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Date: 5/19/2016 10:12:28 AM
Subject: Local Bills

- 5367 – Loftis – Renewable Water Resources à Not unconstitutional: Pursuant to research from AG Opinions, the SPD at issue – the Western Carolina Regional Sewer Authority – is a regional authority, encompassing parts of Anderson, Laurens, and Greenville Counties, and therefore, it is not unconstitutional for the General Assembly to legislate for the Authority.
- 1296 – Sheheen – Kershaw Transportation Committee à Not Unconstitutional: Pursuant to an AG Opinion, because the authorizing statute does not provide for terms of CTC members and because 12-28-2740 allows the legislative delegation by resolution to abolish the CTC and devolve its powers, there is no restriction on the legislative delegation's ability to limit the terms of the CTC members.
- 1257 – Cleary – Charleston Voting Precincts à Not Unconstitutional
- 1297 – Sheheen – Chesterfield School District à UNCONSTITUTIONAL (let's discuss)
 - Section 59-1-350 is comprehensive legislation addressing per diem for members of school boards throughout the State and would control over a local bill – see text below. Accordingly, multiple AG Opinions have held that school board members may receive per diem and mileage pursuant to votes of the boards.
 - However, this bill amends a local bill from 1999 that set the per diem rate as \$75. Because this bill corrects that – by giving the authority back to the board, then this bill falls in line with the intent of the general statute, Section 59-1-350.
 - Therefore, although this bill is unconstitutional (because it's a special law where a general already controls), this bill does "give" the authority back to the school board (limited by an effective date, however). Our decision is to veto a bill that is unconstitutional and/or which is currently trumped by the general law anyway or not veto the bill due to it correcting a bad bill from 1999. Thoughts?

SECTION 59-1-350. Compensation of members of boards of trustees and boards of education.

Members of the county board of education or board of trustees may serve without pay. Each member of the board may receive a per diem for attendance at board meetings and may be paid mileage to and from such meetings. No member may receive per diem and mileage unless in actual attendance upon a meeting of the board. When any member of a board is directed to travel outside the county or school district on official business of the board, he may be allowed actual expenses incurred as a result.

HISTORY: 1962 Code Section 21-19.2; 1974 (58) 1937.