Lewie G. Merritt, Legislative Consultant. The Commissioners will be available to the appropriate legislative committees.

Respectfully submitted,

NEVILLE HOLCOMBE,
Spartanburg, S. C.
FRANK H. BAILEY,
Charleston, S. C.
JOHN W. THOMAS, JR.,
Columbia, S. C.

December 18, 1951.

Received as information and ordered printed in the Journal.

CONCURRENT RESOLUTION

The following was introduced:

H. 1661.—Mr. WASSON: A Concurrent Resolution memorializing Congress to guarantee to the Cotton Farmers of America a minimum price of 40c per pound for cotton from the 1952 cotton crop.

Whereas, the nation produced a bumper cotton crop during the year 1951 of approximately 15,700,000 bales and,

Whereas, in April of 1951 the price of cotton was about 43c a pound, and

Whereas, the price declined to only 33c a pound in September of the same year, resulting in a staggering loss to those farmers who disposed of their cotton at the low figure, and

Whereas, the price has since risen to about 42c per pound but too late to help those whose cotton had not been held, and

Whereas, the United States Department of Agriculture is now citing the necessity for another bumper crop duplicating the production of 1951, and

Whereas, it is greatly feared that another such crop as that of 1951 will result directly in another financial loss to the farmers, many of whom are gravely concerned and fear the advisability of continuing the planting of cotton, and

Whereas, if these fears crystallize into a general failure to plant cotton the nation and the world will be confronted with a serious shortage of cotton products so greatly needed for our economic stability and our national security and,

Whereas, this threat can be diverted and the danger allayed by definite and positive action by the Congress of the United States now by assuring the farmers of America a minimum price of 40c per pound for their 1952 cotton crop. *Now, Therefore,*

Be it resolved by the House of Representatives, the Senate concurring:

That Congress be memorialized to act immediately to divert what may develop into a crisis and guarantee to the farmers of America a minimum price of at least 40c per pound for their entire cotton crop for the year 1952.

The Concurrent Resolution was agreed to and ordered sent to the Senate.

JOINT ASSEMBLY

ADDRESS BY GOVERNOR JAMES F. BYRNES

At 12:30 o'clock P. M. the Senate appeared in the Hall of the House.

The President of the Senate called the Joint Assembly to order and announced that it had convened under the terms of a Concurrent Resolution adopted by both Houses.

The Clerk of the House read the Concurrent Resolution:

H. 1660.—Messrs. Blatt and Hollings: A Concurrent Resolution inviting his Excellency, James F. Byrnes, Governor, to address the General Assembly in Joint Session at 12:30 o'clock P. M., on Tuesday, January 8, 1952.

Governor Byrnes was escorted into the Hall of the House by a Committee composed of Senators Brown, Moore, and Graham and Messrs. HOLLINGS, FINKLEA and EDWARDS.

The President of the Senate introduced Governor Byrnes who then addressed the Joint Assembly as follows:

After the adjournment of your last session, in a radio report to the people I paid tribute to the intelligence, efficiency, and courage of the members of this General Assembly. That tribute was sincere. It was deserved.

There were several matters I suggested for your consideration upon which final action was not taken at the last session. I again urge your approval of those proposals.

Constitution

The proposal to let the people vote on the holding of a constitutional convention passed the House and is pending in the Senate. I submit that the people who were intelligent enough to elect us to office are intelligent enough to determine whether they want a constitutional convention held.

Without waiting for a decision of that question by the people, I recommend that you submit to the electors of the General Election in 1952 a resolution to repeal Article XI, Section 5, which reads as follows: "... The General Assembly shall provide for a liberal system of free public schools for all children between the ages of six and twenty-one years."

I make this recommendation because there is pending in the United States Supreme Court the case brought by certain colored citizens against the trustees of School District No. 22 of Clarendon County. That appeal, as you know, involves the question of the constitutionality of the provision of our State Constitution requiring separation of the races in public schools. I think the Court will sustain the decision of Judges Parker and Timmerman. However, no man can predict with certainty the decision of any court. Should the Court hold laws requiring segregation unconstitutional, the provision of our Constitution which I have referred to should be repealed so that members of the Legislature who have sworn to uphold the State Constitution would be free to determine by statute the future policy of the State as to the maintenance of a public school system.

If a resolution repealing the provision is not submitted at this session, the question of repeal could not be acted upon by the people until the General Election in 1954. If submitted now and approved by the electors, it could be ratified by the Legislature next January.

Financial Affairs

The financial condition of our State Government is sound. Our school bonds were sold at an interest rate of a little less than 1½ per cent annually. That gives striking proof of the confidence of the investing public in the fiscal soundness of the State Government.

The soundness of our fiscal affairs and our reasonable tax laws continue to impress industrialists. The world situation has necessitated restricting new construction to plants producing commodities essential for the defense program. However, the conferences I have had with officials of companies interested in locating enterprises in the South make me confident that with the passing of the emergency many additional enterprises will come to South Carolina giving more jobs to wage earners.

Officials of New England States complain about the movement of industries to the South. They are being moved to this State not because of tax exemptions or cheap labor but because of the soundness of our government and because our wage earners try to see how much they can do and not how little they can do.

Industrial Commission

The statute which created the Industrial Commission provides that two members of the Commission shall represent employers, two shall represent employees and one shall represent the public. To pass upon claims we should have persons who serve as judges. I recommend that the language requiring commissioners to represent employers and employees be eliminated from the statute.

I further recommend that the law be amended to provide that upon an appeal from the full Commission, the courts have the same powers and duties as upon an appeal or review in an equity case. Also, that upon appeal, judgment be given according to the justice of the case without regard to technical errors which do not affect the merits.

The Commission interprets the language of the statute as prohibiting inspection of the records showing awards. This creates an anomalous situation. The hearings are open to the public but the record of awards is not.

The records of all courts from Magistrates' Courts to the Supreme Court are public. The Commission now has jurisdiction of claims for as much as $8,000. The law covers claims against agencies of the government. The records of the Comission should be open for inspection.

I think that each commissioner should be allowed to select his own secretary and reporter, and the Secretary to the Commission should be elected by the Commission. As to other personnel, I feel that it will contribute to more efficient administration to have employees selected by the chairman, under some merit system.

Public Assistance Legislation

I recommend legislation opening for inspection the list of persons receiving assistance through the Welfare Department. Some few worthy persons may be embarrassed, but they will willingly suffer a little embarrassment when they realize inspection will expose unworthy recipients. The taxpayers have a right to know who is receiving the money they pay into the public treasury.

The statute should make it a misdemeanor for anyone to use for either commercial or political purposes, the list of persons receiving assistance.

Some persons who are property owners receive public assistance. They cannot eat their property. They may need assistance. If they do, they should receive it. But upon the death of such a person, the taxpayers should be repaid out of any property owned by the deceased welfare recipient rather than have the property go to some relative who was unwilling to care for the needy person.

Therefore, I recommend that you re-enact the Act of 1937 which provided that upon the death of a recipient of public assistance the total amount of assistance received by that person be allowed as a debt due the public. Such a lien should not be enforced during the life of a surviving spouse occupying the home of the deceased.

I also recommend the passage of two House Bills now pending in the Senate Judiciary Committee which would establish a legal responsibility on the part of relatives for dependent children and for aged dependent parents.

There was a time when men and women regarded the care of dependent children and aged parents not as a duty but as a privilege. The people must understand there is no such thing as government money; that government has no money except that which it takes from the pockets of the people. And the man who is able to do so, should care for his aged parents and dependent children and not transfer that burden to his neighbors.

Budget

The over-all expenditure proposed for 1952-53, including grants from the Federal Government, appropriations by the Legislature, and revenues of State institutions is approximately six million dollars less than the over-all expenditures for the current year.

The budget submitted by the Budget and Control Board calls for the appropriation of $139,613,628.02 out of State funds. That is approximately nine million dollars less than the amount requested. It is, however, $3,209,192 higher than State appropriations for the current year, excluding the expenditures of the Highway Department.

That increase is due chiefly to three items. The automatic increase in teachers' salaries and the employment of 600 additional teachers accounts for $2,390,000. Additional teachers must be employed because of the increase in the number of children of school age. In many cities it is necessary to have classes for one group of children in the morning and another group in the afternoon.

The other item is the debt service on the bonds issued for the purchase of school buses amounting to $1,012,500. However, the total appropriation of $139,613,628.02 is not solely for expenses of the State Government.

Through the years legislation has been enacted providing that a percentage of various taxes collected by the State should be given to the counties and the municipalities. For the current year $11,697,500 will be given to local governments.

The Budget and Control Board recommended no change in these laws for the next fiscal year because it realized that once such grants are made and county and city budgets are based upon their continuance, as a practical matter it is impossible to make a change.

When the $11,697,500 collected for local governments is deducted from the total appropriation, it shows the amount requested for the State Government, including the Highway Department, to be $127,916,128.02.

The State Auditor estimates our total revenue will be $828,754.13 in excess of the appropriations recommended by the Budget and Control Board. In arriving at this estimate he relies on an increase from the sales tax of $7,500,000 above the amount estimated before the law was enacted.

Last year in an effort to relieve the low income taxpayers, you increased the exemptions. Some persons who formerly paid a State income tax will now pay no tax. All persons who pay State income taxes will be benefited. The auditor estimates the increased exemptions will reduce the revenue from the individual income tax approximately one and a half million dollars.

He also estimates a reduction in the corporation income tax because of the expected reduced profits of the textile industry. The extent of this reduction will not be known for some months.

In 1950 a recession in the textile industry resulted in the income and corporation tax yielding seven million dollars less than had been estimated by the auditor. The Legislature remained in session until the middle of June trying to find additional revenue. The Free Conference Committee proposed a sales tax which was approved by the Senate but defeated by a small margin in the House. Then emergency taxes were levied for one year.

This year I do not look for such a serious reduction in the income tax, but I accept the judgment of the State Auditor that there will be some reduction.

A statement of the facts and figures shows conclusively the Legislature cannot afford to grant any exemptions from the sales tax. If you grant one exemption, you will have to grant many. I know of no other tax you could well levy to take the place of the revenues you would lose by exemptions.

In this State, the loudest complaint against the sales tax comes from some colored citizens, misled by professional agitators. Few of them pay income taxes to the State. One of the reasons for the levying of the sales tax was to get revenue to equalize school facilities between the races. Our colored population will receive great benefits from the expenditures and they should be willing to bear their just share of the burden.

We should give the sales tax a fair trial. My earnest hope is that no exemptions will be granted and no material changes made in the law at this time.

State Hospital

As I survey the needs of the State, I conclude that the State Hospital is Problem No. 1 for this legislative session. A committee composed of three members of the Senate, three members of the House, and three persons appointed by me, has filed a comprehensive report of our mental health facilities and laws. The committee has conferred with me several times during the past 6 months. I urge your careful consideration of that report.

At the hospital there are 5,300 patients. There is only one doctor for every 445 patients; one nurse for 290 patients; one attendant for 18 patients. In order to meet the accepted standards for such hospitals, we ought to have three times as many doctors, three times as many attendants, and ten times as many nurses as we now have.

A hospital requires day and night service. Some of the staff have been working 60 to 72 hours per week. The day has passed when men and women should work such long hours even where the compensation is greater and conditions are not so depressing.

The hospital is rated as the most overcrowded mental hospital in the United States with the exception of a hospital for Negroes in Alabama. Our committee has advised us that on the night of November 23, 1951, 280 patients had to sleep on mattresses on the floor. Such hardships do not exist in our State Penitentiary. They should not exist in our State Hospital.

While it is not possible to carry out the entire program recommended by the committee in any one year, there are some emergency problems demanding immediate action. I discuss them in the order of their urgency.

We must provide funds for a new building to care for the highly excitable patients now in the Taylor Building. It has a rated capacity of 135 but today has approximately 270 patients. Competent engineering firms have condemned this building as unsafe. It has cracks in the wall from the third floor to the foundation.

Recently the Chief of the Fire Department of the City of Columbia advised the superintendent that the Taylor Building was unsafe for occupancy and should be vacated immediately.

The superintendent told me of this warning and stated there is no other building that could be secured for these patients. Since then I have looked forward to this moment when I could inform you of the situation and have you share with me the responsibility.

Of course, the primary responsibility is yours because you alone can originate an appropriation for a new building and authorize action to make the present building more secure while a new one is being constructed. The Taylor building is a disgrace to South Carolina. It should be replaced with a new building.

Next in urgency is the need for improved kitchen facilities at the Columbia division. The kitchen was constructed in 1915 to care for 1,800 people. It now provides for approximately 3,000. The equipment is entirely inadequate. There are no facilities for serving warm food to the various ward dining rooms.

The Tally Building houses approximately 160 excitable white female patients. It is not suitable for such patients. It is in poor condition, but could be improved and used for other purposes should a new building be constructed. The Columbia division needs a new central heating plant. This is absolutely essential if a new building is constructed.

There should be a central heating plant at the State Park division for colored persons. Now the buidings are heated by separate furnaces. That is expensive and unsafe.

There should be a dormitory for male attendants at the Columbia division. Now the attendants who are single live in the wards.

Dormitories for male and female attendants are needed at the State Park division. The Negro male attendants live in wards with patients. Some live in huts built for temporary use when permanent buildings were constructed.

If we include employees, there are more than 6,000 people in the two divisions. There is no chapel for religious services at either division. There should be constructed a hall or auditorium which could be used for religious services on Sundays and for recreational purposes during the week.

The facilities of the Training School at Clinton for mentally defective children should be enlarged.

At the request of the committee, the Board of Regents of the hospital secured from architects an estimate of the cost to do all of the things regarded by them as essential. That estimate is $18,000,000. It is impossible for us at this time to consider the expenditure of such a sum. We consider only emergency problems as distinguished from desirable improvements.

The emergency items I have mentioned would cost a little more than $5,000,000. It is impossible to provide for even these improvements out of revenues estimated for the next fiscal year. However, it can be financed over the next few years and because of its importance, I believe it should be.

I recommend that an appropriation of $5,000,000 be made for permanent improvements, including the construction of additional buildings, the repair of existing buildings and the procurement of equipment, at the State Hospital and the State Training School.

If, as the State Auditor estimates, there should not be sufficient revenue to cover this appropriation, the Budget and Control Board should be authorized to borrow the total amount or so much as may be necessary. The loan should be made payable in not more than 5 years and there should be pledged as security a sufficient amount of revenue from the State income tax to retire the loan.

To help us in determining the necessity, we should see for ourselves conditions at the hospital. I invite you to join me in visiting the institution this afternoon. I have advised the superintendent I will arrive there at 3 P. M., with as many members of the General Assembly as are willing to accompany me.

To preserve the rights of the States, we must discharge the duties of the States. It is the duty of the State to care for the mentally sick in order to rehabilitate the patients and provide for the safety of others.

However, it is not our duty to provide free hospitalization for persons who are able to pay. I find that State Hospitals elsewhere collect from patients more than we do.

Of the 5,300 patients in our State Hospital only 178 contribute anything toward payment of their hospital expenses. A maximum of $40 per month is charged those who voluntarily pay. During the last fiscal year only $54,000 was collected. That was an average of approximately $25 per month for the 178 who paid anything.

I recommend the enactment of a law requiring payment by patients or other persons legally responsible for a patient's support of a sum not exceeding the average per capita cost of maintenance.

Ability to pay could be determined by the Welfare Department. Payment should not be asked of those unable to pay. But, if a man is able to pay, he and his relatives should not expect taxpayers to provide free services for his mental illness any more than he would expect free service when bodily ill. The more money received from those able to pay, the more the State can do for the needy patients.

The hospital population is greater than the population of most county seats in this State, but these patients are truly the forgotten people. Often they are forgotten even by their families. They have no lobbyists in the State House to ask for additional appropriations. They have no alumni association to plead their cause. If you hear a voice speaking in their behalf, it is the voice of your own conscience. I am sure you will be guided by that voice.