

1975 WL 29202 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

November 25, 1975

*1 Mr. Robert C. Toomey
Medical, Military, Public and Municipal Affairs Committee
House of Representatives
P. O. Box 11867
Columbia, South Carolina 29211

Dear Mr. Toomey:

You have requested an opinion from this office regarding the constitutionality of a pre-filed bill, H.3280, which provides that water rates charged by municipalities to residential users be equal for all users, regardless of whether they live within or without the city limits.

We have reviewed the bill and are of the opinion that it is not constitutionally deficient. Cf., § 47-35, CODE OF LAWS OF SOUTH CAROLINA, 1962, as amended [59 STAT. Act No. 283 at 692 (1975)].

With kind regards,

Karen LeCraft Henderson
Assistant Attorney General

ATTACHMENT

PREFILED

September 29, 1975

Calendar No. H. 3280

Introduced by REP. HOLT

Printer's No. 50-H.

A BILL

To Amend the Code of Laws of South Carolina, 1962, by Adding Section 59-531.1 so as to Provide that Rates Charged for Water Sold by Municipal Corporations to Residential Users Shall Be Equal for All Persons Contracting for Such Water Whether They Live Within or Without the Limits of the Municipal Corporations.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. The Code of Laws of South Carolina, 1962, is amended by adding:

‘Section 59-531.1. Notwithstanding the provisions of Section 59-531, any city or town which contracts to furnish water to residential users shall not discriminate in the rates charged and all such residential users whether residing within or without the limits of the municipal corporation shall pay for water at the same rate.’

SECTION 2. This act shall take effect upon approval by the Governor.

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