



GOVERNORS OFFICE
AUSTIN, TEXAS

March 30, 1921.

M. NEFF, GOVERNOR.
B. WALTHALL, SECRETARY TO THE GOVERNOR
J. S. ESPA STANFORD, ASSISTANT SECRETARY

REPRODUCED FROM THE
HOLDINGS OF THE
TEXAS STATE ARCHIVES

To the Secretary of State:

By the authority vested in me as Governor, I hereby file with you my disapproval and veto House Bill No. 161, known as the Minimum Wage Bill, and as explanatory of my veto make the following observation in regard to said bill.

I am convinced beyond doubt that the bill as it is written is unconstitutional and void because it in express terms exempts from the operation of the bill certain classes, viz: (a) domestic service; (b) nurses; (c) farmers and ranch labor; (d) certain students in schools and colleges; (e) telephone exchanges; (f) merchantile establishments of all classes; (g) laundries in cities, towns, villages whose population was 4950 or less as shown by the Federal census of 1920, and which do not employ more than twelve women and minors; (h) women and minors whose compensation is measured by the piece only and who do not work under the supervision of employers; (i) and such aged, defective, deficient or crippled persons as shall be licensed by the County Judge for a period of twelve months, the number of such defectives, however, to be employed in any one establishment being limited to twenty per cent of the total number of women and minors as in the case of apprentices.

All of these exceptions in the way and manner in which they are written constitute this bill class legislation, which is prohibited by Section 19 of Article 1 of the Constitution of the State which provides that "no citizen of this State shall be deprived of life, liberty, property, privileges or immunities, except by due course of the law of the land"; and also of Section 56 of Article 3 of the Constitution which provides that the Legislature "shall not except as otherwise provided in the Constitution, pass any local or special law regulating labor, trade, mining and manufacturing"; and of Section 1 of the Fourteenth Amendment to the Constitution of the United States which provides that "nor shall any State deprive any person of life, liberty or property without due process of law, nor deny to any person within its jurisdiction the equal protection of the law".

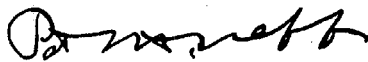
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Aside from this bill being unconstitutional, it is subject to the severest criticism for the reason that the exceptions are so numerous that they wholly discredit the purpose and intent of the legislation. Those whom it is intended to benefit are taken out of the bill by exceptions. The exceptions to the bill are not founded upon any just or legal basis for discrimination but are arbitrary and constitute a specific preference in favor of the particular exception; in other words, clear and unmistakable class legislation.

Even if the bill should be constitutional, its exceptions so thoroughly discredit it that I would not be warranted in permitting it to become a law. This bill is so impracticable, so unworkable, so inconsistent with its real intent that I shall not attempt to point out its many objectionable features. If possible, this bill is more defective and unworkable than the original law on the subject which was expressly repealed by Senate Bill No. 41, passed by the Legislature which recently adjourned.

I do not desire to be understood as saying in this veto that it is not possible to have a minimum wage bill which will be free from constitutional objection and which will be just and entirely workable, and which should be enacted into a law, but this bill is not such an act. I therefore, veto and disapprove this bill and am this day, for reasons stated, therewith filed, approving the bill repealing the act of the 36th Legislature which established the Industrial Welfare Commission. This will leave the subject of wages entirely open for future legislative consideration.

Very sincerely,



Governor.

Received in Department of State,

This, 30 day of March A.D. 1921
at 5 o'clock and minutes P.M.
S. L. Stiles
Secretary of State