

Vol. 1

Minutes of

Budget Meetings

June 19-1941 to Dec 31-1941

No minutes of meetings were  
kept prior to June 19-1941

JMS.

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STATE BUDGET COMMISSION

MINUTES OF MEETING

The Budget Commission met in the Governor's Office at 4:00 o'clock on June 19, 1941, all members being present.

On motion of Senator Jefferies it was agreed that the Secretary should keep minutes of each meeting of the Commission in detail, and that each member should be supplied with a copy of the minutes.

The following transfers were considered and approved by the Commission:

JUDICIAL DEPARTMENT

From South Carolina Reports	\$ 400.00 to Special Circuit Judges
	20.00 to Repairs
	60.00 to Telegraph and Telephone
	270.00 to Office Supplies

GOVERNOR'S OFFICE

From Stenographers (3)	600.00 to Special Payments
From Wages Messenger-Porter	35.00 to Travel
	275.00 to Supplies General - Mansion & Grounds
From Wages - Mansion & Grounds	300.00 to Repairs - Mansion & Grounds
	300.00 to Supplies - General - Mansion & Grounds

SECRETARY OF STATE

From Extra Clerical Help	100.00 to Repairs
From Office Equipment	20.00 to Telephone and Telegraph
	25.00 to Association Dues

ATTORNEY GENERAL

From State Litigation - Special Payments	900.00 to Office Supplies
From Travel	150.00 to Repairs (Administration)

ADJUTANT GENERAL

From Wages	7.50 to Other Fixed Charges
From Special Payments (Steno- Services)	338.80 to Other Fixed Charges



ADJUTANT GENERAL (Cont'd)

From Freight, Express & Deliveries	41.64 to Other Fixed Charges
From Fuel Supplies	24.50 to Other Fixed Charges
From Office Supplies	12.84 to Other Fixed Charges
From Office Supplies	200.00 to Office Equipment
From Travel	286.53 to Office Equipment
From Telegraph & Telephone	14.26 to Office Equipment
From Repairs	88.10 to Office Equipment
From Printing & Advertising	40.50 to Office Equipment
From Special Payments (Steno-Ser.)	94.50 to Special Payments - Regular
From Special Payments (Steno-Ser.)	305.91 to Insurance

STATE SCHOOLBOOK COMMISSION

From Per Diem of Board	115.00 to Office Supplies
From Travel - Director and Field Workers	325.00 to Office Equipment
From Travel - Director and Field Workers	25.00 to Telegraph and Telephone
From Travel - Auditor	190.00 to Office Equipment
From Insurance Textbooks	20.00 to Repairs

STATE LIBRARY

From Freight, Express & Deliveries	30.00 to Travel
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HISTORICAL COMMISSION

From Clerical Help, Filing Documents	
Deficiency Appropriation 1940-41	152.50 to Equipment

S. C. SANATORIUM

From Maintenance (1941-42 Appropriation)	15,000.00 to Construction of Physicians' Quarters
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SOUTH CAROLINA TAX COMMISSION

	<u>Administrative Division</u>
From Administrative Division Mailing Clerk	88.09 to Telegraph & Telephone
From Property Tax Division Field Agents (Part Time)	320.00 to Equipment - Office
From Income Tax Division Clerks	186.94 to Equipment - Office
Field Agents	212.66 to Equipment - Office
From License Tax Division - General Temporary Help	266.17 to Equipment - Office
Additional Clerk	62.52 to Equipment - Office
From License Tax Division - Tobacco Unit - Auditors	45.85 to Equipment - Office
Clerks	86.67 to Equipment - Office
Field Agents	94.99 to Equipment - Office

SOUTH CAROLINA TAX COMMISSION (Cont'd)

From License Tax Division - Beverage Unit Field Agents	195.00 to Equipment - Office
From License Tax Division - Alcoholic Unit Field Agents	150.00 to Equipment - Office

STATE AUDITOR

From Special Payments - Special Audits -	350.00 to Office Equipment
From Travel	150.00 to Office Equipment

STATE BOARD OF FISHERIES

From Operation of Shad Hatchery	400.00 to Special Boat Fund
From Oyster and Clam Culture	300.00 to Special Boat Fund
From Food Supplies	50.00 to Telegraph & Telephone

COMMISSIONER OF LABOR

From Travel	100.00 to Telegraph and Telephone
From Other Fixed Charges	50.00 to Office Supplies
From Fair Exhibits	17.14 to Office Equipment

SOUTH CAROLINA INDUSTRIAL COMMISSION

From Medical Examination	300.00 to Office Supplies
From Rents	153.55 to Office Supplies
From Insurance	182.62 to Office Supplies

PUBLIC SERVICE COMMISSION

From Printing and Advertising	579.33 to Office Supplies
<u>Electrical Utilities Division</u>	"
From Personal Service - Salaries	1205.65 "For Additional Experts,
From Contractual Services - Travel	16.27 Expenses of Witnesses,
Telegraph & Telephone	139.36 Supplies, Travel and
	Other Necessary Expenses."

SINKING FUND COMMISSION

From Wages - Elevator Operators	321.65 to Laundry Supplies
From Wages - Elevator Operators	352.04 to Other Supplies
From Wages - Elevator Operators	421.45 to Laundry Supplies
From Wages - Elevator Operators	195.26 to Other Supplies
From Repairs - Item 3	200.00 to Repairs - Item 2

COMMISSION ON STATE HOUSE & GROUNDS

From Freight, Express & Deliveries	25.00 to Supplies
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STATE PLANNING BOARD

From Travel - Board Members (1940-41)	10.00	to Telephone & Telegraph
From Printing & Advertising ('41-42)	45.00	to Special Payments - Board Members.
From Printing & Advertising	" 90.00	to Travel - Board Members
From Printing & Advertising	" 1 645.50	to Salaries - Senior Technician
From Office Equipment	" 49.50	to Salaries - Senior Technician
From Salaries - Consultants	" 405.00	to Salaries - Senior Technician
From Salaries - Consultants	" 400.00	to Special Payments - Consultants
From Salaries - Consultants	" 320.00	to Travel
From Salaries - Consultants	" 75.00	to Telephone & Telegraph
From Other Contractual Services	" 100.00	to Office Supplies

An application of H. Klugh Purdy for \$25.00 from the Contingent Fund for attorney's fees in the case of Phillips against Tax Commission was approved by the Commission, subject to advice from the Attorney General that the said claim was properly payable from the Contingent Fund.

A request from the State Department of Education for \$280.00 to cover per diem and travel of the State Board of Education was granted by the Commission.

The Secretary was instructed to audit and verify certain claims against the State arising from injuries sustained by Miss Ellen Alexander, Miss Mary Alice Floyd, Miss Jeanette Hellams and Miss Gladys Thompson. The claimants in this matter are school teachers who were injured in an automobile accident while engaged in the registration of men under the Selective Service Act.

An application to the Budget Commission for allotment from the Contingent Fund, presented by I. S. Leevy to cover the difference in the amount of fees at the Medical Department of the University of Michigan and the South Carolina Medical College, in the amount of \$483.50, was taken under advisement by the Commission for consideration at a subsequent meeting. The application was based on the assumption that negroes would not be admitted at the South Carolina Medical College.



A request from Clemson College for \$1,800.00 from the Contingent Fund for combating the spread of the Japanese beetle was refused at this time by the Commission.

A request for \$2,000.00 from the Contingent Fund by Thomas P. Bussey, Attorney for the South Carolina Firemen's Association, to supplement other funds raised by the Association for the construction of a drill tower and fire school in the City of Columbia was approved by the Commission, subject to advice from the Attorney General that the contribution was properly and legally payable from the Contingent Fund.

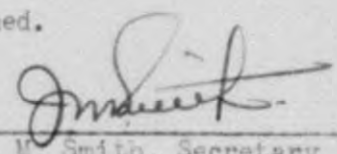
The report of the State Auditor that the President of Winthrop College had been paid the sum of \$1,000.00 from the Summer School Fund, in addition to his salary fixed in the General Appropriation Act, was considered and the Secretary was instructed to consult the Attorney General as to the legality of this payment.

The Secretary was instructed to consult the Attorney General as to the legality of the use of four automobiles on a trip to Chicago by three members and one employee of the South Carolina Industrial Commission on October 15, 1940, as reported by the State Auditor.

The Secretary was instructed to issue a letter to each department and institution head, advising them that transfers of appropriations will hereafter not be allowed by the Commission, except in cases of actual emergency.

There being no further business the meeting adjourned.

(Signed)

  
J. M. Smith, Secretary

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

July 2, 1941.

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

My dear Mr. Smith:

This will acknowledge receipt of your letter of June 20 reading as follows:

"On October 15, 1940, four members of the South Carolina Industrial Commission and one employee attended a convention in Chicago. One of the commissioners went by rail; the other three commissioners and the employee each used or charged mileage for separate automobiles to and from Chicago.

The Budget Commission desires that you advise it whether or not the use of four automobiles for the transportation of four employees of the State, all in the same department and on the same trip, is in contravention of any existing statute."

In reply I advise that if four members of the South Carolina Industrial Commission and one employee actually used four automobiles in attending the conference in Chicago, referred to by you, they were within their rights; but I find no law authorizing a separate charge for mileage - if four persons rode in one automobile.

Section 71 of Act No. 1020 of the Acts of 1940 (State Appropriation Act) reads in part:

"That when an officer or employee of this State shall use his or her automobile in travel for the transaction of necessary official business for the State, it is hereby provided that for the use of such automobile there shall be charged against the State a rate of mileage not exceeding four (4) cents per mile,



for the actual distance traveled, and the Comptroller General is hereby directed to enforce this provision: Provided, He or she files with claim his or her affidavit as to mileage, place and business attended to."

It will be noted that to exact the mileage charge allowed the officer or employee must use "his or her automobile".

Yours very truly,

*John M. Smith*  
Attorney General.

JMD-N.

JOHN M. DANIEL  
ATTORNEY GENERAL

M. J. HOUGH  
ASSISTANT ATTORNEY GENERAL

T. C. CALLISON  
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STATE OF SOUTH CAROLINA  
OFFICE OF THE ATTORNEY GENERAL  
COLUMBIA

July 2, 1941.

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

My dear Mr. Smith:

This will acknowledge receipt of your letter of June 20,  
reading as follows:

"The Budget Commission at its meeting on June 19  
requested me to ask your advice on the following matter.

The Tax Commission was recently involved in litigation in the case of Phillips against the Tax Commission. The case was lost in the Circuit Courts by the Tax Commission and then carried to the Supreme Court by the Commission, which also ruled against the State. Mr. Klugh Purdy represented Phillips in the case and has presented the Budget Commission with a bill for \$25.00 for attorney's fees, requesting payment from the Civil Contingent Fund.

The Budget Commission desires that you inform it as to the legality of this claim, and whether or not it is properly payable from the Civil Contingent Fund."

In reply, I advise that Section 758 of the Code of 1932 reads in part:

"When an appeal is taken to the Supreme Court of this State, the following costs shall be allowed in all classes of cases legal or equitable: For the plaintiff's or defendant's attorneys, \*\*\*\*\* argument in the Supreme Court, twenty-five dollars."

Section 768 of the Code of 1932 (Section 633 Code of 1922) reads:

"In all civil actions, prosecuted in the name of the State, by an officer duly authorized for that purpose, the State shall be liable for costs in the same cases, and to the same extent, as private parties,"

and was before our Supreme Court in the case of Sawyer vs. State Highway Department, 164 S.C. 53, 161 S.E. 883. The Court there said:

"We can see no sound reason why the State, which recognizes its liability for costs when it is plaintiff, should be exempt from the payment of costs when it loses in actions in which it is defendant by its own consent."

In my opinion the claim of Mr. Purdy for twenty-five dollars is legal; but it is for the Budget Commission to say, in this case as in all cases, whether or not it is such a contingent expense as this Committee usually approves and pays. No definition of "contingent expense" having been made and the expenditures of the Contingent Fund being conditioned only upon the unanimous vote of the members of the Contingent Fund Commission - it would be an invasion of the jurisdiction of the Contingent Fund Commission for me to say whether or not it should pay any particular item.

Yours very truly,

*John M. Daniel*  
Attorney General.

JMD\_N.



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

July 10, 1941.

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

My dear Mr. Smith:

This will acknowledge receipt of your letter of June 20, 1941,  
reading as follows:

"A proviso carried in the General Appropriation Act  
for the year 1940-41 and a number of years just prior thereto  
fixed the salary of the President of Winthrop College at  
\$6,000.00 per year.

The Board of Trustees of Winthrop College recently  
adopted a resolution authorizing payment to the President of  
\$1,000.00 additional from the Summer School Fund at Winthrop  
College, and this additional \$1,000.00 was paid to the Presi-  
dent.

The Budget Commission desires that you advise it whether  
or not the payment of this \$1,000.00, in addition to the  
\$6,000.00 salary fixed in the Appropriation Act, was legal."

In reply I advise that there is no law, that I can find, specifically  
authorizing or directing any State institution of higher education  
to operate a summer school. Section 5790 of the Code of 1932,  
confers upon the Trustees of Winthrop College the power and authority  
to appoint a President. It also confers power to "fix all salaries  
and wages of teachers and employees", but the law does not define  
the duties of the President. It is, therefore, the opinion of this  
office that it is for the Board of Trustees to fix, by contract with  
the President of Winthrop College, what his duties shall be. If the du-  
ties so fixed in the contract with the present President of Winthrop  
College did not contemplate any duties in connection with the summer  
school - then, as to such summer school it is for the Board of Trustees  
to decide what special contract is proper - for additional services  
the President may render in this connection. It is my understanding

that the expense for the summer school is not paid for out money appropriated in the State Appropriation Act. It is my further opinion that no additional salary can be paid the President of Winthrop College out of any funds carried in the State Appropriation Act.

Yours very truly,

*John M. Daniel*  
Attorney General.

JMD-N.

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

July 2, 1941.

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

My dear Mr. Smith:

This will acknowledge receipt of your letter of June 20,  
reading as follows:

"The Budget Commission has a request for a contribution  
of \$2,000.00 from the Civil Contingent Fund by the South  
Carolina Firemen's Association, the fund to be used to  
supplement other funds raised by the Association for the  
construction of a drill tower and fire school in the  
City of Columbia.

The Budget Commission desires that you advise it whether  
or not such a payment can properly and legally be made  
from the Civil Contingent Fund."

In reply I advise that Section 64 of the State Appropriation  
Act 1941-1942 reads in part:

"Section 64  
Civil Contingent Fund  
Item 1. Government Contingencies:  
E. Contingencies ..... \$ 15,000.00  
Total Civil Contingent Fund ..... \$ 15,000.00  
Provided, That the Civil Contingent Fund may be expended  
upon the unanimous approval of the State Budget Commission,  
consisting of the Governor, Chairman of the State (Senate) Finance  
Committee, and Chairman of the House Ways and Means Committee,  
to meet the emergency and contingent expenses of the State  
Government."

There is no definition of what an "emergency and contingent  
expense of the State Government" is, and, therefore, it is left  
to the judgment and discretion of the Budget Commission to decide



this question and whatever conclusion is unanimously reached will decide the fate of the claim. If the Budget Commission decides that the granting of the requested "contribution" of \$2,000.00 is in order "to meet the emergency and contingent expenses of the State Government" it may so order; but this is not a legal question under the wording of Section 64 quoted above.

Yours very truly,

*John M. Daniel*  
Attorney General.

JMD-N.

STATE AUDITOR'S OFFICE  
Columbia, S.C.

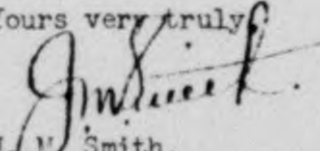
June 20, 1941.

TO ALL STATE DEPARTMENTS AND INSTITUTIONS:

The Budget Commission has instructed me to request each department and institution of the State Government to limit applications for transfers of appropriations to cases of absolute necessity. In such cases the Commission requests that a full explanation accompany such application, setting forth in detail the actual need for the transfer requested.

The Commission desires to cooperate fully with the departments and institutions of the State in connection with transfers where they are shown to be necessary, but does not favor transfers where "stocking up" of supplies or materials for use in the next fiscal year is contemplated.

Yours very truly,

  
J. M. Smith,  
State Auditor.

JMS:H

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