

*Office of the Vermont Secretary of State*  
**Vermont State Archives**

**Veto Message: Governor Emerson**  
**1953 (S.15)**

**An act to provide an appropriation for construction of a classroom building at the State Teachers College at Castleton.**

STATE OF VERMONT  
Executive Department.  
Montpelier, Vt., May 12, 1953

The President laid before the Senate the following communication from His Excellency, the Governor, which was read by the Secretary and is as follows:

*To the President and Members of the Senate;*

I am returning the enclosed bill, S. 15, to you, as the house in which it originated, without my approval for the following reasons:

This bill, if it were to be signed by me and become law would constitute the first major breach of my plan for financing the cost of state government for the next two years without the enactment of new tax measures. I have repeatedly stated I did not want to see any new taxes foisted on the farmer, the laboring man, or the business man during my administration, and that in fact there was no need for them if the legislature would be prudent in what it allowed for expenditures and adopted a sound plan for the same.

My philosophy was based upon three premises, viz:

1. We should cut the pattern to fit the cloth we have. In other words, we should not currently spend beyond the amount of the surplus for the next two fiscal years, estimated by me at 6.6 million dollars. The present state of demands upon that surplus show the wisdom of not calling a special session of the legislature to refund the 15 per cent surtax.
2. New proposals, if adopted, calling for recurring taxation to

support them would have to be paid for out of surplus during the next two year. Here a conflict of views presents itself. You know my own. It was clearly stated to the Joint Assembly on April 15 last, when I said;

"If a new proposal calling for continuing expenditures is in the best and highest interests of the state to adopt and is necessary, all right. Then let's adopt it. It should not be decided on the basis of whether it creates a headache for the next administration, but rather: do we need it at this time? If we do, then fortunately we have the money with which to pay for it for the next two years. If we do not need it, or if, although desirable, it is not absolutely essential at this time, then it should be defeated.

"The question should not turn on from which pocket you are going to take the pay for a project, but rather on whether the proposal is absolutely essential for the state to adopt now because its over-all good far exceeds the tax burden it would create."

Building projects, (such as that envisioned by S. 15) being in the nature of capital investments, would have to be bonded for. This point I emphasized in my budget message; it was reiterated in my special message to the Joint Assembly of April 15.

The legislative history of S. 15 indicates (S. J. 357) that when it came up for third reading in the Senate, it was proposed that the cost of construction be paid "from the unappropriated surplus.' This was agreed to by the Senate. Senator Orzel of Rutland County then moved the further amendment of the bill (S. J. 358 and 359) in two respects, both representative of my philosophy, outlined above, namely:

1. That the cost be paid out of the surplus as of June 30, 1953 provided other appropriations chargeable against the same, and adopted by the 1953 regular session of the legislature do not exhaust it, otherwise by bond issue as hereinafter provided,"
2. The addition of three sections to implement a bond

issue.

It is unfortunate the Senate failed to adopt the Orzel amendments. The only conclusions I can draw from its action are these, either

1. On April 6, (S. J. 363) when it passed S. 15, the Senate appropriations committee did not have a complete and clear picture of how bills carrying appropriations could be financed without a resort to new taxes. At that time, the financial statement (S. J. 497) had not been made up and furnished the members, giving the over-all picture, or
2. The Senate had resolved to use the surplus principally, if not exclusively for non-recurring items of expenditure, such as S. 15, thereby creating a situation where, if new proposals calling for recurring expenditures were adopted, they would have to be implemented by the enactment of new tax measures.

The adoption of new tax measure I am, just as firmly resolved shall not happen during my administration, barring the presently unforeseen. I likewise feel sincerely that I have responsibilities to the taxpayers of this state to see to it no new tax burdens are imposed upon them during the remainder of my administration.

A hasty rough estimate of possible prospective commitments can well illustrate we are approaching the danger point on the use of the 6.6 million of surplus.

Highways \$2,100,000

Bonus 1,000,000

Schools and education 2,000,000

Excess of House

Appropriation

Committee

Allowances over my budget 1,000,000

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\$6,100,000

The above outlines my reasons for disapproval of S. 15. I favor the building of the classroom building at Castleton Teachers College, but disapprove of the method of financing provided for in the bill. My attitude on this bill, so far as financing is concerned, is typical of the same attitude I have on financing other state building projects, if the legislature seeks to pay for them out of the unappropriated surplus.

Since both the legislature and I are on record as being in favor of building the Castleton Teachers College classroom, it would appear that a way could be found to accomplish it. Without wishing to indicate in which of several ways this could be done, I have two suggestions which, in my opinion, will accomplish this desired result.

1. If it is possible, within the provisions of the Constitution, the Senate adopt the Orzel amendments as a part of S. 15.

The constitution seems to provide that if the bill is returned without the governor's signature to the house in which it originated that such house "shall proceed to reconsider it." This provision in our constitution is almost identical with the Federal constitution.

Cannon's Precedents of the House of Representatives (1936) Volume 7, page 186, seems to indicate that in the case of Federal legislation, such proceeding to reconsider means, within the rules of the Senate, that it would be proper thereunder to refer, commit, or postpone to a day certain. There might be some question as to the right of the legislature to amend S. 15 to meet

the objections I have made to it, but there would be no objection to introducing a new bill to meet the objections made by me hereunder.

2. If it is not possible to meet my objections to S. 15 because of constitutional limitations, then I suggest all state building projects, including S. 15, be made the subject matter of an omnibus bill providing for their construction and financing by bond issue, or that the cost be paid out of the surplus as of June 30, 1953, provided other appropriations chargeable against the same, and adopted by the 1953 regular session of the legislature do not exhaust it.

This would mean that all bills providing for state building projects would be ordered to lie until the omnibus bill had been adopted and then they could be withdrawn, rejected or left to lie.

Respectfully submitted,  
LEE E. EMERSON,  
Governor

**Governor's Veto Sustained**  
**S.15, 1953**

The Governor's veto was sustained in the Senate:  
Yeas 16 Nays 14

Note the veto was sustained because the required two-thirds vote was not obtained.

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Sources: *Journal of the Senate*, May 12, 1953 (pages 487-490, and 511)