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House Bill No. 1440, Senate Bill No. 1308, Act No. 813

Strom Thurmond

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MR. SPEAKER AND GENTLEMEN OF THE HOUSE OF REPRESENTATIVES:

I am returning to your Honorable Body House Bill No. 1140, Senate Bill No. 1306, and Act No. 813 entitled "TO PROVIDE FOR THE CONSOLIcation OF CERTAIN SCHOOL DISTRICTS IN SPARTANBURG COUNTY INTO A HIGH SCHOOL DISTRICT AND TO PROVIDE FOR THE TRUSTEES OF SAME."

This Act creates a high school district, and provides that it shall have six (6) trustees. Three (3) are to be the trustees of Pacolet School District No. 17, one the chairman of the trustees of School District No. 25, White Stone, one the chairman of the trustees of School District No. 40, Pacolet Mills, and the other to be chosen annually by the Spartanburg County Board of Education from the high school district at large.

The Attorney General advises as that in his opinion, under the decision of the Supreme Court in the recent case of Ashmore et al. vs. Greater Greenville Sewer District et al., 211 S. C. 77, l.l. S. E. (2d)88, this Act is unconstitutional as to all of the high school district trustees except the one to be chosen by the County Board of Education from the district at large. They become trustees of the high school district by virtue of their offices as trustees of the component school districts, and when they qualify as high school district trustees they will automatically vacate their offices as trustees of the other districts, which will make them ineligible under the Act to be high school district trustees. I attach the Attorney General's opinion on the Act to this message.
The result would be to leave a board consisting of only one qualified member, and under the circumstances I would suggest that another Act meeting the opinions of the Court and of the Attorney General be passed for the purpose.

In view of the above I hereby veto this Act.

Respectfully submitted,

J. Strom Thurmond
Governor

March 29, 1948
JST: c.r.e.