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The State of South Carolina
OFFICE OF THE ATTORNEY GENERAL

CHARLES MOLONY CONDON
ATTORNEY GENERAL

November 25, 1997

Michael D. McGinnis, Jr.
Business Development Project Coordinator
South Carolina State Ports Authority
P.O. Box 22287
Charleston, SC 29413-8191

RE: Opinion Request regarding Foreign Trade Zones

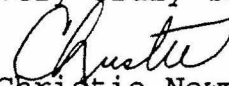
Dear Mr. McGinnis:

In your letter of November 3, 1997, you stated that the North Carolina Department of Commerce has contacted the South Carolina State Ports Authority asking permission from the Authority to apply for Foreign-Trade Zone status for the South Carolina portion of an industrial park that straddles the North Carolina/South Carolina border.

South Carolina law specifically authorizes only the South Carolina Ports Authority "to make application to the Foreign-Trade Zones Board for the purpose of establishing, operating, and maintaining foreign-trade zones in the State, under the act of Congress known as the Foreign-Trade Zones Act which provides for the establishment, operation, and maintenance of foreign-trade zones in the United States." S.C. Code Ann. § 54-3-230 (Law. Co-op. 1992). Further, the Authority "shall select and describe the location of the zones for which application may be made and shall make such rules and regulations concerning the operation, maintenance and policing of them as may be necessary to insure compliance with the Foreign-Trade Zones Act and for other appropriate purposes." Based upon this clear statutory language, only the South Carolina Ports Authority has the authority to apply for Foreign-Trade Zone status for property located in the State of South Carolina.

If you have any questions, please call me. I am

Very Truly Yours,


Christie Newman Barrett
Assistant Attorney General

Request Letter