

1979 WL 43160 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

November 9, 1979

*1 Mr. Anthony Q. Devereux
Chairman
Hagley Water, Sewer and Fire Authority
Post Office Drawer 24
Andrews, South Carolina 29510

Dear Mr. Devereux:

In response to your request for an opinion from this Office as to whether or not the language of [Sections 4-9-10 et seq., CODE OF LAWS OF SOUTH CAROLINA](#), 1974, 1976, the 'home rule' legislation, has abolished existing water and sewer districts such as the Hagley Water, Sewer and Fire Authority, my opinion is that it has not abolished this Authority.

[Section 4-9-80 of the 1976 Code](#) provides that:

The provisions of this chapter shall not be construed to devolve any additional powers upon county councils with regard to . . . , water and sewer authorities, or other political subdivisions by whatever name designated, (which are in existence on the date one of the forms of government provided for in this chapter becomes effective in a particular county) and such political subdivisions shall continue to perform their statutory functions prescribed in laws creating such districts or authorities except as they may be modified by act of the General Assembly, and any such act which dissolves a district or absorbs its function entirely within the county government shall provide that such act shall be effective only upon approval of such abolition or absorption by favorable referendum vote of a majority of the qualified electors of the district voting in such referendum.

As the Authority created in 1971 was in existence prior to the passage of the 'home rule' legislation, the language of this Section clearly authorizes the continuing existence of the Hagley Water, Sewer and Fire Authority.

With kind regards,

Karen LeCraft Henderson
Senior Assistant Attorney General

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