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Richards Todd
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RECENT LEGISLATION

A SUMMARY OF ACTS PASSED DURING THE 1961 SESSION OF THE GENERAL ASSEMBLY OF SOUTH CAROLINA

RICHARDS TODD*

The 1961 session of the General Assembly began on January tenth and adjourned sine die on May eighteenth. During the session 680 acts were ratified. Seven of these acts were vetoed, recalled or unsigned. The remaining 673 acts are published in the Acts and Joint Resolutions of the General Assembly of the State of South Carolina, 1961, which are available at the present time. They should be readily accessible to members of the Bar and for that reason the acts summarized herein are cited by permanent act numbers instead of ratification numbers. References to code sections are to the CODE OF LAWS OF SOUTH CAROLINA, 1952.

This summary is divided into three sections. In Section I acts which in the opinion of the author are of particular interest to attorneys at law are briefly summarized. In Section II acts of general interest to members of the legal profession are listed by title only. In Section III the most important local legislation is listed by title only and arranged by counties in alphabetical order.

SECTION I

Code Revision — Numerous acts were passed during the 1961 session of the General Assembly which repealed obsolete code sections, amended code sections so as to correct typographical errors, clarify verbiage, delete outmoded provisions and combine sections improperly divided. The Code of Laws of South Carolina, 1962, will be greatly improved over the 1952 Code as a result of these enactments.

Changes in Tax Laws — Section 65-721 was added to the Code to permit the sale of business license stamps to non-resident merchants or manufacturers for individual use. The section applies only to residents of states which allow such privilege to South Carolinians.¹ Taxpayers may now report

*Attorney, Legislative Council of the General Assembly.

1. Act No. 98 of 1961.

certain income by an installment method.² The term "adjusted gross income" was further defined.³ Code sections concerning annual reports and license fees of corporations were amended to provide for filing and payment on the income year basis, combination and execution of forms, portion payment of license fees for short periods between the beginning of the calendar year and the corporation's income year.⁴ Allowable deductions for charitable contributions made by individuals were increased from fifteen per cent to twenty per cent and in some circumstances to thirty per cent.⁵ Exclusions are allowed from "adjusted gross income" of certain portions of amounts received by an employee as distributions from an employee's trust exempt from taxation under Section 65-226 (9).⁶ The income tax law was amended to provide for waivers of penalties and interest, the refund of taxes wrongfully collected after a majority vote of the Tax Commission after due hearing, and a three-year period of limitation for the assessment of additional income taxes.⁷ Admissions to athletic contests of institutions of higher learning are no longer exempt from the admissions tax.⁸ An act provided for an application and an affidavit for exemption from the soft drinks tax.⁹ The same act permits the Tax Commission to inspect formulas and manufacturing processes of applicants for exemption, prohibits the divulgence of information concerning formulas by the Commission, and provides penalties. An act providing for the taxation of real estate investment trusts was passed.¹⁰ The old inheritance and estate tax laws were repealed and a new estate tax law enacted.¹¹

Motor Vehicle Laws — Act 311 of 1959 which concerns motor vehicle safety responsibility was amended by deleting a section authorizing the revocation of the driver's license of any uninsured motorist for accumulation of violation points until proof of financial responsibility is furnished. The amendatory act also restores operating privileges to persons whose licenses were revoked by authority of the repealed sec-

2. Act No. 166 of 1961.

3. Act No. 166 of 1961.

4. Act No. 167 of 1961.

5. Act No. 208 of 1961.

6. Act No. 272 of 1961.

7. Act No. 277 of 1961.

8. Act No. 278 of 1961.

9. Act No. 279 of 1961.

10. Act No. 375 of 1961.

11. Act No. 382 of 1961.

tion.¹² Act 311 of 1959 was also amended so as to provide for payment of a five dollar fee to the "Uninsured Motorists Fund" by any person registering and licensing a self-propelled motor scooter, motor bike or similar vehicle propelled by a motor not exceeding ten-brake horsepower.¹³ An act was passed providing that before a vehicle shall be registered and licensed the applicant must sign a statement that all county and municipal taxes due by him on all vehicles registered in his name during the preceding three years have been paid and that all proper returns have been made on the vehicles.¹⁴ Act 311 of 1959 was amended again so as to provide that no person shall be required to pay the uninsured motorists fee more than once during the license year.¹⁵

Decedents' Estates — Creditors' claims against estates shall be forever barred unless filed with executor, administrator or judge of probate within five months after the first publication of notice that such claims shall be filed.¹⁶ The Uniform Testamentary Additions to Trusts Act was passed.¹⁷

Criminal Jurisdiction of Magistrates — An amendment to Article V of the Constitution of South Carolina, 1895, was ratified which provides that magistrates may be given exclusive jurisdiction in criminal cases where the punishment does not exceed a fine of two hundred dollars or imprisonment for more than thirty days.¹⁸

Securities Act — The Uniform Securities Act was enacted by the General Assembly during the 1961 session. Our securities legislation has been clarified and modernized and is now uniform with legislation of other states which have adopted the act drafted at the request of the National Conference of Commissioners of Uniform State Laws.¹⁹ The General Assembly also enacted the Uniform Gifts to Minors Act.²⁰

Provisions of the General Appropriations Act — The State General Appropriations Act of 1961 in Part II contained sections: (1) reapportioning members of the House of Representatives; (2) adopting the United States census of 1960

12. Act No. 136 of 1961.

13. Act No. 140 of 1961.

14. Act No. 141 of 1961.

15. Act No. 274 of 1961.

16. Act No. 149 of 1961.

17. Act No. 165 of 1961.

18. Act No. 151 of 1961.

19. Act No. 163 of 1961.

20. Act No. 330 of 1961.

as the true and correct enumeration of the inhabitants of the counties, municipalities, and other governmental subdivisions of the State; and (3) establishing the General Fund Reserve at four million dollars.²¹

Garnishment of Wages — Section 10-1731 was amended in 1960 in an attempt to broaden judicial process in the aid of satisfaction of judgment. Actually the amendment curtailed such process due to several amendments made to the original bill of 1960. An amendment of 1961 restored judicial process in aid of satisfaction of judgment as it existed before the 1960 act and in addition thereto made special limited provisions for aid in satisfaction of judgments as to food, fuel and medicine accounts.²²

Dairy Act — The “Milk Bill,” as it is commonly called, probably caused more controversy than any legislation proposed during the 1961 session. After much debate the bill was finally enacted toward the end of the session. It repealed Acts 230 of 1953 and 255 of 1955, and replaced them with a new act which incorporated most of the basic provisions of the 1953 and 1955 acts. In addition to other regulatory provisions the act denies any person the right to sell milk at a price below cost for the purpose of destroying competition, and makes various other provisions which would directly and indirectly result in what would be considered unfair competition.²³

Provisions of the Supplemental Appropriations Act — The Supplemental Appropriations Act raises the minimum retirement allowance for certain teachers and state employees from \$60.00 per month to \$70.00 per month and provides for the creation of an advisory committee for technical training to encourage establishment of technical training schools throughout the State.²⁴

Continuity of Government in Event of Enemy Attack — An amendment to the Constitution of South Carolina, 1895, was ratified, adding Section 12 to Article XVII allowing the General Assembly to fill any vacancy of State and local government in the event of emergencies resulting from disasters caused by enemy attack and to perform such duties as are

21. Act No. 207 of 1961.

22. Act No. 265 of 1961.

23. Act No. 319 of 1961.

24. Act No. 322 of 1961.

necessary to insure the continuity of governmental operations.²⁵

Civil Defense Shelters — No person owning or controlling property who voluntarily and without compensation permits such property to be used as a public shelter for civil defense purposes shall be civilly liable for the injury or death of any person who may be injured or killed on such premises, or for the loss of or damage to the property of any person on such premises, during any time such premises are actually being used as a public shelter.²⁶

Dower — Section 19-111 was amended and the law relating to renunciation of dower was simplified. The act also requires the affixing of the official seal of the officer before whom the renunciation is made, if he has an official seal. It was not the intent of the General Assembly to change the law relating to affixing of the seal as applies to notaries public of South Carolina as it existed prior to the passage of the 1961 act.²⁷ Special provision was made for renunciation of dower upon land which may be conveyed or mortgaged by an attorney in fact.²⁸

Telephonic Communications — The use of telephones is now further regulated as a result of the enactment of legislation during the 1961 session. One act²⁹ provides that it shall be unlawful for any person to use in telephonic communications any lewd, lascivious or indecent words or language. Conviction of this misdemeanor calls for a maximum fine of five hundred dollars or imprisonment for up to six months. Venue for prosecution shall be either in the county wherein the call originated or the county where it was received. Another act³⁰ makes it a misdemeanor to obtain or attempt to obtain or aid and abet another to obtain or attempt to obtain any telecommunications service with intent to avoid payment of the lawful charges by fraudulent means, method, trick or device.

SECTION II

Acts of General Interest to Members of the Bar

An Act To Prohibit Hunting From Certain Public Roads In Game Zone No. 3, And To Provide Penalties For Violations.³¹

25. Act No. 395 of 1961.

26. Act No. 184 of 1961.

27. Act No. 217 of 1961.

28. Act No. 244 of 1961.

29. Act No. 266 of 1961.

30. Act No. 337 of 1961.

31. Act No. 39 of 1961.

An Act To Amend Section 17-306, Code Of Laws Of South Carolina, 1952, Relating To The Discharge Of A Prosecutor On His Own Recognizance, So As To Permit The Discharge Of Witnesses Also And To Provide Clerks' Costs; To Repeal Section 17-307, Code Of Laws Of South Carolina, 1952, Relating To The Discharge Of Witnesses; And To Repeal Section 17-308, Code Of Laws Of South Carolina, 1952, Relating To Clerks' Costs.³²

An Act To Amend Section 64-1, Code Of Laws Of South Carolina, 1952, Prohibiting The Holding Of Public Sports Events On Sunday, So As To Authorize The Holding On Sunday Of Nationally Recognized Golf Tournaments Sponsored By Nonprofit Organizations At Times Other Than Hours Of Regular Church Worship.³³

An Act To Prohibit The Trapping And Sale Of Rabbits Subject To Certain Exceptions, And To Establish A Bag Limit On Rabbits Of Five In Any One Day In Game Zone 2.³⁴

An Act To Provide For The Establishment Of Community Mental Health Services Programs.³⁵

An Act To Provide That Stable Or Kennel Keepers Shall Have A Lien On Any Horse Or Dog Until Such Time As The Cost Of Upkeep, Rest And Training Of The Horse Or Dog Is Paid And To Provide For The Sale Of The Horse Or Dog To Satisfy The Lien.³⁶

An Act To Amend Section 4 Of Act No. 809 Of The Acts Of 1958, Relating To Regulations Of The Breeding Of Certain Quail For Commercial Purposes, So As To Reduce The Cost Of Tags.³⁷

An Act To Provide For A Closed Season For The Taking Of Trout From Fresh Water Streams; To Provide A Daily Creel Limit; To Remove Size Limit; To Provide For Search Of Creels; To Provide Penalties For Violations; And To Repeal Sections 28-580, 28-581 And 28-591, Code Of Laws Of South Carolina, 1952, And Sections 71, 72 And 73 Of Act No. 898 Of The Acts Of 1952, Relating To The Closed Season And Size Limits For The Taking Of Trout.³⁸

32. Act No. 48 of 1961.

33. Act No. 93 of 1961.

34. Act No. 97 of 1961.

35. Act No. 107 of 1961.

36. Act No. 122 of 1961.

37. Act No. 123 of 1961.

38. Act No. 124 of 1961.

An Act To Eliminate The Size Limit On Fresh Water Game Fish And To Amend Section 28-1214, As Amended, Section 28-1015, Code Of Laws Of South Carolina, 1952, Act No. 898 Of 1952, As Amended, And Subsection (e) Of Section 4 Of Act No. 640 Of 1954, Relating To The Catching Of Fish In This State, So As To Further Provide Therefor, And To Repeal Sections 28-584 And 28-1226, Code Of Laws Of South Carolina, 1952, Relating To The Same.³⁹

An Act To Amend Act No. 697, Acts And Joint Resolutions Of The General Assembly, 1960, Providing For The Retention Of Business Records By Banks, Classification Of Records By The State Board Of Bank Control And Other Matters Relating To Records Of Banks, So As To Delete Therefrom The Requirement That Banks Retain Capital Stock Ledgers And Certain Other Records.⁴⁰

An Act To Amend Section 68-175, Code Of Laws Of South Carolina, 1952, As Amended, Relating To Rates Of Contributions By Employers Under The South Carolina Unemployment Compensation Law, So As To Increase The Tax Rates Of Employers Who Have Deficit Reserves.⁴¹

An Act To Amend Title 68 Of The Code Of Laws Of South Carolina, 1952, As Amended, Known And Cited As The South Carolina Unemployment Compensation Law, So As To Change The Word "Employing" To "Employment"; Redefine "State"; Redefine "Exempt Employment"; To Remove From Exemption Services Performed In The Employ Of An Instrumentality Of The United States Which Is Neither Wholly Nor Partially Owned By The United States As Provided In Public Law 86-778 Granting Permission To The States To Cover Such Instrumentalities Under The Employment Compensation Law, Services In The Employ Of "Feeder Organizations" Of Non-profit Organizations, Services Performed In The Employ Of A Voluntary Employee Beneficiary Association, Services Performed In The Employ Of An Agricultural Or Horticultural Organization; And To Change The Time Limit For Filing Request For Election As To Coverage.⁴²

An Act To Amend Section 65-64, Code Of Laws Of South Carolina, 1952, As Amended, Relating To The Powers Of The

39. Act No. 134 of 1961.

40. Act No. 142 of 1961.

41. Act No. 144 of 1961.

42. Act No. 146 of 1961.

South Carolina Tax Commission, So As To Provide That The Commission Shall Prepare And Publish Annual Statistics.⁴³

An Act To Amend Act 788 Of 1952, Relating To Cooperative Credit Unions, So As To Delete Therefrom References To Deposits; To Increase The Charter Fee For Credit Unions From Three Dollars To Ten Dollars; To Provide That The Fiscal Year Of Cooperative Credit Unions May Close On Dates Other Than December Thirty-First; To Provide That The Offices Of Clerk And Treasurer Of A Credit Union May Be Held By The Same Person; To Reduce The Entrance Fee For Membership In Credit Unions From One Dollar To Twenty-Five Cents; To Delete The Word "Savings" In Section 13 Of The Act; And To Provide For The Conversion Of Credit Unions From State To Federal And Vice Versa.⁴⁴

An Act To Amend Section 21-351, Code Of Laws Of South Carolina, Relating To Employment Of Teachers Related To Board Members, So As To Further Provide For Such Employment.⁴⁵

An Act To Amend Section 28-5, Code Of Laws Of South Carolina, 1952, As Amended, Relating To Game Zones, So As To Create A New Game Zone And To Provide For Its Open And Closed Seasons, And Bag Limits.⁴⁶

An Act To Amend Sections 23-557, 23-558 And 23-559, Code Of Laws Of South Carolina, 1952, Providing For The Choosing Of Presidential Electors, Their Meeting And Organization, And Disposition Of The Lists For President And Vice President, So As To Comply With Directions Of United States Statutes Governing The Same Field; And To Repeal Sections 23-560, 23-561 And 23-562, Code Of Laws Of South Carolina, 1952, Relating To The Subjects Of Lists Of Candidates For President And Vice President Voted For And The Disposition Of The Lists.⁴⁷

An Act To Amend Section 15-461, Code Of Laws Of South Carolina, 1952, Relating To Final Discharge Of Certain Fiduciaries, So As To Further Provide Therefor.⁴⁸

An Act To Amend Act 108 Of 1957, Relating To The System Of Vocational Rehabilitation Of The Physically Or Mentally

43. Act No. 148 of 1961.

44. Act No. 152 of 1961.

45. Act No. 156 of 1961.

46. Act No. 164 of 1961.

47. Act No. 175 of 1961.

48. Act No. 180 of 1961.

Handicapped, So As To Include Within The Definition Of Physically Handicapped Individuals Severely Handicapped Persons And To Include Within The Definition Of Eligible Physically Handicapped Individuals Severely Handicapped Persons Who Are In Need Of Self Care Rehabilitation; To Define The Term "Self Care Rehabilitation Services"; To Provide That The State Agency Of Vocational Rehabilitation May Provide Self Care Rehabilitation Services For Severely Handicapped Persons; And To Provide That The State Agency Of Vocational Rehabilitation Shall Not Be Responsible For Permanent Custodial Care.⁴⁹

An Act To Provide That The State Crop Pest Commission Shall Make An Annual Report To The General Assembly Of Its Administration Of The Economic Poisons Laws Of The State And Make Copies Available Upon Request.⁵⁰

An Act To Amend Section 37-133, Code Of Laws Of South Carolina, 1952, Relating To Municipal License Fees And Taxes, So As To Provide That In Addition To License Fees Charged On A Percentage Of Premiums Collected In A Municipality A Fire Insurance Company Or Its Agents May Be Charged A License Fee Of A Percentage Of The Premiums Realized From Risks Located Within The Municipal Limits With Preference Being Given To The Municipality Wherein The Insured Property Is Located.⁵¹

An Act To Authorize Coroners And Solicitors To Order Autopsies Or Post Mortem Examinations And To Repeal Act No. 140 Of 1955, Authorizing Solicitors To Order Autopsies Or Post Mortem Examinations When The Coroner Is Unavailable.⁵²

An Act To Amend Act No. 541 Of 1954, Relating To The Regulation Of Economic Poisons, So As To Define Plant Regulators, Defoliants And Desiccants; To Further Define The Terms "Economic Poison", "Active Ingredient" And "Misbranded"; To Increase The Fee For Registering Economic Poisons With The South Carolina State Crop Pest Commission And To Provide That Such Increase Shall Be Retroactive To January 1, 1961; To Provide For Annual License Fees For Manufacturers Of Agricultural Chemicals; And To Pro-

49. Act No. 185 of 1961.

50. Act No. 188 of 1961.

51. Act No. 198 of 1961.

52. Act No. 204 of 1961.

vide That If Any Provision Of The Act Is Declared Unconstitutional Such Declaration Shall Not Affect The Remaining Provisions Of The Act.⁵³

An Act To Amend Section 65-1421, Code Of Laws Of South Carolina, 1952, As Amended, Relating To The Use Tax So As To Provide For The Imposition Of Sales Or Use Tax On Construction Equipment Without Allowances For Proration Or Depreciation Under Certain Circumstances.⁵⁴

An Act To Amend Section 15-263, Code Of Laws Of South Carolina, 1952, As Amended, Relating To The Terms Of Court In The Second Judicial Circuit, So As To Redesignate When The Terms Shall Be Held.⁵⁵

An Act To Amend Act No. 836 Of 1952, As Amended, Relating To The Mentally Ill Or Deficient, So As To Further Provide For The Admittance Of Such Persons To Veterans Administration Hospitals.⁵⁶

An Act To Amend Section 72-107, Code Of Laws Of South Carolina, 1952, Exempting Casual Employees And Other Excepted Employments From The Provisions Of The South Carolina Workmen's Compensation Law, So As To Include Employees And Employers Operating Peach Packing Sheds.⁵⁷

An Act To Amend Section 21-225, Code Of Laws Of South Carolina, 1952, Relating To The Removal From Office Of School District Trustees, So As To Change The Provision Of Appeals From The State Board Of Education To The Court Of Common Pleas.⁵⁸

An Act To Amend Section 67-56, Code Of Laws Of South Carolina, 1952, Relating To Issuing Citations Against Trustees Removing From The State, So As To Eliminate Guardians And Committees From The Provisions Of This Section.⁵⁹

An Act To Prohibit The Destruction Of Sea Oat Plants Within Certain Areas; And To Provide Penalties For Violations.⁶⁰

An Act To Amend Act No. 898 Of 1952, As Amended, Relating To Hunting Licenses, So As To Increase The Nonresi-

53. Act No. 206 of 1961.

54. Act No. 209 of 1961.

55. Act No. 212 of 1961.

56. Act No. 213 of 1961.

57. Act No. 214 of 1961.

58. Act No. 218 of 1961.

59. Act No. 240 of 1961.

60. Act No. 242 of 1961.

dent Hunter's License Fee From Twenty Dollars And Twenty-five Cents To Twenty-two Dollars And Twenty-five Cents; To Increase The Temporary Nonresident Hunter's License Fee From Ten Dollars And Twenty-five Cents To Eleven Dollars And Twenty-five Cents And To Provide For The Disposition Of Such License Fee Increases.⁶¹

An Act To Amend Act No. 360 Of The Acts Of 1957, As Amended, Relating To Shooting Preserves, So As To Provide An Open Season For Public Shooting Preserves In Game Zone No. 6 On All Types Of Pen Raised Game.⁶²

An Act To Amend Section 7 Of Act No. 898 Of 1952, Which Permits Certain Orphans To Fish Or Hunt Without A License, So As To Include All Blind Residents Of This State And Boy Or Girl Scouts Under The Provisions Thereof.⁶³

An Act To Add Section 68-5 To The Code Of Laws Of South Carolina, 1952, So As To Define The Average Weekly Wage Of An Insured Worker Within The Meaning Of The Unemployment Compensation Act; To Amend Sections 68-102, As Amended, 68-104, As Amended, 68-114, As Amended, 68-176, As Amended, 68-253, As Amended, Code Of Laws Of South Carolina, 1952, Relating To The South Carolina Unemployment Compensation Law, So As To Redefine Insured Worker, Revise The Weekly Benefit Amount, Revise The Disqualification Provisions And Add A Disqualification For Voluntary Retirement, To Adjust Employer Contribution Rates To Protect The Solvency Of The Fund And To Provide For The Termination Of Coverage Of A Predecessor Employer Whose Experience Rating Reserve Was Transferred To A Successor.⁶⁴

An Act To Amend Act 360 Of 1957, As Amended, Relating To Shooting Preserves, So As To Provide An Open Season For Shooting Preserves In Game Zones Nos. 2 And 3 On All Types Of Pen-Raised Game.⁶⁵

An Act To Amend Section 10 Of Act No. 818, 1960, Relating To Prisoner-Produced Products Among Other Things, So As To Exempt Certain Agricultural Products From The Provisions Thereof Until December 31, 1963.⁶⁶

61. Act No. 256 of 1961.

62. Act No. 258 of 1961.

63. Act No. 268 of 1961.

64. Act No. 269 of 1961.

65. Act No. 270 of 1961.

66. Act No. 281 of 1961.

An Act Declaring All Species Of Pheasant And Francolins As Game Birds; To Provide For Their Protection; To Provide For Open Seasons For The Taking Of Such Birds; And To Provide Penalties For Violations.⁶⁷

An Act To Amend Item (3) (a) Of Section 5 Of Act 886 Of 1958, Relating To Business Development Corporations, So As To Permit Short Term Borrowing By Such Corporations.⁶⁸

An Act To Prohibit Hunting From Public Roads Under Certain Conditions in Game Zone 6, And To Provide Penalties For Violations.⁶⁹

An Act To Amend Section 59-618, Code Of Laws Of South Carolina, 1952, Relating To The Holding Of An Election As A Prerequisite To The Issuance Of Bonds To Meet The Cost Of Construction Or Acquisition Of Lighting, Waterworks, Fire Protection Or Sewerage Systems, So As To Further Clarify The Provisions For Holding Such Election.⁷⁰

An Act To Amend Section 12-706, Code Of Laws Of South Carolina, 1952, Relating To The Exemption Of Foreign Corporations From The Provisions Of Chapter 11 Of Title 12 When The Sole Business Of The Corporations Is The Lending Of Money Secured By Mortgages On Real Estate Located Within The State, So As To Specifically Include Insurance Companies.⁷¹

An Act To Amend The Code Of Laws Of South Carolina, 1952, By Adding New Chapter 4 To Title 52, So As To Provide For Recordation Of Instruments Creating Business Trusts With The Clerk Of Court In The County Where The Trust Has Its Principal Place Of Business; To Require Filing Of Such Instrument With The Secretary Of State; To Provide For Suits By And Against Business Trusts; To Provide For Liability Of Trustees And Shareholders Therein; And To Provide For Service Of Process On Business Trusts; To Permit Real Estate Transactions And To Provide That Business Trusts Shall Not Be Affected By Any Rule Against Perpetuities.⁷²

An Act To Amend Section 23-313, Code Of Laws Of South Carolina, 1952, As Amended, Relating To Candidates Nomi-

67. Act No. 283 of 1961.

68. Act No. 299 of 1961.

69. Act No. 307 of 1961.

70. Act No. 317 of 1961.

71. Act No. 320 of 1961.

72. Act No. 322 of 1961.

nated By Petition, So As To Lengthen The Time Limit For Filing A Petition And Requiring The Petition To Be Made Public.⁷³

An Act To Require Licensing Of Certain Hospitals, Sanitariums, Homes And Institutions Furnishing Care and Treatment To The Mentally Ill Or Mentally Defective, Epileptic, Drug Addicted Or Alcoholic, And To Provide Penalties For Violations Thereof.⁷⁴

An Act To Authorize The Governing Body Of Any Municipality To Construct Or Permit The Construction Of Certain Motor Vehicle Parking Facilities Which Encroach Upon Or Project Over A Public Sidewalk In Shopping Districts.⁷⁵

An Act To Amend Subsection (3) Of Section 28-881, Code Of Laws Of South Carolina, 1952, Relating To The Catching Of Shad, So As To Eliminate The Necessity Of Procuring A License.⁷⁶

An Act To Enact And Adopt The Southern Interstate Nuclear Compact, To Provide For A Member On The Southern Interstate Nuclear Board, And To Make Appropriations Therefor.⁷⁷

An Act To Amend Section 43-221, Code Of Laws Of South Carolina, 1952, Relating To The Endorsement Of Warrants Issued In One County By Magistrates Of Another County, So As To Provide For The Endorsement And Execution Of Warrants Issued By Municipal Authorities For Persons Who Have Violated Municipal Ordinances Or Laws And Who Cannot Be Arrested Within The Municipal Limits; And To Provide For The Appearance Of Such Persons In Municipal Courts.⁷⁸

An Act To Amend Act No. 253 Of 1959, As Amended, Relating To The Regulation Of The Ownership And Operation Of Boats And Related Equipment On The Waters Of This State, So As To Further Provide Therefor.⁷⁹

An Act To Amend Section 15-1703, Code Of Laws Of South Carolina, 1952, Relating To Clerks Of Court Of Common Pleas, So As To Provide That Such Clerks Shall, In Addition To

73. Act No. 326 of 1961.

74. Act No. 328 of 1961.

75. Act No. 329 of 1961.

76. Act No. 336 of 1961.

77. Act No. 339 of 1961.

78. Act No. 351 of 1961.

79. Act No. 352 of 1961.

Being Ex Officio Clerks Of The Court Of General Sessions, Be Ex Officio Clerks Of All Other Courts Of Record In Their Respective Counties Unless Otherwise Provided By The Law Establishing Such Other Courts.⁸⁰

An Act To Provide For The Termination Of Parental Rights In Regard To Any Child Voluntarily Abandoned By Its Parents For A Period In Excess Of Twelve Months And To Make Special Provision For The Custody Of Such Abandoned Child.⁸¹

An Act To Create The State Board Of Registration For Foresters And To Define Its Powers And Duties; To Provide For The Registration And Licensing Of Foresters; To Define The Practice Of Forestry; And To Provide Penalties For Violations Thereof.⁸²

An Act To Amend Section 10-1761, Code Of Laws Of South Carolina, 1952, Relating To Sheriff's Sales Days, So As To Make The Section Applicable To All Judicial Sales.⁸³

An Act To Amend Section 27-501, Code Of Laws Of South Carolina, 1952, Relating To Fees Charged By The Secretary Of State, So As To Provide A Fee For Filing A Limited Partnership Agreement And To Delete Section 5, Part III, Of Act 644 Of 1954 And Add The Contents Thereof To Section 27-501, Code Of Laws Of South Carolina, 1952.⁸⁴

An Act To Amend Section 28-966, Code Of Laws Of South Carolina, 1952, Relating To Penalties For Violations Of Certain Commercial Fisheries' Laws, So As To Further Provide For Penalties.⁸⁵

An Act To Provide That Coastal Municipalities Shall Have Criminal Jurisdiction Over All Piers And Other Structures And Over The Waters Of The Ocean Within One-Half Mile Of Strand Within The Municipal Limits.⁸⁶

An Act To Amend Act No. 238 Of The Acts And Joint Resolutions Of The General Assembly Of 1959 Which Provides For The Withholding Of A Portion Of The State Income Tax

80. Act No. 362 of 1961.

81. Act No. 366 of 1961.

82. Act No. 367 of 1961.

83. Act No. 368 of 1961.

84. Act No. 372 of 1961.

85. Act No. 373 of 1961.

86. Act No. 386 of 1961.

Allotted The Counties For Public Welfare For The Medical And Hospital Care Of Certain Persons, So As To Increase The Per Capita Allotted From Thirty Cents Per Capita To Fifty Cents Per Capita And To Further Provide For The Necessary Medical Services For Certain Persons Sixty-Five Years Of Age Or Older.⁸⁷

An Act To Amend Act 788 Of 1952, As Amended, Relating To Cooperative Credit Unions, So As To Provide That They May Borrow From Savings And Loan Associations And Building And Loan Associations, And To Provide That Capital And Surplus Funds Of Credit Unions May Be Deposited In Savings And Loan Associations Or Building And Loan Associations.⁸⁸

SECTION III

The Most Important Local Legislation In Alphabetical Order
By Counties

Aiken County

An Act To Amend Article 2, Chapter 5, Of Title 43, Code Of Laws Of South Carolina, 1952, By Adding Thereto A New Section Which Shall Provide For the Terms Of Office Of Magistrates In Aiken County And Shall Validate The Terms Of Those Magistrates Serving In Aiken County On The Effective Date Of This Act.⁸⁹

Anderson County

An Act To Ratify 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.⁹⁰

Beaufort County

An Act To Provide For The Terms Of Office Of Magistrates In Beaufort County.⁹¹

87. Act No. 393 of 1961.

88. Act No. 403 of 1961.

89. Act No. 333 of 1961.

90. Act No. 176 of 1961.

91. Act No. 81 of 1961.

An Act To Create Forest Beach Public Service District On Hilton Head Island In Beaufort County; To Define Its Area; To Establish A Governing Commission Therefor; To Prescribe The Functions And Powers Of The District And Of Its Commission; To Make Provision For The Borrowings By The District, Including The Issuance Of Not Exceeding Two Hundred Thousand Dollars Of General Obligation Bonds Of The District; To Prescribe The Terms And Conditions Under Which Moneys May Be Borrowed By The District, And To Make Provision For Their Payment, And To Repeal Act No. 951 Of The Acts Of 1960, Relating To The Forest Beach District And Commission.⁹²

An Act To Amend Act No. 1022 Of The Acts Of 1950, Relating To The Beaufort County Board Of Education, So As To Provide For The Appointment Of The Members To The Board And For The Future Election Of Members To The Board, And To Repeal Section 4 Of Act No. 1022 Of The Acts Of 1950.^{92a}

Berkeley County

An Act To Amend Act No. 885 Of The Acts Of 1958, Relating To The Requirement Of Permits For Building Construction Or Improvement Within The Hanahan Public Service District In Berkeley County, So As To Provide That Such Permits Shall Be Issued By The Hanahan Public Service Commission Rather Than By The Magistrates Within The District.⁹³

Charleston County

An Act To Amend Act 779 Of 1960, Relating To Assessment And Equalization System Of Taxation In Charleston County, So As To Further Define The Purposes Of The Act; To Specifically Provide For The Right Of Appeal From Actions Of The Charleston County Board Of Assessors Created By The Act; And To Specifically Provide That The Functions Of The Charleston County Board Of Assessors Shall Be Complementary To The Functions Of The South Carolina Tax Commission.⁹⁴

An Act To Amend Section 15-1556, Code Of Laws Of South Carolina, 1952, Relating To The Holding Of The City Court Of

92. Act No. 481 of 1961.

92a. Act No. 135 of 1961.

93. Act No. 402 of 1961.

94. Act No. 42 of 1961.

Charleston And The Police Court Of The City Of Charleston In The Absence Of The Recorder, So As To Further Designate Persons Who May Hold The Courts.⁹⁵

An Act To Make Statutes Which Are Applicable To A County Containing A City, Or To A City, With A Population Of More Than Seventy Thousand According To The Latest United States Census, Applicable To A County Containing A City, Or To A City, Having Such Population As A Result Of Annexing Certain Areas When The Population Of The Areas Is Certified By The Bureau Of The Census.⁹⁶

An Act To Provide For Microphotographing Of Certain Records In Charleston County.⁹⁷

Colleton County

An Act To Amend Act No. 185 Of The Acts Of 1957, Relating To The Colleton County Development Board, So As To Further Provide For The Powers And Duties Of The Board.⁹⁸

An Act To Establish The School District Of Colleton County; To Define Its Area; To Provide For The Appointment Of A Governing Board Therefor; To Prescribe The Powers And The Duties Of The School District And Its Board; To Make Provisions For Borrowing By The District, Including The Issuance Of General Obligation Bonds Of The District; To Make Provisions For The Repayment Thereof; To Establish Areas Of Administration Within The District; To Define Their Areas; To Provide For A Board Of Trustees For Each Area Of Administration; To Prescribe The Powers And Duties Of The Areas Of Administration And Their Trustees; To Abolish All Other School Districts And Boards In The County; And To Repeal Sections 21-2171 Through 21-2189, Code Of Laws Of South Carolina, 1952, Acts 963 And 831 Of 1952 And Act 126 Of 1953, Relating To Schools In Colleton County.⁹⁹

Dorchester County

An Act To Provide For The Preparation Of Official Enrollment Books Of Qualified Electors For Jury Purposes In Dorchester County.¹⁰⁰

95. Act No. 171 of 1961.

96. Act No. 243 of 1961.

97. Act No. 385 of 1961.

98. Act No. 100 of 1961.

99. Act No. 117 of 1961.

100. Act No. 18 of 1961.

An Act To Create The Office Of Master For Dorchester County; To Provide For His Appointment, Term Of Office, Compensation, Duties And Powers; And To Amend Section 10-1405, Code Of Laws Of South Carolina, 1952, And Section 15-501, Code Of Laws Of South Carolina, 1952, As Amended, Providing That The Judge Of Probate Shall Act As Master In Certain Counties, So As To Delete Dorchester County From The Provisions Thereof.¹⁰¹

An Act To Amend An Act Of 1961 Bearing Ratification No. 42, Relating To The Office Of Master For Dorchester County, So As To Further Provide For His Practice Of Law, And To Repeal An Act Of 1961 Bearing Ratification No. 165, Relating To The Office Of Master For Dorchester County.¹⁰²

Fairfield County

An Act To appropriate The Sum Of Two Thousand Dollars From The General Fund Of Fairfield County For Use In Establishing A County Civil Defense Organization.¹⁰³

Florence County

An Act To Amend Section 15-1601, Code Of Laws Of South Carolina, 1952, Relating To The Territorial Jurisdiction Of The Civil Court Of Florence County, So As To Extend The Territorial Jurisdiction Of The Civil Court Of Florence County So As To Include The Whole County If The Election Provided For Herein Results Favorably Thereto.¹⁰⁴

Greenville County

An Act To Amend Section 15-645, Code Of Laws Of South Carolina, 1952, Relating To The Appointment Of A Special Judge For The County Court Of Greenville County So As To Further Provide For The Powers Of Such Special Judge.¹⁰⁵

An Act Providing For The Election And Appointment Of The Master Of Greenville County.¹⁰⁶

An Act To Authorize The Governing Body Of Each Water And Sewer District Of Greenville County To Employ An

101. Act No. 25 of 1961.

102. Act No. 154 of 1961.

103. Act No. 539 of 1961.

104. Act No. 169 of 1961.

105. Act No. 128 of 1961.

106. Act No. 358 of 1961.

Attorney, And To Divest The County Attorney Of Any Responsibility Relative To Such District.¹⁰⁷

Greenwood County

An Act To Amend Section 15-277, Code Of Laws Of South Carolina, 1952, As Amended, Prescribing The Terms Of Court In The Eighth Judicial Circuit, So As To Add An Additional Term Of Court Of Common Pleas And To Provide That All Terms Of The Court Of General Sessions And Of The Court Of Common Pleas For Greenwood County Shall Be For One Week Each.¹⁰⁸

An Act To Amend The Code Of Laws Of South Carolina, 1952, By Adding A New Section To Be Designated As Section 14-2208, Providing For The Disposition Of Certain Fines Collected In The Circuit Court In Greenwood County.¹⁰⁹

Hampton County

An Act Requiring The Filing And Recording Of Commissions Or Documents Of Authority Of Persons Holding Office In Hampton County.¹¹⁰

Horry County

An Act To Amend Act No. 99 Of The Acts Of 1953, As Amended, Creating The Civil Court For Horry, So As To Give The Court Criminal Jurisdiction And To Further Provide For The Proceedings And Powers Of The Court; And To Amend Section 6 Of Act No. 860 Of The Acts Of 1956, Relating To The Referral Of Certain Cases, So As To Properly Designate The New Name Of The Court; And To Provide For An Appropriation To Defray The Additional Salary Of The Judge For The Remainder Of The 1960-61 Fiscal Year.¹¹¹

An Act To Make It Unlawful For Any Out-Of-State Person To Conduct Any Phase Of Laundry Or Dry Cleaning Business In Horry County Without A License And To Make It Unlawful For Any Such Person To Use A Motor Vehicle In Horry County Without Proof Of Financial Responsibility.¹¹²

107. Act No. 563 of 1961.

108. Act No. 340 of 1961.

109. Act No. 354 of 1961.

110. Act No. 211 of 1961.

111. Act No. 127 of 1961.

112. Act No. 157 of 1961.

Jasper County

An Act To Amend Act No. 832, Of The Acts Of 1956, As Amended, Relating To The Jasper County Development Board, So As To Change The Composition Of The Board; To Provide For Additional Powers And Duties; And To Repeal Acts Nos. 735 And 899 Of The Acts Of 1958.¹¹³

An Act To Provide For Magistrates' Juries And Terms Of Court In Jasper County.¹¹⁴

Lancaster County

An Act To Provide For The Division Of Certain Fines Levied In Lancaster County Between The County And The Municipalities.¹¹⁵

Laurens County

An Act To Amend Paragraph (3) Of Section 15-277, Code Of Laws Of South Carolina, 1952, As Amended, Relating To Terms Of Court In Laurens County, So As To Provide That The Court Of Common Pleas Shall Be Held At Laurens On The Second Monday In March For One Week.¹¹⁶

An Act To Provide That No Warrant Issued By Any Magistrate In Laurens County Based On A Worthless Check Shall Be Withdrawn Until A Fee Of Two Dollars And Fifty Cents Has Been Paid And To Provide That Such Fee Shall Be Retained By The Magistrate.¹¹⁷

Lee County

An Act To Add Section 15-1806.1 To The Code Of Laws Of South Carolina, 1952, So As To Provide Under What Circumstances The Probate Judge Of Lee County Shall Act As Master And To Prohibit Such Person From Drawing More Than One Salary.¹¹⁸

Lexington County

An Act To Create The Richland-Lexington Airport District; To Define Its Area; To Establish A Governing Commission Therefor; To Prescribe The Functions And Powers Of The

113. Act No. 34 of 1961.

114. Act No. 179 of 1961.

115. Act No. 101 of 1961.

116. Act No. 72 of 1961.

117. Act No. 325 of 1961.

118. Act No. 108 of 1961.

District And Its Commission; To Make Provisions For Borrowing By The District, Including The Issuance Of General Obligation Bonds Of The District Not Exceeding Two Million Seven Hundred Thousand Dollars; To Prescribe The Terms And Conditions Under Which Such Money May Be Borrowed By The District And To Make Provision For Its Payment; To Provide For The Reimbursement Of The District For Its Capital Outlays By Richland County, Lexington County, And The City Of Columbia To The Extent Herein Provided; To Provide For The Application For And Use Of Funds Which May Be Allocated To The District By The Federal, State Or Other Governments And To Provide For The Continuing Operation Of The Facilities Of The District.¹¹⁹

Marion County

An Act To Increase The Civil Jurisdiction Of Certain Magistrates In Marion County.¹²⁰

Marlboro County

An Act To Increase The Number Of Petit Jurors Serving In The Court Of General Sessions For Marlboro County.¹²¹

McCormick County

An Act To Provide For A Property Board For McCormick County And To Provide For Its Membership, Powers And Duties.¹²²

Newberry County

An Act To Amend Section 10-1405, Code Of Laws Of South Carolina, 1952, Providing That References In Certain Counties Shall Be Referred To The Judges Of Probate For The Counties, So As To Remove Newberry County From The Provisions Of The Section And To Validate Those References Held By Qualified Persons Other Than Probate Judges.¹²³

An Act To Authorize The Election Of A Recorder For The Town Of Prosperity In Newberry County, And To Define His Duties And Powers And To Prescribe The Term Of Office.¹²⁴

119. Act No. 66 of 1961.

120. Act No. 380 of 1961.

121. Act No. 346 of 1961.

122. Act No. 75 of 1961.

123. Act No. 143 of 1961.

124. Act No. 190 of 1961.

Oconee County

An Act To Provide For The Election Of The Superintendent Of Education For Oconee County; To Define His Powers And Duties And Term Of Office; To Provide For The School District Of Oconee County, The Election Of School Trustees And To Define Their Powers And Duties; To Provide For Other Matters Relating To Schools In Oconee County; And To Repeal Act No. 322 Of The Acts Of 1953, As Amended, Relating To The School District Of Oconee County And Other Matters Relating To The Schools Of Oconee County.¹²⁵

Orangeburg County

An Act To Set The Terms Of Magistrates In Orangeburg County.¹²⁶

An Act To Amend Section 15-714, Code Of Laws Of South Carolina, 1952, As Amended, Relating To The Civil Jurisdiction Of The County Court Of Orangeburg County, So As To Enlarge The Jurisdiction Of The Court.¹²⁷

Pickens County

An Act To Amend Section 7 Of Act No. 19 Of The Acts Of 1957, Relating To Complaints To The Civil Service Commission For Certain Employees Of The City Of Easley, So As To Provide For Complaint To The Commission Or A Majority Of The Members Thereof.¹²⁸

An Act To Require The Clerk Of Court Of Pickens County, Notwithstanding Section 38-61, Code Of Laws Of South Carolina, 1952, To Issue His Venire Facias For Petit Jurors Summoned To Attend The Court Of General Sessions, Requiring Their Attendance On The Second Day Of The Week For Which They Have Been Drawn.¹²⁹

Richland County

An Act To Create The Richland-Lexington Airport District; To Define Its Area; To Establish A Governing Commission Therefor; To Prescribe The Functions And Powers Of The

125. Act No. 383 of 1961.

126. Act No. 3 of 1961.

127. Act No. 215 of 1961.

128. Act No. 106 of 1961.

129. Act No. 201 of 1961.

District And Its Commission; To Make Provisions For Borrowing By The District, Including The Issuance Of General Obligation Bonds Of The District Not Exceeding Two Million Seven Hundred Thousand Dollars; To Prescribe The Terms And Conditions Under Which Such Money May Be Borrowed By The District And To Make Provision For Its Payment; To Provide For The Reimbursement Of The District For Its Capital Outlays By Richland County, Lexington County, And The City Of Columbia To The Extent Herein Provided; To Provide For The Application For And Use Of Funds Which May Be Allocated To The District By The Federal, State Or Other Governments And To Provide For The Continuing Operation Of The Facilities Of The District.¹³⁰

An Act To Amend Item (2) Of Section 15-269, Code Of Laws Of South Carolina, 1952, As Amended, Relating To The Terms Of Court In The Fifth Judicial Circuit, So That Jury Matters May Be Disposed Of During The First Week Of March Rather Than Equity And Similar Matters.¹³¹

Saluda County

An Act To Provide For The Terms Of Office Of Magistrates For Saluda County, And To Repeal Act No. 611 Of The Acts Of 1960, Relating To The Terms Of Office Of Magistrates For Saluda County.¹³²

An Act To Amend Act No. 244 Of The Acts And Joint Resolutions Of 1959, Abolishing The Board Of Education Of Saluda County, Devolving Its Duties Upon A Board Of Trustees, Dividing The County Into Voting Areas, And Providing For Advisory Elections, So As To Extend The Terms Of Office Of The Trustees So That They May Be Elected In The Primaries Instead Of Holding Special Elections.¹³³

Spartanburg County

An Act To Amend Act No. 714 Of The Acts Of 1956 Relating To Magisterial Districts In Spartanburg County And The Salaries Of The Magistrates, So As To Further Provide For The Number Of Magistrates, And To Provide For The Jurisdiction Of The Magistrates.¹³⁴

130. Act No. 66 of 1961.

131. Act No. 302 of 1961.

132. Act No. 73 of 1961.

133. Act No. 420 of 1961.

134. Act No. 304 of 1961.

An Act To Require That Persons Recording Deeds In The Office Of The Register Of Mesne Conveyances In Spartanburg County Shall File Certain Information By Affidavit Along With The Deed And To Provide Penalties Therefor.¹³⁵

An Act To Amend Sections 14-3301, 14-3302, As Amended, 14-3303, 14-3305, 14-3306, 14-3307, 14-3308, 14-3343, 14-3351 And 14-3353, Code Of Laws Of South Carolina, 1952; To Add To The Code Of Laws Of South Carolina, 1952, Sections 14-3304, 14-3314 Through 14-3320, 14-3344 Through 14-3344.11 And 14-3363, Relating To The Governing Body, Salaries And Special Auditor For Spartanburg County, So As To Further Provide Therefor And To Provide A Uniform Purchasing Plan For Spartanburg County; And To Repeal Sections 14-3309, 14-3310 And 14-3321 Through 14-3327, Code Of Laws Of South Carolina, 1952 And Act No. 346 Of 1955, Relating To The Supervisor Of Spartanburg County And Purchases By The County.¹³⁶

Union County

An Act To Conform The Boundaries Of Townships In Union County, Which Shall Be Section 14-94.1, Code Of Laws Of South Carolina, 1952.¹³⁷

Williamsburg County

An Act To Establish A Tax Board Of Appeals For Williamsburg County.¹³⁸

135. Act No. 357 of 1961.

136. Act No. 406 of 1961.

137. Act No. 17 of 1961.

138. Act No. 435 of 1961.