PROCLAMATION

No. 17542

By The

Governor of the State of Texas

Executive Department
Austin, Texas
June 10, 1937

To All to Whom These Presents Shall Come:

I have disapproved and vetoed House Bill No. 24 for the following reasons:

This Bill is known as the "State Soil Conservation Act." On the whole it is a well written Bill and I am sure the authors and proponents have exerted unusual energy and hard work in its preparation. It is to be financed, however, by a tax remission of 6¢ out of all ad valorem taxes collected. This will amount approximately to one and one-half million dollars each year.

As reflected by messages filed heretofore with the Legislature, I am opposed to the principle of tax remissions. It occurs to me that it would have been much better if the Legislature had definitely determined the amount necessary and made an appropriation to pay it. In addition to this, the condition of the Treasury is such that, with increased appropriations that have already been made and no revenues whatever having been provided by this Legislature, I feel it my duty to veto this Bill until this condition is remedied.

Since I have vetoed all tax remission Bills passed by this Legislature, if I should sign this one it will be but the entering wedge for further raids upon the General Revenue Fund by the easy route of tax remissions. Our problem is to raise revenue, not give it away. In any event, I think any substantial appropriation, whether by the back door of tax donations or by remissions or by direct appropriations, should be contingent upon matching by the Federal Government.

There is no denying the worthy objectives of this Bill. We have neglected our great resource, the soil, and must go forward in cooperation with the Federal Government to conserve and protect it. I am in receipt of a communication, however, from Hon. Henry A. Wallace, Secretary of Agriculture, reading as follows:

"We have your telegram of June 7 requesting that you be advised of the attitude of this Department with reference to the Texas Soil Conservation Act which you indicated is before you for approval or veto not later than Friday, June 11. A copy of the Act was forwarded by Representative R. A. Fuchs under date of June 4 which copy was received the same day as your wire.

"It is impossible in the short period available to make a detailed analysis of the Bill and thus to arrive at a final decision with reference thereto. Nevertheless, even a hurried survey discloses a number of serious weaknesses in the Bill to which, at your request, we shall briefly direct your attention.

"As provided in Section 5 of the Bill, the boundaries of any soil conservation districts created under the Act must be co-extensive with the boundaries of a county of the State. It is probable that in many instances a county's boundaries may not be adequate, from a technical and administrative point of view, as boundaries for a soil conservation district, which might better be established on a naturally bounded area including all or parts of one or more counties. However, there is an even more serious objection to Section 5, which arises from its relation to Section 12. Section 12 provides that whenever a county is organized as a soil conservation district certain funds derived from the State ad valorem taxes shall revert to such county. Such an inducement will undoubtedly result in the creation of almost as many soil conservation districts as there are counties in the State of Texas, without regard to the comparative need for the creation of such districts. The result may be a hopeless administrative set-up and such a diffusion of efforts and funds that soil conservation results might be negligible.

"The last two sentences of Section 7 provide that after land-use regulations have been approved through the democratic process by a substantial majority of the landowners voting in a referendum, a landowner who does not care to comply with such regulations may, by notice to the district directors, have himself exempted from all provisions of the Act. It is apparent that such an exemption vitiates the entire intent and purpose of land-use regulations, which is to bring a recalcitrant minority into line with a program desired by the overwhelming majority of the landowners within a district. Only by such a procedure can the majority in a democracy protect itself and its property from injury resulting from the near-sighted acts of minorities. In addition, such an exemption provision appears to make it possible for a landowner to revoke a contract with the district directors, entered into prior to the adoption of land-use regulations, under which he has already received benefits. We are also advised that there is considerable doubt as to the constitutional validity of such a provision which permits an individual to exempt himself from the operation and enforcement of a law.

"In Sections 5 and 7 respectively, it is provided that the results of the elections on the questions of creating a soil conservation district and approving land-use regulations shall be mandatory, rather than advisory, as recommended in the Standard State Soil Conservation Districts Law formulated by this Department. It is possible that in some instances the results of such referendum, when considered with other pertinent factors, may be so indecisive or dubious, that it would be inexpedient on that basis alone to compel the creation of a soil conservation district or the enactment of land-use regulations. Furthermore, the requirement that an administrative body approve the creation of a district and a legislative body the adoption of land-use regulations is considered desirable in that it will serve to protect the rights of individuals and minorities.

"With reference to land-use regulations, it is further noted that, in connection with the creation of soil conservation districts limited by county boundaries, there is no provision for the exclusion of towns or cities from the operations of such districts. It is apparent that there may be considerable difficulty in applying land-use regulations, which

are obligatory upon all owners of land within a district, to lands in cities and towns. As there is little, if any, need for soil conservation programs in cities and towns, there appears to be no justifiable reason for the inclusion of cities and towns within soil conservation districts. For a similar reason, it appears unwise in Sections 5 and 11 of the Bill to permit all qualified tax-paying voters, which would include those living in towns and cities who are not owners of farm or grazing land, to vote on questions of creating and discontinuing soil conservation districts. Such referenda should be limited to owners of farm and grazing lands lying within the proposed or created district if the districts are to most correctly fulfill their functions.

"As already indicated, our examination of the Texas Act has of necessity been hastily made. Some minor defects, although noticed, have not been discussed in the present letter, and it is possible that a further consideration of the Bill will reveal additional weaknesses which may raise administrative or legal obstacles of considerable importance. Our desire has been to assist you to as great a degree as possible in the available time by indicating to you some questions in the Bill which are most apparent.

"We conclude from our hurried analysis that there is considerable question as to whether the Act provides an adequate basis for the cooperation of this Department. There is herewith enclosed a copy of the letter dated February 26, 1937, which you received from the President setting forth certain other matters with reference to the position of the Federal Government as concerns the Standard State Soil Conservation Districts Law. We wish to call your attention particularly to the third and fourth paragraphs of that letter."

I have communicated with the Governors of Oklahoma, Arkansas and Louisiana. I have been informed by the Governor of Oklahoma that they have passed the uniform soil conservation Act in that State and made no appropriation for it; that the only appropriation they have made is $300,000 to the State forestry department, but that half of this was appropriated for the purchase of lands.

I am informed by the Governor of Arkansas that they have passed the uniform Act as requested by the Federal Government and have not made any appropriation or been called upon to appropriate one penny; that the Federal Government is already at work in that State.

The Governor of Louisiana tells me his State has passed no soil conservation Act and has been under no request to do so.

Under all the circumstances, I do not feel it is good business for us to step out and set up this huge organization at a cost of one and one-half million dollars per year, especially where no money has been provided by taxation and the only method of appropriating money is by taking it away from the General Revenue Fund which is already depleted almost beyond belief.

I regret to veto a Bill dealing with this subject, but I firmly believe it is my duty to do so.

For these reasons, the Bill is accordingly vetoed and disapproved, and a copy of this proclamation attached to the Bill will be filed with the Secretary of State.

IN TESTIMONY WHEREOF, I have hereunto signed my name offi-

cially and caused the Seal of State to be impressed hereon at Austin, this the 10th day of June, A. D. 1937.

JAMES V. ALLRED
Governor of Texas

(Seal)
By the Governor
(Signed) Edward Clark
Secretary of State