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Messages to the General Assembly, 1947 & Bill Number 240, Senate Bill Number 276, and Act Number 312

Strom Thurmond

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STATE OF SOUTH CAROLINA
EXECUTIVE CHAMBERS
COLUMBIA

MR. SPEAKER AND GENTLEMEN OF THE HOUSE OF REPRESENTATIVES:

I am returning to your Honorable Body House Bill No. 240, Senate Bill No. 276, and Act No. 519, the General Appropriation Bill for the fiscal year 1947-48.

Making provision for the operation of the State government by way of appropriations is fundamentally a responsibility of the General Assembly, and it is with due recognition of this principle that I have considered the State Appropriation Bill enacted in the current session.

I approve the bill with the exception of the following items, which I hereby veto:

1. SECTION 6: - Governor's Office
   Item 1. Executive Control of State:
   B. Contractual Services:
   "Official Expense Allowance - Governor ....... 4,500.00"

The expenses of the Governor are otherwise appropriated for in this bill and hence this amount, if accepted by me, would result in an increase in my compensation in violation of the spirit, if not of the letter, of the Constitution. When I asked the people of South Carolina to entrust me with the office of Governor, I knew what the salary was, and I do not feel that I would be keeping faith with them if I accepted extra compensation. Public office is primarily an opportunity for public service, and not for
personal enrichment. A public officer is a servant of the people, and he should be careful at all times to see that their interests are served rather than his own. It is vital that our State government merit and keep the respect and confidence of the people, and I know that I can contribute to that respect and confidence better by foregoing this extra compensation than I can by taking it. Accordingly, I hereby veto this item.

2. SECTION 6: - Governor's Office
   Item 3. Law Enforcement:
      A. Personal Service;
         A-1. Salaries:
      "Chief .... $4,000.00"
      I veto this item because the Chief is a member of the Governor's Officers, and the permanent law provides that his salary, as well as those of the other officers, shall be fixed by the Governor.

3. SECTION 9 - Comptroller General's Office
   "PROVIDED, That any widow of a Confederate veteran who was married to him during, or prior to, the Confederate War, and who is ninety (90) years of age, or more, shall receive the same pension as that paid a Confederate veteran."
   I veto this provision because it is in conflict with the proviso immediately following it, which is broader and embodies the will and intention of the General Assembly.

4. SECTION 21 - Superintendent of Education's Office
   Item 2. Division of Administration and Finances;
      A. Personal Service:
         A-1 Salaries
         "Supervisor of Surplus
         Property .... 3,600.00
         Secretary, Surplus
         Property .... 1,660.00"
      I veto these items because a bill has been passed by
the General Assembly and signed by me providing for a Surplus Property Division in the Department of Research, Planning and Development, and, therefore, these items have become unnecessary.

5. SECTION 59 - Board of Health

Item 10. Public Health Education:

"PROVIDED, that the Director of Public Health Education shall remain in office until July 1, 1946."

While I sympathize with the purpose of this item, I feel that I have to veto it because of the unfortunate precedent it sets. The Retirement Act provides how a person may be retained in employment after retirement age, and that procedure should be followed in all cases. I have been assured by the State Department of Health that the Director of Public Health Education will be given employment payable from Federal funds which, together with his retirement, will approximate his present salary.

6. SECTION 56 - State Highway Department

"PROVIDED, FURTHER, That no part of the funds herein appropriated shall be used or expended for motor vehicle inspection by the State Highway Department until March 1, 1946."

Earlier in the session, the General Assembly passed and sent to me a bill suspending the motor vehicle inspection laws. I returned this bill without my signature, pointing out that it was illogical to keep the law and suspend its enforcement; that the protection of the lives and safety of our citizens demands that motor vehicle inspection be resumed; and that those charged officially with the study of highway safety have strongly recommended the early resumption of such inspection. The House of Representatives sustained my veto, and thereby did the public a great service.

The provision now under consideration, without attempting to change the law, prohibits the State Highway Department from expending any of its funds to carry out the mandate of this law. This, if permitted, will not add to respect for law, and for the reasons given at length in connection with my previous veto on this subject and
for this additional reason, I veto this provision.

I have been informed by the Chief Highway Commissioner that it will be at least 4 months before the State Highway Department will be able to resume motor vehicle inspection and that the public will be given ample notice before it is commenced. This period of necessary delay will enable everyone to be prepared to meet the inspection.

7. SECTION 60 - South Carolina Aeronautics Commission

"PROVIDED that the South Carolina Aeronautics Commission is hereby authorized to spend all cash balances brought forward from the previous year, and all incomes including federal funds and proceeds from other sources accruing to the South Carolina Aeronautics Commission, but in no case shall the expenditure of the South Carolina Aeronautics Commission exceed the amount of cash balance brought forward from the preceding year plus the amount of all incomes including federal funds and proceeds from its other revenue sources."

The South Carolina Aeronautics Commission, under the provisions of Section 7112-13 of the 1942 Code of Laws, is required to submit to the Governor a full report of its proceedings for the year ending the 1st day of December in each year, which report is required under the law to be filed not later than the 31st day of December. No report has been received from this Commission, and, therefore, neither the Governor nor the members of the Legislature have the information which they should have to form an intelligent appraisal of the needs of the South Carolina Aeronautics Commission.

Various complaints are being made that the Aeronautics Commission is not functioning as contemplated by the law which created it. Those of us who are interested in the development of aeronautics have reason to believe that the progress of aviation in this State is suffering by reason of a lack of proper planning and encouragement on the part of the Commission constituted for this purpose.
From reliable sources, it is estimated at the present time that there will be a carry-over at the end of the present fiscal year an unexpended balance of approximately $100,000.00 derived from the tax on aviation gasoline. The estimated annual income for the fiscal year beginning July 1, 1947 is $150,000.00, or more. Both the carry-over and the estimated income from aviation gasoline under the provisions of the first Proviso of Section 60 are appropriated to the South Carolina Aeronautics Commission for expenditure. This is contrary to the announced policy of the administration in that these funds would not go into the general funds of the State to be appropriated by the Legislature without designation as to how same would be expended.

From the best information available, it appears that the flat appropriation of $250,000.00 should be more than sufficient to meet all of the present requirements of the South Carolina Aeronautics Commission, especially in view of the meager assistance that this Commission is now rendering to the airports of the State, therefore, I veto this Proviso.

8. SECTION 65 - South Carolina Retirement System
For Administration:
A. Personal Service:
A-3. Special Payments and Clerical Help
"Legal Advisor .... 1,500.00"

I veto this item for the reasons stated in the Attorney General's letter to me dated April 30, 1947, as follows:

"Act No. 157 of the Acts of 1945, in Section 6 (8) declares that "the Attorney General shall be the legal advisor of the Retirement Board.

"The Constitution declares that the compensation of the Attorney General shall not be increased or decreased during his term of office. The $1,500.00 for "Legal Advisor" of the Retirement Board will apparently serve to increase my compensation - since it is not declared to cover any contemplated or known "official expense".

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"The Constitution declares that the Attorney General shall perform such duties as the General Assembly shall direct. The General Assembly has directed that the Attorney General give the legal advice for which the $1,500.00, referred to is to pay. The acceptance of this $1,500.00, in the above circumstances, would be illegal. I, therefore, respectfully request that you veto 'Section 65-A-3, Special Payments and Clerical Help - Legal Advisor $1,500.00'."

I am informed that the Attorney General in his 22 years of service has never accepted extra compensation of any kind, a record of which both he and the people may be justly proud.

9. SECTION 91d: - Sub-Section (c)

"and (b) twenty-five (25%) percent of the gross maximum retail mark-up accruing during the next preceding calendar month."

I veto this item because it is obviously a clerical error and confuses the meaning of the sub-section.

In closing, I want to say that the General Assembly has rendered a distinct public service to the people of the State by showing in this bill all of the expenditures to be made for the operation of the State government during the next fiscal year, whether actually appropriated at this session or not. In order that the people of the State can properly discharge their function of self-government, it is necessary that they be informed of the affairs of government, one of the most important of which is its total cost, as to which they have long been kept in the dark.

It is my hope that in future bills the inner workings of the various State agencies and departments will be even better and more simply revealed to the public. It has been difficult to analyze properly some of the ramifications of the present bill. There are still many inconsistencies and irregularities in the method of appropriating for different offices and departments. Our goal should
be a State Appropriation Bill which will make crystal clear to the
public the specific purposes for which all public funds are expended.

Respectfully submitted,

J. Strom Thurmond,
Governor

May 2, 1947
JST:WS