

From: Schimsa, Rebecca <RebeccaSchimsa@gov.sc.gov>
To: Glaccum, David <DavidGlaccum@gov.sc.gov>
CC: Baker, Josh <JoshBaker@gov.sc.gov>
Pisarik, Holly <HollyPisarik@gov.sc.gov>
Date: 6/2/2016 11:33:29 AM
Subject: RE: Local Bills enrolled yesterday

With Holly's approval:

H.5249 (Stavrinakis) – This bill requires the Charleston School District to obtain property tax revenue estimates from the county auditor prior to passing the district's annual budget; also, this bill requires the board to review and amend its budget if operating in a deficit.

More than likely NOT unconstitutional: Article X, Section 7(b) of the Constitution empowers each school district to prepare and maintain annual budgets which provide for sufficient income to meet its estimated expenses for each year and to levy a tax if expenses exceed income, and this section also empowers the General Assembly to establish procedures to insure that the provisions of this section are enforced. Accordingly, because the Supreme Court has long held that the General Assembly may enact local legislation regarding school matters without violating Article III, Section 7 of the Constitution where it has already enacted general legislation providing for the funding of public education on a uniform, equal basis throughout the state and because of the authority given the General Assembly in Article X, Section 7(b), then I would find the constitutionality of the bill more likely than not.

H.5367 (Loftis) – This bill expands the service territory of the Renewable Water Resources to include Northern Greenville and provides that no residential or commercial entity into the new territory is not required to use the service unless voluntarily sought.

More than likely NOT unconstitutional: Renewable Water Resources (ReWa) is a special purpose district, formerly known as Western Carolina Regional Sewer Authority. The SPD has eight water resource recovery facilities to Greenville County and portions of Anderson, Laurens, Pickens, and Spartanburg Counties. The purpose of the facilities is to treat wastewater and replenish the waterways of the Reedy, Saluda, and Enoree River Basins. Aside from the Home Rule provisions of the Constitution, Section 6-11-420 empowers a county council to alter the boundary of a SPD located solely within the county. However, with regard to SPDs covering more than one county, an AG Opinion offers two options for altering the borders: (1) General Assembly may enact special legislation; or (2) County councils may act jointly in altering service areas which cross county lines. Here, it is likely that ReWa could be construed as a SPD that provides a regional function (i.e. to surrounding river basins), and therefore would be similar to other multi-county SPDs (e.g. Richland-Lexington Airport District).

From: Glaccum, David
Sent: Thursday, June 02, 2016 9:11 AM
To: Schimsa, Rebecca
Cc: Baker, Josh
Subject: Local Bills enrolled yesterday

Becca,

Could you please look at the following bills for us. I believe everything is being ratified today. Thank you.

LOCAL—H.5279—Stavrinakis—Charleston County School District

LOCAL—H.5367—Loftis—Adding "Northern Greenville" to Renewable Water Resources

DMG

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