

The Budget Commission met in the office of the Governor at 12 o'clock noon on July 24, 1941, all members being present.

The following transfers were authorized by the Commission:

Fiscal Year 1940-1941

S. C. Industrial Commission

From Special Payments - Emergency Help \$1,273.23 to Office Supplies

Department of Labor

From Salary (Deputy Conciliator) 27.08 to Salary (Inspectors)

Public Service Commission

From Salary of Inspectors	1,133.54	to Travel
From Experts, Investigations and Extra Clerical Help	104.15	to Telegraph & Telephone
	128.20	to Travel
	223.81	to Office Equipment
	14.19	to Office Supplies
From Freight, Express and Deliveries	18.65	to Repairs
	55.35	to Office Supplies
From Printing and Advertising	35.00	to Office Supplies
From Insurance	159.50	to Office Supplies

State Treasurer

From Freight, Express and Deliveries	22.27	to Repairs
From Travel	200.00	to Equipment
From Telegraph and Telephone	125.00	to Equipment
From Insurance on Collateral for State Deposits	191.57	to Equipment

Attorney General

From Travel	100.00	to Office Equipment
From Special Payments	8.46	to Telephone & Telegraph

State Planning Board

From Travel - Board Members	2.00	to Telephone & Telegraph
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State Board of Health

From Special Payments	170.00	to Office Equipment
From Other Supplies	53.06	to Office Equipment
	56.94	to Printing & Advertising
From Telegraph and Telephone	240.00	to Office Supplies

Joint Committee on Printing

From Special Payments to Members	36.25	to Telegraph & Telephone
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Children's Bureau

From Travel for Employees	228.32	to Professional Fees (Special Payment)
	116.67	to Office Equipment
From Repairs	23.50	to Office Equipment
From Contributions	68.00	to Office Equipment
From Educational Supplies	17.02	to Medical Supplies
From Extra Clerical Help	17.50	to Office Supplies

The Senate

From Mileage and Stationery	500.00	to Approved Accounts
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Governor's Office (Law Enforcement Division)

From Governor's Officers	1,473.55	to Motor Vehicle Supplies
From Wages	138.00	to Motor Vehicle Supplies
From Travel	329.39	to Motor Vehicle Supplies
From Office Supplies	14.00	to Motor Vehicle Supplies
From Other Supplies	37.44	to Motor Vehicle Supplies
From Insurance	24.15	to Motor Vehicle Supplies
From Motor Vehicles and Equipment	555.44	to Motor Vehicle Supplies
From Other Equipment	46.01	to Motor Vehicle Supplies
From Telephone & Telegraph	71.54	to Motor Vehicle Supplies

Tax Commission

From Office Supplies - Administrative Div.	135.71	to Travel - Property Tax Division
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Fiscal Year 1941-1942

State Treasurer

Receiving and Disbursing Funds:

From Insurance on Collateral for State Deposits	100.00	to Extra Clerical Help
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Payment of Bonded Debt:

From Office Supplies	200.00	to Extra Clerical Help
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The Secretary was instructed to ask the advice of the Attorney General as to the authority of the Commission to transfer funds appropriated in special acts for special purposes, the advice being sought by the Budget Commission in connection with an application by the Superintendent of the Penitentiary for a transfer of \$5,000.00 from funds appropriated in Special Act No. 192 for plumbing at the Penitentiary.

The following allotments from the Civil Contingent Fund were approved by the Commission:

From the 1940-41 Civil Contingent Fund

H. Klugh Purdy, Ridgeland, S. C.	\$25.00
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For attorney fee in the case of Phillips against the Tax Commission, the advice of the Attorney General having been secured indicating that the claim was in order.

S. C. Firemen's Association	2,000.00
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To aid in the construction of a drill tower and fire school, the advice of the Attorney General having been secured indicating that the claim was in order.

From the 1941-42 Civil Contingent Fund

Joint Committee on Printing - Temporary Help	60.00
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S. C. Unemployment Compensation Commission - Official Bonds	102.00
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State Board of Health, Bureau of Vital Statistics Temporary Help	1,000.00
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State Planning Board - Consultant	1,000.00
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There being no further business, the meeting adjourned.

James H. Lundy

August 7, 1941

Hon. John M. Glenn, Superintendent
South Carolina Penitentiary
Columbia, South Carolina

Dear Sir:

The Budget Commission in considering your request for a transfer of \$5,000.00 from the appropriation made in Special Act No. 192 for plumbing in cell blocks was doubtful as to its authority to make transfers from appropriations contained in special acts, and consequently instructed me to consult the Attorney General in this connection.

I am enclosing copy of the opinion of the Attorney General dated August 5 which clearly indicates that the Budget Commission does not have the power to authorize this transfer.

Very truly yours,

J. M. Smith
State Auditor

JMS/w
Enc.

Copy to:

Gov. Burnet R. Maybank
Hon. R. M. Jefferies
Hon. Winchester Smith

JOHN M. DANIEL
ATTORNEY GENERAL

M. J. HOUGH
ASSISTANT ATTORNEY GENERAL

T. C. CALLISON
ASSISTANT ATTORNEY GENERAL

MRS. IDESSA H. NEWMAN
SECRETARY & LAW CLERK

MRS. SADYE B. DAVIS
STENOGRAPHER

STATE OF SOUTH CAROLINA

OFFICE OF THE ATTORNEY GENERAL

COLUMBIA

August 5, 1941.

Hon. J. M. Smith,
State Auditor,
Columbia, S. C.

My dear Mr. Smith:

This will acknowledge receipt of your letter of July 25, reading as follows:

"Section 71 of the current General Appropriation Act reads as follows:

'Section 71. That transfers of appropriations herein provided may be made within departments, and from one department to another, upon the unanimous written approval of the State Budget Commission'.

An appropriation was made by Special Act No. 192, in the amount of \$20,000.00, for plumbing in cell blocks at the Penitentiary. The Superintendent of the Penitentiary now requests that \$5,000.00 of this amount be transferred by the Budget Commission for other work at the Penitentiary.

I am instructed by the Budget Commission to ask your advice as to whether or not the above quoted Section 71 carries with it authority for the Commission to authorize transfers of appropriations made by special acts, that is, acts other than the General Appropriation Act, such as that cited above."

In reply I advise that the total amount the General Assembly intended the State Penitentiary should receive for its maintenance, and other activities for the fiscal year, 1941, is carried in section 31 of the General Appropriation Act.

Although the Appropriation Act was approved May 20, and the special Act appropriating \$20,000.00 had been approved theretofore on April 14, 1941, there is nothing to indicate that the two Acts were one and the same, in effect, that is intended to supplement that money for regular activities of the Penitentiary. Section 71 of the

Annual Appropriation Act, clearly limits the power of the Budget Commission to transfers of appropriations "herein". It was not intended to include the power to add to the total amount of the Appropriation Act, which the transfer of \$5,000.00 from the Special Act, as requested, would do.

It is, therefore, the opinion of this office that the Budget Commission has no authority to transfer and appropriate a surplus carried in a special Act of the General Assembly. Its power and authority to make transfers is, in my opinion, limited to amounts included in the Annual Appropriation Act - which are covered by the word "herein" of that Act.

Yours very truly,

John M. Daniel
Attorney General.

JMD-N.

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