APPENDIX D.

EXECUTIVE VETO MESSAGES SENT TO THE SENATE DURING THE REGULAR SESSION, EXCEPT THE MESSAGE VETOING SENATE BILL NO. 4, WHICH WILL BE FOUND ON PAGES 793 TO 796.

(Printed in an appendix to the Journal for public information and for the purpose of completing the History of Senate Bills.)

SENATE BILL NO. 79.

(From the Senate Journal, March 28th.)

EXECUTIVE OFFICE,
STATE OF TEXAS.
Austin, March 28, 1903.

To the Senate:

I return without approval Senate bill No. 79, styled "An Act to amend Article 3698 of Chapter 6, Title LXXIX, by fixing the minimum salaries of penitentiary guards of the State penitentiaries of Texas."

A bill of similar import to this and of like title, except the substitution in this bill of the words "penitentiary guards" instead of the "under officers and employes," was passed by the Twenty-seventh Legislature. It was vetoed April 23, 1901, for the reason that its enactment would necessitate a largely increased expenditure per annum which would have to be borne by the penitentiary system, and that its resources were entirely insufficient to bear the additional expense. The system is not less heavily burdened now than it then was. Large appropriations to sustain it have already been made and are still further contemplated. This Legislature has been called upon not only to supply deficiencies but to provide for further extensive operations by furnishing large additional sums of money on account of the penitentiary service. The condition of the treasury as it now is and will hereafter probably be, has been brought to your notice in a previous communication, and further reference thereto at this time is deemed unnecessary.

Article 3698, which this bill seeks to amend, is as follows: "Under officers and employes shall receive such compensation for their services as the Penitentiary Board may prescribe, to be paid in such manner as may be prescribed by the board." It seems to me that this is a wise provision, and that it ought to be left to the judgment and discretion of the board to determine such matters, as the article quoted has conferred upon them the authority to do. It is believed that confidence may be well reposed in our Penitentiary Board, and that they can be relied upon to exercise prudently and justly the power vested in them. This bill proposes to restrict and practically overturn the discretion and authority under which they are now acting and have heretofore performed their functions. Further, it contemplates a continuity of service and progressive increase of compensation, as well as rules regulating the compensation of and compensation for service and the matter of suspension and discharge, without reference to what the board might consider to be sufficient, or the means available to meet the expense, and to encourage a continuance of employes in the service which might not be considered advisable. There may be times when changes in the personnel of the employes, as well as heads of divisions, may be desirable and beneficial to the public service. It is not stated in the bill what amount of money will be needed to meet the additional expense, and no specific appropriation is made for such purpose. It is believed that not less than thirty thousand dollars annually would be required.

Whether it is desirable to fix a graduated scale of increase in salaries contingent upon faithful and efficient service need not now be discussed. It is under existing law within the power of the Penitentiary Board to accomplish such an end, if and whenever good reasons and the public revenues will justify such change.

In my opinion, neither the necessities of the penitentiary service nor the condition of the treasury at this time, with the prospective drains upon it, warrant Executive approval of this bill, and it is accordingly vetoed.

S. W. T. LANHAM,
Governor.