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JOURNAL

OF THE

SENATE OF TEXAS

BEING THE

Third Called Session

OF THE

FORTY-FIRST LEGISLATURE

BEGUN AND HELD AT

The City of Austin, July 3, 1929

WENDELL O'NEAL, Journal Clerk.
MRS. HUGH HARRIS, First Assistant Journal Clerk.
MISS GLADYS ASH, Second Assistant Journal Clerk.

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SENATE JOURNAL

Forty-First Legislature—Third Called Session.

Proclamation by the Governor.

The Chair laid before the Senate the following proclamation by the Governor:

Proclamation by the Governor of the State of Texas.

To All to Whom These Presents Shall Come:

WHEREAS, the following message has this date been sent to the Legislature:

Executive Office,
Austin, Texas, July 2, 1929.

To the Members of the Forty-first Legislature of Texas.

Ladies and Gentlemen of the Legislature:

Of the appropriation bills passed at this session of the Legislature, I have up to this time approved appropriations in the amount of $232,780.00. There is now before me, but unapproved, bills passed by this session of the Legislature carrying appropriations in the amount of $35,819,978.48. The total of these two figures, that is $36,052,758.48, represents the amount of appropriations carried in bills passed in this Second Called Session of the Forty-first Legislature, which have come to me for approval. I am further advised that you have adopted a free conference report on the Education Bill and that this bill, as prepared, carried appropriations in the amount of $16,496,545.00. The total of all of these figures, that is, $52,549,303.48, is the amount which has been appropriated by the Second Called Session of the Legislature.

During the Regular Session and the First Called Session of the Forty-first Legislature, your appropriations, which were approved, total $2,349,884.04.

Therefore, according to these figures this Legislature in the Regular, First and Second Called Sessions, has appropriated a total of $54,899,187.52. So far as I am informed this exceeds by several million dollars the appropriations of any Legislature in the past history of this State.

The amount of these appropriations which are to be paid from the general revenue of the State during the two ensuing fiscal years can be approximately estimated. Estimates made by different people would vary in amount, but I believe that all will agree that considerably more than $50,000,000.00 of these appropriations must be paid from the general revenue fund during the next two years.

Varying figures have been offered as to the possible income to the general revenue fund of the State for the ensuing biennium. I know of but one way to figure this and that is after the formula prescribed by the statutes. When the income is so figured, allowing as liberal estimates on valuation and income from sources other than ad valorem taxes as are reasonable, the maximum rate of taxation allowed under the Constitution would yield approximately $49,000,000.00 to the general revenue and likely some less than this sum. It is apparent to my mind that these appropriations exceed the prospective income for the period during which they must be paid.

I deplore the fact that the Legislature feels the necessity to appropriate the maximum of State income under the highest tax rate allowed under the Constitution. I do not believe such a necessity exists. I do not believe that the people of Texas want the Legislature to be niggardly or stingy in support of its institutions or departments, but I know that they want economy practiced by the Legislature, the institutions and the departments. There is no security against extravagance or waste except the fidelity of the public officers and employees. When the amount of money expended in past years in support of the government is considered, I believe that you can adequately provide for all activities of the government and bring the appropriations under the present bills by a large sum of money. In 1921, that is only eight years ago, the appropriations totaled only $24,419,688.55. The bills passed by this Legislature represent an increase of more than one hundred per cent in the cost of the government in a period of eight year. Against such a rising tide in State expenses, someone must stand. The tax paying public will not endorse any such ratio of increase in the cost of government, and should be protected from such increases.

The law permits the Governor to veto items from the appropriation bill. He cannot reduce an item, but he must either approve it all or veto

it all. He is prohibited from reducing an item to an amount which he thinks reasonable. He must let the whole item stand as passed by the Legislature or strike it all from the bill. In most instances the items which can be vetoed are small and you must remember that it takes a thousand $1,000.00 items to equal $1,000,000.00. When you contemplate this fact the improbability of my being able to reduce these appropriations to a reasonable sum must be apparent to all of you. I abandon all hope of vetoing items as a means of bringing these bills within a sum which would be a reasonable expense for the support of State departments and institutions for the ensuing two years.

The duty to keep the expenses within the revenue of the State government is a mutual one, it rests upon the Legislature and it rests upon the Governor. The duty to keep State expense within proper limits is likewise mutual between us. I consider it my duty to veto the major appropriation bills, if not all appropriation bills now before you. I shall veto the major appropriation bills, and it is my purpose to issue a proclamation tonight convening the Legislature in Special Session for tomorrow morning at ten o'clock. The subject of appropriations for the support of the departments and institutions of the State government will be submitted for your consideration.

Respectfully submitted,

Governor.

AND, WHEREAS, the conditions with reference to the appropriations are set forth in said message and it is apparent that the amount of money carried in the Appropriation Bills exceeds the prospective revenue of the State under the Constitutional limit of taxation, and, therefore, necessity exists to veto the major appropriation bills, if not all appropriation bills;

NOW, THEREFORE, I, DAN MOODY, GOVERNOR OF TEXAS, by virtue of the authority vested in me under the Constitution and laws of this State, do hereby call an

Extraordinary Session

of the Forty-first Legislature, to convene at the Capitol in the City of Austin, Texas, on Wednesday, July 3, 1929, at ten o'clock a. m. to consider appropriations for State departments and institutions.

IN TESTIMONY WHEREOF, I have hereunto signed my name officially and caused the seal of State to be impressed hereon at Austin, this the second day of July, A. D. 1929.

DAN MOODY,
Governor of Texas.

BY THE GOVERNOR:
WATT L. SAUNDERS,
Assistant Secretary of State.

The proclamation was read.