

S. B. No. 317.

Senate Bill No. 317, passed by the Regular Session of the Fortieth Legislature, is "AN ACT to prevent the employment of attorneys by officers, heads of departments, educational, eleemosynary, or other institutions of the state, with certain exceptions, providing that it shall be the duty of the Attorney General in person, or by such of his Assistants as he may designate, to attend, whenever practicable, all meetings of the State Highway Commission, the State Textbook Commission, the Board of Control, the State Insurance Commission, the Railroad Commission, the Prison Commission, the Intangible Tax Board, the Industrial Accident Board, the Board of Regents of the University of Texas, the Board of Directors of the Agricultural and Mechanical College of Texas, and the Boards of Education of any and all State educational institutions of Texas, and any and all hearings before such Boards, Commissions or Commissioners, and that the Attorney General in person, or by such of his assistants as he may designate, may and shall, advise said Boards, Commissions or Commissioners at said meetings and hearings; and providing that notice shall be given to the Attorney General of such meetings and hearings; and declaring an emergency".

Section 1-a of the Bill provides that where two or more departments or institutions have adverse interests, the party not represented by the Attorney General may employ counsel. Under the statutes and Constitution of this State and the decisions of the courts, the Attorney General is the proper law officer of the State and the officer through whom the State and its Departments speak in the courts. The soundness of this has been recently demonstrated in litigation in which the State was a party, but where a certain Department was adversely interested to the interest of the State. If this Bill should become the law with the provisions contained in Section 1-a an anomalous situation might result. A Department adversely interested to the Attorney General or the position taken by him for the interest of the State might employ counsel to appear and take positions adverse to the proper, elected law officer of the State. The possibility of such situation is sufficient cause to veto this Bill.

For the reasons stated, I hereby veto said Bill.

  
GOVERNOR OF TEXAS

April 4, 1927.