STATE OF SOUTH CAROLINA
EXECUTIVE CHAMBER
COLUMBIA

MR. SPEAKER AND GENTLEMEN OF THE HOUSE OF REPRESENTATIVES:

I am returning to your Honorable Body House Bill No. 1035, and Act No. 17 entitled "TO VALIDATE THE FORMATION OF CLOVER CONSOLIDATED HIGH SCHOOL DISTRICT NO. 39, OF YORK COUNTY, TO AUTHORIZE THE TRUSTEES OF SAID CLOVER CONSOLIDATED HIGH SCHOOL DISTRICT TO CONDUCT AN ELECTION TO SUBMIT TO THE QUALIFIED ELECTORS OF SAID DISTRICT THE QUESTION OF THE ISSUANCE OF BONDS OF SAID DISTRICT IN THE PRINCIPAL AMOUNT OF NOT EXCEEDING THREE HUNDRED FIFTY THOUSAND ($350,000.00) DOLLARS, TO AUTHORIZE THE ISSUANCE OF SAID BONDS SHOULD SAID ELECTION RESULT FAVORABLY, TO PROVIDE FOR THE PAYMENT OF SAID BONDS."

This Act validates the creation of a consolidated high school district, and validates the creation of the Board of Trustees for said school district. The Board of Trustees would consist of the Trustees of Clover School District No. 37, and the respective chairman of the Board of Trustees of Bethel School District No. 3, Bowling Green School District No. 22 and Bethany School District No. 2.

The Attorney General advises me 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, 44 S. E. (2d) 88, this Act is unconstitutional as to the newly created trustees.

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They become Trustees of the consolidated high school district by virtue of their offices as Trustees of the component school districts, and when they qualify as consolidated 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 consolidated high school district Trustees.

I would suggest that another Act meeting the opinions of the Court and of the Attorney General be passed to effect the intent of this Act. A copy of the Attorney General's opinion is attached hereto.

In view of the above I hereby veto this Act.

Respectfully submitted,

J. Strom Thurmond
Governor