

1976 WL 30844 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

October 20, 1976

*1 Honorable William E. Berne
District Highway Commissioner
P. O. Box 9245
Columbia, South Carolina

Dear Dr. Berne:

You have inquired as to the proper construction to be given to Act No. R817, approved June 29, 1976, with particular reference to Section 6 thereof, which provides:

'Cable television companies operating in this State shall pay an annual fee of \$10.00 per mile of State of South Carolina usage. The revenue derived therefrom shall be designated and used for primary and secondary educational purposes. . . .'

In my opinion, this simply imposes upon the cable television companies a charge, based upon right of way used in this State, which must be paid annually to the State of South Carolina. When permits are sought for installation of cable television on highway rights of way, the Highway Department should determine the correct amount of the annual fee due and issue its permit only after proof that the proper fee has been paid into the Treasury of the State of South Carolina by depositing the same with the Honorable Grady L. Patterson, Jr. Such monies would then be retained by Mr. Patterson until appropriated by the General Assembly for the purposes named in the statute.

Very truly yours,

Daniel R. McLeod
Attorney General

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