA

RICHARDS TODD\*

The 1960 session of the General Assembly began on January 12 and adjourned sine die on May 27. During the session 622 acts were ratified. Twelve of these acts were vetoed and the Governor's veto was sustained in every instance. One act has not been signed or vetoed by the Governor at this time. The remaining 609 acts have been signed.

This summary will be divided into three sections. Section I will briefly summarize acts which in the opinion of the author are of particular interest to members of the legal profession. Section II will list by title only acts of general interest to members of the Bar. Section III will list titles of the more important local legislation arranged by counties in alphabetical order.

At the time of the publication of the Law Quarterly you will not have obtained your copy of the Acts and Joint Resolutions, South Carolina, 1960. However, advance sheets containing the general and permanent acts of 1960 are available. The acts summarized herein will be cited by permanent act numbers. All references to code sections are to the CODE OF LAWS OF SOUTH CAROLINA, 1952.

#### SECTION I

*Criminal Law Revisions* — A committee to study the criminal laws of the State was created in 1959. This committee met numerous times between the 1959 and 1960 sessions of the General Assembly and as a result of its deliberations several bills were introduced. Four of these bills were enacted into law. (1) An Act<sup>1</sup> which classifies criminal offenses as felonies and misdemeanors. (2) An Act<sup>2</sup> which provides that persons issuing fraudulent checks, drafts, or orders in an amount of less than one hundred dollars may be tried by a magistrate. Prior to this enactment such persons could be

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1. Act No. 651 of 1960.  
2. Act No. 816 of 1960.

tried by a magistrate only if the check, draft or order was issued in an amount of less than seventy-five dollars. (3) Prior to the passage of an act of 1960<sup>3</sup> a person accused of obtaining property by false pretenses or representation when the value of the property was less than twenty dollars could be tried in a magistrate's court. The act allows a person accused of obtaining property by false pretense or representation of a value of less than seventy-five dollars to be tried in magistrate's court. (4) A Joint Resolution<sup>4</sup> proposes an amendment to Article V, Section 21 of the Constitution so as to allow magistrates to try criminal offenses when the fine which may be imposed does not exceed two hundred dollars or imprisonment does not exceed thirty days. At present the exclusive jurisdiction of magistrates is limited to cases where a fine of one hundred dollars or imprisonment for thirty days may be imposed.

Because of the numerous "sit down" demonstrations in restaurants by Negroes the General Assembly in an effort to strengthen the prohibitive measures available to curtail such actions passed an act<sup>5</sup> which would allow punishment of persons who trespass after being warned within six months preceding not to do so or who refuse to leave premises after being ordered or requested to leave.

*Acts relative to the penal system of the State* — The much publicized penitentiary investigation resulted in an enactment<sup>6</sup> providing for the establishment of a Department of Corrections, a Board of Corrections, and a State Prison Management System. The act also authorizes the employment of a Director of the Department of Corrections, defines the duties and authorities of the Board and Director, provides for the removal of the Director and for competitive bids for contracts, regulates the sale of prison products, prohibits gambling within the prison system and the furnishing of contraband to prisoners, and provides penalties for violations. An act<sup>7</sup> provides a state "use law" for prison made products. Under the provisions of this act the employment of convicts will be regulated, prison produced products will be used by state agencies and subdivisions with sales on the open market prohibited,

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3. Act No. 648 of 1960.

4. Act No. 887 of 1960.

5. Act No. 743 of 1960.

6. Act No. 808 of 1960.

7. Act No. 818 of 1960.

prison industries will be regulated and penalties will be imposed for violations. The General Assembly authorized the construction of a laundry at the Penitentiary and the borrowing of money for such construction. The act<sup>8</sup> provides that laundry service for the Penitentiary, the State Hospital and other State institutions shall be furnished by the Penitentiary laundry.

*Amendments to tax laws* — The Tax Study Commission proposed many changes to the highly technical and voluminous tax laws of this State. Many of its proposals and several other tax bills sponsored by members of the General Assembly not on the Tax Study Commission were enacted this year. The federal income tax deduction allowed in computing state income taxes, abolished in 1959, was reinstated early in the 1960 session.<sup>9</sup> Several code sections relating to gain or loss and the basis therefor on sales and exchanges of property for income tax purposes were amended and one code section relating thereto was repealed with the result that the term "basis" was defined and amplified and nonrecognition of gains and losses on certain exchanges, transfers and distributions were provided for.<sup>10</sup> The income tax law was amended,<sup>11</sup> changing certain exemptions for income tax purposes. The act also altered the new withholding system to make it more workable and all inclusive. Section 65-258 was amended<sup>12</sup> so as to define "capital asset," to allow as an exclusion from adjusted gross income one-half of gains and losses arising from the sale or exchange of capital assets and to provide for holding period determinations relative to the exercise of certain rights. The income tax law was amended<sup>13</sup> so as to further provide for bad debt and depreciation deductions and to add pension, profit sharing, stock bonus and annuity plan contribution deductions. Act 731 of 1958 was amended<sup>14</sup> so as to allow an income tax exemption for certain dividends received from a subsidiary corporation, to define "principal place of business," to provide for allocation of gains and losses from the sale of real property located outside the state, to exclude from the property factor property

8. Act No. 906 of 1960.

9. Act No. 562 of 1960.

10. Act No. 647 of 1960.

11. Act No. 689 of 1960.

12. Act No. 690 of 1960.

13. Act No. 691 of 1960.

14. Act No. 693 of 1960.

not held or used to produce income, to require return filing and income tax payments by domestic and foreign corporations. The time for filing corporation license tax and income tax returns was extended and more provisions relating to the withholding of income taxes were added.<sup>15</sup>

The article of the Code relating to taxation of insurance company investment income was repealed.<sup>16</sup> An act<sup>17</sup> providing for nonrecognition of gain arising from involuntary conversion of property was passed as was an act<sup>18</sup> clarifying the net operating loss carry forward deduction with respect to the establishment or completion of new businesses or industries. A three year statute of limitations for filing claims for refund of license fees and taxes was enacted with provisions for appeals.<sup>19</sup> Certain changes in the law governing the organization and administration of the South Carolina Tax Commission were made.<sup>20</sup> Soft drinks taxes received considerable revision with certain terms being defined, certain bottled soft drinks being exempted, analysis of soft drinks being provided for, and the affixing of stamps or crowns being regulated.<sup>21</sup> Tax relief in the fields of admissions taxation<sup>22</sup> and license taxation of coin operated devices<sup>23</sup> was granted.

*Changes in banking laws* — Laws affecting the operation of banks came in for extensive amendment during 1960. Banks are now allowed to open an account and give a credit to local as well as out of state banks.<sup>24</sup> The retention of business records by banks is now more clearly regulated.<sup>25</sup> An act was passed which provides that bonds of officers and employees of state banks shall be reviewed and approved or disapproved in writing annually by the board of directors.<sup>26</sup> Banks may now accept deposits of and pay out deposits upon a check of a minor with the same effect as if dealing with a person of full legal capacity.<sup>27</sup>

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15. Act No. 694 of 1960.

16. Act No. 734 of 1960.

17. Act No. 740 of 1960.

18. Act No. 827 of 1960.

19. Act No. 675 of 1960.

20. Act No. 739 of 1960.

21. Act No. 826 of 1960.

22. Act No. 837 of 1960.

23. Act No. 846 of 1960.

24. Act No. 696 of 1960.

25. Act No. 697 of 1960.

26. Act No. 698 of 1960.

27. Act No. 789 of 1960.

*Insurance Laws* — The Insurance Department as it existed prior to the passage of an act of the General Assembly<sup>28</sup> during the 1960 session was abolished. The Insurance Commission was created. There are now five insurance commissioners who appoint the chief insurance commissioner to administer the insurance laws of the state. Section 37-188 was amended<sup>29</sup> to further provide for the maintenance of unearned insurance premium reserves, to set forth the methods to be used in the measurement of reserves of insurance companies and to establish a standard nonforfeiture law to govern such companies. Insurance agents are now charged with personal liability for policies sold by them for unlicensed insurance companies.<sup>30</sup> Life insurance companies may now charge lower premium rates on policies insuring the lives of females.<sup>31</sup> An act provides for the merger of certain types of insurance companies.<sup>32</sup> The uninsured motorist fund act of 1959 was amended requiring insurance companies to furnish an uninsured motorist endorsement at no cost to the insured.<sup>33</sup> An amendatory act sets out the procedure to be followed by foreign insurance companies to effect return of deposits placed with the insurance commissioner.<sup>34</sup> The responsibility of the insurance commissioner for arson investigations was transferred to SLED<sup>35</sup> and his duties as securities commissioner were transferred to the Secretary of State.<sup>36</sup>

*Magistrates terms and jurisdiction* — The amendment to the State Constitution ratified in 1959 which permits the General Assembly to set the terms and civil jurisdiction of magistrates resulted in the enactment of much legislation changing terms and jurisdiction. The following counties lengthened the terms of their magistrates: Lexington,<sup>37</sup> Newberry,<sup>38</sup> Greenwood,<sup>39</sup> Saluda,<sup>40</sup> Laurens,<sup>41</sup> Calhoun,<sup>42</sup>

28. Act No. 686 of 1960.

29. Act No. 614 of 1960.

30. Act No. 676 of 1960.

31. Act No. 782 of 1960.

32. Act No. 692 of 1960.

33. Act No. 803 of 1960.

34. Act No. 809 of 1960.

35. Act No. 615 of 1960.

36. Act No. 616 of 1960.

37. Act No. 572 of 1960.

38. Act No. 587 of 1960.

39. Act No. 594 of 1960.

40. Act No. 611 of 1960.

41. Act No. 621 of 1960.

42. Act No. 633 of 1960.

Chesterfield,<sup>43</sup> Williamsburg,<sup>44</sup> Kershaw.<sup>45</sup> The following counties established the civil jurisdiction of their magistrates: Lexington,<sup>46</sup> Orangeburg,<sup>47</sup> and Greenwood.<sup>48</sup>

*Garnishment of wages* — An act providing for the garnishment of judgment debtors wages was enacted in 1960.<sup>49</sup> Not more than fifteen per cent of the debtor's wages may be garnisheed and then only if the debt is one hundred dollars or less on the purchase of food, fuel or medicine. Garnishment of wages shall not apply for the benefit of creditors holding a mortgage over the debtor's property or to a judgment secured upon monies lent.

*Codification of municipal ordinances* — All municipalities must codify and index their ordinances by January 1, 1961. If not codified by that date the act<sup>50</sup> provides that they are repealed.

*Provisions of the General Appropriations Act* — The State General Appropriations Act of 1960<sup>51</sup> provides in Part II thereof, the following important legislation: (1) The compensation of school teachers, future governors and future members of the General Assembly and the retirement pay of Supreme Court Justices shall be increased. (2) Tax measures relating to beer and wine, building and loan associations, tobacco products, ammunition and playing cards enacted on a temporary basis in 1959 shall be permanent.

## SECTION II

### Acts of General Interest to Members of the Bar

An Act To Amend Act No. 109 Of 1959, Relating To The Permissive Closing Of Banks For One Day A Week, So As To Include Building And Loan Associations And Savings And Loan Associations Under The Provisions Of This Act.<sup>52</sup>

An Act To Amend Section 61-61, Code Of Laws Of South Carolina, 1952, Relating To The Several Funds Of The South

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43. Act No. 749 of 1960.

44. Act No. 791 of 1960.

45. Act No. 829 of 1960.

46. Act No. 574 of 1960.

47. Act No. 624 of 1960.

48. Act No. 668 of 1960.

49. Act No. 737 of 1960.

50. Act No. 613 of 1960.

51. Act No. 802 of 1960.

52. Act No. 570 of 1960.

Carolina Retirement System, So As To Further Provide For The Merging Of Such Funds.<sup>53</sup>

An Act To Amend Item (2) Of Section 61-106, Code Of Laws Of South Carolina, 1952, As Amended, Relating To Disability Allowances Upon Retirement By Members Of The South Carolina Retirement System, So As To Provide An Employer Annuity Equal To Seventy-Five Per Cent Of The Employer Annuity That Would Have Been Payable Upon Service Retirement At Age Sixty Had Such Member Continued In Service To Such Age.<sup>54</sup>

An Act To Provide For The Reduction Of License Fees For Certain Trucks.<sup>55</sup>

An Act To Amend Section 20-45, Code Of Laws Of South Carolina, 1952, Relating To Service On Nonresidents In Marriage Annulment Actions, So As To Extend Such Service To Marriages Performed Outside Of This State Under Certain Conditions.<sup>56</sup>

An Act To Make The Provisions Of Chapter 5 Of Title 18, Code Of Laws Of South Carolina, 1952, Relating To Drainage Districts, Applicable To Watershed Conservation, To Provide That The Boards Of Supervisors Of Drainage Districts May Make Provision For Storage, Conservation, Utilization And Disposal Of Water Within The Districts And To Provide That Drainage Districts Shall Cooperate And Coordinate Their Activities With Local Soil Conservation Districts.<sup>57</sup>

An Act To Amend Act No. 723 Of 1952, As Amended, Relating To Motor Vehicle Safety Responsibility, So As To Increase The Amount Of Deposit Required To Obtain A Certificate From The State Treasurer.<sup>58</sup>

An Act To Amend Subitem (1) Of Item (c) Of Section 1 And Sections 2 And 8 Of Act No. 329 Of 1953, Relating To Absentee Registration And Voting, So As To Provide That Spouses Of Members Of The Armed Forces Of The United States May Register And Vote.<sup>59</sup>

An Act To Amend Section 41-156, Code Of Laws Of South Carolina, 1952, Relating To Distrainment Against Property Re-

53. Act No. 578 of 1960.

54. Act No. 579 of 1960.

55. Act No. 598 of 1960.

56. Act No. 617 of 1960.

57. Act No. 626 of 1960.

58. Act No. 642 of 1960.

59. Act No. 649 of 1960.



moved From Premises, So As To Extend The Time For Distraining.<sup>60</sup>

An Act To Amend Section 33-229, As Amended, And Sections 33-231, 33-233 And 33-235, Code Of Laws Of South Carolina, 1952, Relating To Suits Against The Highway Department, So As To Extend The Authority To Sue To Cover All Vehicles And Motor Vehicles Of The Highway Department While Being Operated On Official Business Of The Highway Department; To Increase The Amount Of Claims Which May Be Settled Without Suit From Three Hundred Dollars To One Thousand Dollars; To Authorize The Personal Representative Of A Deceased Person To Bring Suit In Cases Of Such Extended Liability; And To Provide That The Payment Of Any Claims Settled Or Judgment Obtained Shall Be Made From The State Highway Fund.<sup>61</sup>

An Act To Amend Section 46-657, Code Of Laws Of South Carolina, 1952, As Amended, Relating To Heights And Lengths Of Vehicles, So As To Increase The Height And Length Allowable.<sup>62</sup>

An Act To Amend Section 59-364, Code Of Laws Of South Carolina, 1952, Relating To The Revenue Bond Act For Utilities, So As To Further Define The Meaning Of The Word "System" So That Certain Airports And Harbors Improvement Plans May Be Combined Into A Single System; To Provide For Raising Money For Such Combined System; To Provide That Money May Be Raised For Airport And Harbor Improvements By Bond Issues; And To Prescribe How The Payment Of The Principal And Interest Of Such Bonds So Issued May Be Secured.<sup>63</sup>

An Act To Provide For The Defense Of Officers And Employees Of The State Of South Carolina, Or Of Any Political Subdivision Thereof, Prosecuted In Any Action Or Special Proceeding In The Courts Of This State, Or The United States, By Reason Of Any Act Done Or Omitted In Good Faith In The Course Of Their Employment.<sup>64</sup>

An Act To Exempt Pension Plans, Annuity Trusts Or Similar Arrangements Established By Employers For The

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60. Act No. 650 of 1960.

61. Act No. 652 of 1960.

62. Act No. 657 of 1960.

63. Act No. 662 of 1960.

64. Act No. 674 of 1960.

Benefit Of Employees And Their Beneficiaries From The Laws Against Perpetuities.<sup>65</sup>

An Act To Provide For Reduction In The Amount Of Bonds Required Of Certain Fiduciaries.<sup>66</sup>

An Act To Amend Section 10-2551, Code Of Laws Of South Carolina, 1952, As Amended, Relating To The Payment Of Money Due Minors Or Other Incompetents, So As To Provide That A Guardian Or Committee May Be Discharged If The Funds Of A Minor Or Other Incompetent In His Custody Are Reduced To One Thousand Dollars Or Less, And To Designate To Whom The Remaining Funds May Be Paid.<sup>67</sup>

An Act To Amend Item I Of Section 46-154, Code Of Laws Of South Carolina, 1952, As Created By Act No. 309 Of The Acts Of 1959, Relating To The Operation Of Motor Vehicles By Minors, So As To Authorize The Highway Department To Issue A Special Restricted Driver's License To Any Person Who Has Acquired An Instruction Permit; And To Amend Subsection (b) Of Section 46-155 Of The Code, As Created By Act No. 255 Of The Acts Of 1959, Authorizing The Highway Department To Issue Instruction Permits, So As To Authorize The Department To Issue Such Permits To Students Enrolled In Driver Training Courses Of Duly Licensed Driver Training Schools.<sup>68</sup>

An Act To Exempt Beauty Shops Located In Private Residences From Certain Requirements Relating To Toilet Facilities And Entrances.<sup>69</sup>

An Act To Simplify Security Transfers By Fiduciaries.<sup>70</sup>

An Act To Amend Section 67-53, Code Of Laws Of South Carolina, 1952, Relating To The Appointment Of Nonresident Trustees, So As To Provide For Their Bond.<sup>71</sup>

An Act To Amend Section 19-553, Code Of Laws Of South Carolina, 1952, As Amended, Relating To The Distribution Of Estates, So As To Make The Provisions Applicable To Testate Estates.<sup>72</sup>

An Act To Amend Section 19-473, Code Of Laws Of South Carolina, 1952, As Amended, Relating To Notice To Creditors

65. Act No. 677 of 1960.

66. Act No. 678 of 1960.

67. Act No. 679 of 1960.

68. Act No. 682 of 1960.

69. Act No. 688 of 1960.

70. Act No. 706 of 1960.

71. Act No. 714 of 1960.

72. Act No. 715 of 1960.

So As To Require Executors And Administrators To File An Affidavit Of Publication.<sup>73</sup>

An Act To Amend Act No. 836 Of The Acts Of 1952, As Amended, Relating To Hearings To Be Held Concerning The Appointment Of A Committee, So As To Eliminate The Holding Of Hearings Under Certain Conditions.<sup>74</sup>

An Act To Amend Act No. 836 Of The Acts Of 1952, As Amended, Relating To The Definition Of Designated Examiners For The Mentally Ill, So As To Further Define Who May Examine The Mentally Ill.<sup>75</sup>

An Act Providing For Full Recognition Of Nonresident Guardianship For Minors And Permitting Judges Of Probate Of This State To Distribute And Transfer Personal Estates To Such Guardians.<sup>76</sup>

An Act To Amend Section 19-591, Code Of Laws Of South Carolina, 1952, As Amended, Relating To Letters Testamentary Granted To Nonresident Individuals, So As To Provide For Fiduciary Bond.<sup>77</sup>

An Act To Amend Section 19-482, Code Of Laws Of South Carolina, 1952, Relating To Compromises Of Demands Against Estates And Settlements Of Claims Of Estates, So As To Further Provide For Settlement Of Claims Of Estates.<sup>78</sup>

An Act To Amend Section 31-3, Code Of Laws Of South Carolina, 1952, Relating To The Appointment Of Guardians, So As To Provide That Such Appointments Shall Be Made By The Probate Court Of The County In Which The Ward Resides And To Provide For Ascertaining The Sufficiency Of Bond In Certain Cases.<sup>79</sup>

An Act To Amend Item (a) Of Section 5 Of Act 253 Of 1959, Relating To Boating, So As To Provide That The Size Of Identifying Numbers On Motorboats Shall Not Be Less Than Three Inches In Height Instead Of Four Inches In Height.<sup>80</sup>

An Act To Prohibit Cutting, Destroying, Removing Or Transporting Any Standing Or Growing Trees, Or Logs, Or The Lumber Manufactured Therefrom, On Or From Any

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73. Act No. 716 of 1960.

74. Act No. 717 of 1960.

75. Act No. 718 of 1960.

76. Act No. 719 of 1960.

77. Act No. 720 of 1960.

78. Act No. 721 of 1960.

79. Act No. 722 of 1960.

80. Act No. 723 of 1960.

Privately Or Publicly Owned Lands, Without The Consent Of The Owner, And To Provide Penalties For The Violation Hereof.<sup>81</sup>

An Act To Establish The South Carolina Real Estate Board And The Office Of Real Estate Commissioner And To Endow Them With Powers, Duties, And Responsibilities As Prescribed By Act No. 833 Of 1956, As Amended, And To Provide For Additional Powers, Duties And Responsibilities.<sup>82</sup>

An Act To Amend Subsection (c) Of Section 46-35, Code Of Laws Of South Carolina, 1952, As Amended, Relating To The Issuance Of Special Farm Vehicle Licenses, So As To Further Provide For Their Issuance.<sup>83</sup>

An Act To Amend Act No. 402 Of The Acts Of 1957, Relating To The Registration Of Motor Vehicles, So As To Eliminate The Necessity For Dual Recordation Of Liens On Motor Vehicles.<sup>84</sup>

An Act To Amend Section 45-152, Code Of Laws Of South Carolina, 1952, Relating To Requisites Of Mortgages Of Crops, Truck Or Fruit, So As To Provide That A Mortgage May Be Given On Crops, Truck Or Fruit, Planted Or Grown And To Be Planted Or Grown Within Five Years From The Date Of The Mortgage.<sup>85</sup>

An Act To Amend Section 45-55, Code Of Laws Of South Carolina, 1952, Relating To Mortgages Or Other Instruments Securing Existing Indebtedness Or Future Advances, So As To Provide That The Total Amount Of Existing Indebtedness And Future Advances Outstanding At Any One Time May Not Exceed The Maximum Principal Amount Stated Therein Plus Interest Thereon, Attorneys' Fees And Court Costs.<sup>86</sup>

An Act To Amend Section 7-20, Code Of Laws Of South Carolina, 1952, Making Inapplicable To Statutes Contained In Title 7 A Certain Common Law Rule Of Construction, So As To Make Such Rule Also Inapplicable To Titles 10, 15, 17, 26 And 27.<sup>87</sup>

An Act To Amend Section 7-1, Code Of Laws Of South Carolina, 1952, Relating To Procedure For Appeals In Civil

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81. Act No. 725 of 1960.

82. Act No. 741 of 1960.

83. Act No. 742 of 1960.

84. Act No. 744 of 1960.

85. Act No. 745 of 1960.

86. Act No. 746 of 1960.

87. Act No. 761 of 1960.

And Criminal Actions, So As To Denote Certain Other Statutes Relating To Appeals.<sup>88</sup>

An Act To Amend Section 12-642, Code Of Laws Of South Carolina, 1952, Relating To Notice To Stockholders Concerning Liquidation, So As To Delete The Provision Requiring Posting Of Notice.<sup>89</sup>

An Act To Amend Section 10-455, Code Of Laws Of South Carolina, 1952, Relating To The Effect Of Personal Service Out Of The State, So As To Further Provide Therefor.<sup>90</sup>

An Act Making It Unlawful To Use The Words "Building And Loan" Or "Savings And Loan" In Connection With Any Business, With Exceptions, And To Provide A Penalty For Violating The Provisions Hereof.<sup>91</sup>

An Act To Amend Section 4-31, Code Of Laws Of South Carolina, 1952, Relating To Alcoholic Beverage Licenses, So As To Prohibit The Granting Of Such Licenses Within Three Hundred Feet Of Any Church, School Or Playground Situated Within A Municipality Or Within Five Hundred Feet Of Any Church, School Or Playground Situated Outside Of A Municipality.<sup>92</sup>

An Act To Authorize The Removal Of Cemeteries After Abandonment.<sup>93</sup>

An Act To Authorize Building And Loan Associations Or Savings And Loan Associations To Accept Or Disburse Deposits Of A Minor With The Same Effect As If Dealing With A Person Of Full Legal Capacity.<sup>94</sup>

An Act To Provide For County Business Development Corporations.<sup>95</sup>

An Act To Prohibit Obtaining Credit By Use Of A Credit Card Issued To Another Without Consent Of The Person To Whom Issued Or Which Has Been Expired Or Been Cancelled Or Which Is A False, Fictitious Or Counterfeit Credit Card, And To Prescribe Penalties Therefor.<sup>96</sup>

An Act To Amend Section 7-16, Code Of Laws Of South Carolina, 1952, Defining The Term "Real Property" And

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88. Act No. 774 of 1960.

89. Act No. 777 of 1960.

90. Act No. 778 of 1960.

91. Act No. 801 of 1960.

92. Act No. 804 of 1960.

93. Act No. 805 of 1960.

94. Act No. 806 of 1960.

95. Act No. 807 of 1960.

96. Act No. 810 of 1960.

"Real Estate", So As To Include The Definitions Of Other Words And Terms Defined In Various Sections Of Title 7; And To Repeal Sections 7-17, 7-18 And 7-19, Code Of Laws Of South Carolina, 1952, Which Individually Define The Words And Terms Collectively Defined Herein.<sup>97</sup>

An Act To Amend Section 2-21, Code Of Laws Of South Carolina, 1952, Relating To The Liability Of Owners And Operators Of Airships To Guests Therein, So As To Make Such Applicable To Aircraft In General.<sup>98</sup>

An Act To Amend Section 31-219, Code Of Laws Of South Carolina, 1952, Relating To The Discharge Of Guardians When Certain Requirements Have Been Met, So As To Set Forth Under What Conditions And To Whom A Guardian Ad Litem May Pay Out Funds Before Discharge When The Funds Are Less Than One Thousand Dollars.<sup>99</sup>

An Act To Repeal Section 67-5, Code Of Laws Of South Carolina, 1952, Making Trust Deeds Of Chattels For The Use Of The Grantor Void.<sup>100</sup>

An Act To Amend Act No. 886 Of The Acts Of 1958, Relating To Business Development Corporations, So As To Permit The Participation Of The Small Business Administration Under The Provisions Thereof.<sup>101</sup>

An Act To Provide That Notice Of Field Trials Shall Be Given To The Wildlife Resources Department, To Provide That Certain Nonresidents May Participate In Field Trials Without Being Required To Procure A Hunting License, And To Provide That No Game Shall Be Taken During Such Trials Except During Open Season For Such Game.<sup>102</sup>

An Act To Amend Section 20-24, Code Of Laws Of South Carolina, 1952, As Amended, Relating To The Issuance Of Marriage Licenses, So As To Provide For Oaths As To Ages And To Permit The Use Of Selective Service Identification Cards, Military Identification Cards, Passports And Visas To Establish Ages And To Repeal Act No. 896 Of The Acts Of 1958, Relating To The Use Of Military Service Identification Cards To Establish Ages.<sup>103</sup>

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97. Act No. 811 of 1960.

98. Act No. 812 of 1960.

99. Act No. 814 of 1960.

100. Act No. 815 of 1960.

101. Act No. 819 of 1960.

102. Act No. 823 of 1960.

103. Act No. 824 of 1960.

An Act To Amend Section 65-1644, Code Of Laws Of South Carolina, 1952, As Amended, Relating To The Filing Of Returns Of Property For Taxation, So As To Provide That Any County May Waive Penalties For Failing To Make Such Statement Of Return Or May Provide That Such Statements Shall Be Made Every Fourth Year.<sup>104</sup>

An Act To Amend Section 46-35, Code Of Laws Of South Carolina, 1952, As Amended, Relating To The Issuance Of Special Farm Vehicle Licenses, So As To Provide That No Registration Or Licensing Shall Be Required For Certain Farm Trailers.<sup>105</sup>

An Act To Provide That The State Highway Department May Issue Open-End Permits For Moving Oversize Mobile Homes.<sup>106</sup>

An Act Making It Unlawful For Any Person To Sell, Offer For Sale Or Use Any Device Or Equipment Which Shall Change The Original Design Or Performance Of Any Headlamps Or Other Lamps Or Reflectors Now Required To Be Attached To Motor Vehicles, Trailers And Semitrailers Unless The Same Has Been Approved By The Chief Highway Commissioner; And To Provide A Penalty For Violating The Provisions Hereof.<sup>107</sup>

An Act To Provide For Limited Partnerships And To Repeal Chapter 2 Of Title 52, Code Of Laws Of South Carolina, 1952, Relating To Limited Partnerships.<sup>108</sup>

### SECTION III

The most important Local Acts arranged by Counties in Alphabetical Order.

#### *Anderson County*

A Joint Resolution Proposing An Amendment To Section 21 Of Article V Of The Constitution Of South Carolina Relating To The Jurisdiction Of Magistrates, So As To Provide That Magistrates In Anderson County Having Jurisdiction In Addition To That Conferred By The Constitution Upon Other Magistrates In Anderson County Shall Maintain An Office In The City Of Anderson.<sup>109</sup>

104. Act No. 830 of 1960.

105. Act No. 841 of 1960.

106. Act No. 842 of 1960.

107. Act No. 847 of 1960.

108. Act No. 848 of 1960.

109. Act No. 929 of 1960.

*Barnwell County*

An Act To Authorize The County Of Barnwell To Acquire Land For Additional Recreational Facilities.<sup>110</sup>

*Beaufort County*

An Act To Amend Item 2, Section 15-286, Code Of Laws Of South Carolina, 1952, Relating To Terms Of Court In Beaufort County So As To Provide For An Additional Term Of The Court Of Common Pleas.<sup>111</sup>

An Act To Authorize The Beaufort County Board Of Directors To Acquire Voting Machines For Use In General, Special And Primary Elections In Such County.<sup>112</sup>

*Berkeley County*

An Act To Redefine The Boundaries Of Hanahan Public Service District In Berkeley County; To Provide Alternative Methods For The Raising Of Moneys Required To Renovate The Existing Waterworks System Of The District; To Extend, Enlarge And Improve The System For The Disposal Of Sewage In The District By Issuance Of General Obligation Bonds, Additionally Secured By A Pledge Of Revenues From The Sewage Disposal System Of The District And Bonds Payable Solely From Revenues Derived From Said System; To Make Provision For The Payment Of Any Bonds Issued Pursuant To This Act; To Authorize The District To Contract With The Commissioners Of Public Works Of The City Of Charleston For The Collection Of Charges To Be Imposed By The Hanahan Public Service Commission For Sewage Disposal Service; And To Require Persons Living In The District To Connect To And Utilize The Sewage Disposal System.<sup>113</sup>

*Charleston County*

An Act To Amend Section 15-1104, Code Of Laws Of South Carolina, 1952, Relating To The Jurisdiction Of Certain Courts, So As To Provide That In Charleston County The Probate Court Shall Not Exercise Jurisdiction In Respect To Certain Children Except Under Certain Conditions; And To Add Section 15-1172.1 To The Code, So As To Further Define The Jurisdiction, Duties And Powers Of The Domestic Rela-

110. Act No. 944 of 1960.

111. Act No. 584 of 1960.

112. Act No. 946 of 1960.

113. Act No. 957 of 1960.



tions Court Of Charleston County And The Children's Court Division Thereof.<sup>114</sup>

An Act To Amend Section 15-1112, Code Of Laws Of South Carolina, 1952, Relating To Certain Juvenile And Domestic Relations Courts, So As To Designate Such Courts As Courts Of Record.<sup>115</sup>

An Act To Establish An Assessment And Equalization System For Taxation Of Property In Charleston County; To Provide For A Board Of Assessors, Its Membership, Powers And Duties; To Provide A Method Of Tax Appeals; To Prohibit The Board From Changing Present Assessments With Exceptions; And To Repeal Any Acts Inconsistent Herewith.<sup>116</sup>

#### *Chester County*

An Act To Amend Section 14-1354, Code Of Laws Of South Carolina, 1952, As Amended, Relating To The Audit Of The Offices Of Chester County, So As To Further Provide Therefor.<sup>117</sup>

#### *Chesterfield County*

An Act Creating The Chesterfield County Library And Providing For Its Governing Body; And To Provide A Tax Levy Therefor If The Referendum Provided Herein Results Favorably To The Creation Of Such Library And The Levying Of Such Taxes.<sup>118</sup>

#### *Colleton County*

An Act To Amend Subsection (3), As Amended, Of Section 15-286, Code Of Laws Of South Carolina, 1952, Relating To The Terms Of Court In Colleton County, So As To Further Provide For Meetings Of The Grand Jury.<sup>119</sup>

An Act To Amend Section 13 Of Act No. 88, Acts And Joint Resolutions, 1959, Relating To The Criminal Jurisdiction Of The Civil And Criminal Court Of Colleton County, So As To Provide That Such Jurisdiction Shall Be Concurrent With The Jurisdiction Of The Court Of General Sessions Except In Certain Cases.<sup>120</sup>

114. Act No. 618 of 1960.

115. Act No. 661 of 1960.

116. Act No. 779 of 1960.

117. Act No. 858 of 1960.

118. Act No. 798 of 1960.

119. Act No. 553 of 1960.

120. Act No. 589 of 1960.

*Darlington County*

An Act To Establish A Civil And Criminal Court For A Certain Portion Of Darlington County; To Prescribe Its Jurisdiction, Powers And Rules; To Provide For Its Officers And Their Compensation; To Impose Upon The Judge Of Such Court The Duties Of The Office Of Master And To Repeal Act No. 117 Of The Acts Of 1955, As Amended, Relating To The Civil And Criminal Court Of Darlington County.<sup>121</sup>

An Act To Provide For A System Of Municipal Government In And For Darlington County; To Create A County Commission And To Provide For Its Membership, Powers And Duties.<sup>122</sup>

*Dorchester County*

An Act To Provide For The Establishment Of The Dorchester County Development Board.<sup>123</sup>

*Fairfield County*

An Act To Create The Fairfield County Commission For Higher Education And To Make Provision For Its Powers And Duties.<sup>124</sup>

*Greenville County*

An Act To Provide That Certain Property May Be Added To A Water And Sewer District In Greenville County Upon Petition By The Property Owner And Approval By The Commission Of The District.<sup>125</sup>

An Act To Provide For The Master's Fees In Greenville County.<sup>126</sup>

*Greenwood County*

An Act To Provide A System Of Government For Greenwood County.<sup>127</sup>

An Act To Extend The Territorial Limits Of The Greenwood Metropolitan District To Include Recently Annexed Areas Of The City Of Greenwood And To Confirm A Bond Issue Without Further Elections; To Amend Act 441 Of 1959 Relating To The Greenwood Metropolitan District, So As To

121. Act No. 683 of 1960.

122. Act No. 874 of 1960.

123. Act No. 551 of 1960.

124. Act No. 632 of 1960.

125. Act No. 558 of 1960.

126. Act No. 840 of 1960.

127. Act No. 554 of 1960.

Provide Orderly Procedures For Areas Seeking Annexation To The District; To Authorize The District And Commissioners Of Public Works Of Greenwood To Contract For Certain Purposes; To Authorize Additional Contract Powers; To Provide For Advertising For Bids For Services Or Purchases In Excess Of Ten Thousand Dollars; To Provide Pro-rata Taxation For Future Annexation Occurring During A Taxable Year; To Authorize The Metropolitan Commission To Borrow In Anticipation Of Receipt Of Taxes; To Negotiate And Contract With Municipalities For Sewerage Handling; To Regulate Sewer Systems Within The District; To Authorize Relations Between The District And Commissioners Of Public Works Of Greenwood, South Carolina; And To Authorize The District To Designate Unincorporated Areas As Subdistricts Therein.<sup>128</sup>

An Act To Amend Sections 14-2202, 14-2213, 14-2215, 14-2217, And 14-2221, Code Of Laws Of South Carolina, 1952, Relating To The Administration Of The Affairs Of Greenwood County, So As To Delete References To Certain Defunct Agencies; To Alter The Duties Of The Clerk Of The Greenwood County Finance Board; To Provide Additional Duties Of The Finance Board; To Provide Meetings Of The Board; To Provide That Action By The Board Shall Be Taken Only In Public Meetings And To Amend The Code Of Laws Of South Carolina, 1952, By Adding New Article 4 To Chapter 38 Of Title 14 Consisting Of New Section 14-2241 Providing For Purchasing By Greenwood County.<sup>129</sup>

#### *Hampton County*

An Act To Provide For The Preparation Of The Official Enrollment Books Of Qualified Electors For Jury Purposes In Hampton County.<sup>130</sup>

An Act Creating The Hampton County Library; Providing For Its Governing Body; And Defining The Terms Of Office, Powers And Duties Of The Members Of The Governing Body.<sup>131</sup>

#### *Horry County*

An Act To Amend Sections 38-60 And 38-72, Code Of Laws Of South Carolina, 1952, As Amended, Relating To Supply-

128. Act No. 1028 of 1960.

129. Act No. 849 of 1960.

130. Act No. 666 of 1960.

131. Act No. 868 of 1960.

ing Deficiencies In The Number Of Grand And Petit Jurors, So As To Dispense With The Tales Box In Horry County.<sup>132</sup>

*Jasper County*

An Act To Prohibit The Consolidation Of Schools In Jasper County.<sup>133</sup>

An Act Creating The Jasper County Library; Providing For Its Governing Body; And Defining The Terms Of Office, Powers And Duties Of The Members Of The Governing Body.<sup>134</sup>

*Lancaster County*

An Act To Create The Lancaster County Board Of Tax Assessors And Tax Appeals; To Provide For Its Membership, Powers And Duties; To Provide For The Employment Of An Executive Secretary And To Define His Duties; And To Provide For A Referendum.<sup>135</sup>

An Act Creating The Lancaster County Library; Providing For Its Governing Body; Defining The Terms Of Office, Powers And Duties Of The Members Of The Governing Body; And Providing Funds For Its Operation And Maintenance.<sup>136</sup>

*Laurens County*

An Act To Amend Act 586 Of 1954, Relating To The Planning And Development Commission Of Laurens County, So As To Provide That The Commission May Hold, Buy, Sell Or Take Option On Real Estate.<sup>137</sup>

*Marion County*

An Act To Authorize The Chairman Of The County Board Of Commissioners Of Marion County To Sell Or Dispose Of County-Owned Property For Industrial Purposes.<sup>138</sup>

*Marlboro County*

An Act To Provide For A Board Of Tax Appeals And Equalization For Marlboro County; To Declare The Powers, Duties And Compensation Thereof; And To Provide For The Manner And Times Of Taking Appeals Thereto By Taxpayers.<sup>139</sup>

132. Act No. 783 of 1960.

133. Act No. 581 of 1960.

134. Act No. 788 of 1960.

135. Act No. 872 of 1960.

136. Act No. 796 of 1960.

137. Act No. 786 of 1960.

138. Act No. 736 of 1960.

139. Act No. 711 of 1960.

An Act To Amend Section 65-1832, Code Of Laws Of South Carolina, 1952, As Amended, Relating To The Board Of Tax Assessors For Marlboro County, So As To Increase The Membership.<sup>140</sup>

*Newberry County*

A Joint Resolution Proposing An Amendment To Article I, Section 17, Of The Constitution Of South Carolina, 1895, Relating To Criminal Punishment, Double Jeopardy And The Taking Of Private Property, So As To Authorize The General Assembly To Provide By Law That Incorporated Municipalities Or Housing Or Redevelopment Authorities In Newberry County May Undertake And Carry Out Slum Clearance And Redevelopment Work And To Provide For The Use Of The Power Of Eminent Domain By The Incorporated Municipalities Or Housing Authorities In Newberry County For Such Purposes.<sup>141</sup>

*Pickens County*

An Act To Increase The Compensation Of Circuit Court Jurors In Pickens County.<sup>142</sup>

*Richland County*

An Act To Amend Act No. 952 Of The Acts Of 1958, Relating To The Assessment Of Taxes In School District No. 1 Of Richland County, So As To Provide That Upon The Completion Of This Reassessment That The Total Value Of The Property In The District Shall Not Exceed By One Per Cent The Total Value Of The Property In The District Before The Reassessment And To Allow For Additional Assessments Under Certain Conditions.<sup>143</sup>

An Act To Amend Section 15-1112, Code Of Laws Of South Carolina, 1952, Relating To Certain Juvenile And Domestic Relations Courts, So As To Designate Such Courts As Courts Of Record.<sup>144</sup>

*Sumter County*

An Act To Amend Section 27-98, Code Of Laws Of South Carolina, 1952, As Amended, Relating To Clerk Of Court Fees For Sumter County, So As To Further Provide Therefor.<sup>145</sup>

140. Act No. 712 of 1960.

141. Act No. 1092 of 1960.

142. Act No. 851 of 1960.

143. Act No. 557 of 1960.

144. Act No. 661 of 1960.

145. Act No. 727 of 1960.

*Union County*

An Act To Provide That The Solicitor Of The Civil And Criminal Court Of Union Shall Not Represent Any Party Bringing Action Against Union County And To Provide A Penalty For Violations.<sup>146</sup>

An Act To Provide For The Payment Of Judgments Against Union County.<sup>147</sup>

*Williamsburg County*

An Act To Increase The Number Of Petit Jurors In Williamsburg County.<sup>148</sup>

*York County*

An Act To Establish The Criminal, Juvenile And Domestic Relations Court Within York County With A Criminal Division And A Juvenile And Domestic Relations Division; To Provide For Its Officers, Their Powers And Duties And The Court's Jurisdiction; To Provide A Tax Levy Therefor; And To Repeal Act No. 596 Of The Acts Of 1947, As Amended, Relating To The Juvenile And Domestic Relations Court Of Catawba-Ebenezer Townships In York County.<sup>149</sup>

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146. Act No. 567 of 1960.

147. Act No. 582 of 1960.

148. Act No. 591 of 1960.

149. Act No. 875 of 1960.