

Gov. Veto

#7
1949

June 4, 1949

STATE OF SOUTH CAROLINA
EXECUTIVE CHAMBERS
COLUMBIA

MR. PRESIDENT AND GENTLEMEN OF THE SENATE:

I am returning to your honorable body Senate Bill No. 123, Act No. 596, entitled:

"An Act to allocate funds to the counties of the State for the construction of health centers, hospitals, or for other public purposes; and further relating to the fiscal affairs of the State."

I am in entire agreement with the fundamental purpose of this legislation, which is to encourage the development of South Carolina's health program by furnishing State funds to assist the counties of the State in providing hospital and health center facilities, as a means of giving the people of every section of South Carolina an opportunity to obtain better medical and surgical care and treatment.

Because of the importance of this health program to our people, I approve this Act with the exception of the following items, which I hereby veto:

1. In Section 1, the item reading:
"And (h) and/or for other public uses."

Under this item, the State funds appropriated in the Act for health purposes could be used by the local authorities of a county for any other public purpose. It is not proper to permit State funds appropriated for the development of the health program to be diverted to other purposes. State funds for health should be earmarked for health purposes alone, and this item should not be permitted to remain in the Act.

2. In Section 1, the item which reads:

"and the expenditure of said funds within each county shall be upon the approval of the Senator and at least one-half

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of the House Delegation."

This item authorizes the Senator and the members of the House of Representatives of each county to perform executive or administrative functions, and clearly violates the provisions of Article 1, Section 14, of the State Constitution, which reads:

"In the government of this State the legislative, executive and judicial powers of the Government shall be forever separate and distinct from each other, and no person or persons exercising the functions of one of said departments shall assume or discharge the duties of any other."

Similar provisions have been held by the Supreme Court to be in violation of this Section of the Constitution in the cases of Bramlette v. Stringer, 186, S.C. 194, 195, S.E. 257; Noseley v. Welch, 209 S.C. 19, 38 S.E. 2d. 133, and Ashmore v. Greater Greenville Sewer District, 211, S.C. 77, 44 S.E. 2d. 88.

3. In Section 1, the item which reads:

"Or to the respective delegations to act as a legally constituted body."

This item also violates the provisions of Article 1, Section 14, of the Constitution, above quoted, and is clearly unconstitutional under the decisions of the Supreme Court to which I have referred above.

I am anxious that our health program go forward as expeditiously as possible, and I am convinced that it is an urgent need of our people. It would be the height of folly to jeopardize this whole legislation by leaving in it provisions which may result in the whole act being declared unconstitutional. While there are other provisions in the Act about which some questions as to constitutionality might exist, I believe that the Act, with the elimination of the items which I have vetoed, will be upheld, and the great public benefits which prompted its passage thus attained without delay.

Respectfully submitted,

J. Strom Thurmond
Governor

June 4, 1949

W. S. (Note: This is copy - our file copy borrowed by House and not returned.)