

PROCLAMATION

BY THE

Governor of the State of Texas

TO ALL TO WHOM THESE PRESENTS SHALL COME:

I wish to express my appreciation to the leadership of both Houses of the Legislature and to the membership of those bodies for enacting a two-year appropriations bill to cover the cost of state spending as recommended by me. Realizing that there are differences of opinion as to the relative merits of annual or biennial appropriations, I wish to sincerely acknowledge the spirit of cooperation which brought about the enactment of this fine appropriation bill to finance the operation of our state government together with its many services for the coming biennium.

Now that the unpleasant but necessary task of raising taxes has been put behind us in order to finance the needs of our state government, our department and agency heads, boards and commissions are in a position to plan for the operation of our government for a full two year period without being burdened by the uncertainty of necessary funds or appropriation for the financing of the second year biennium.

After careful consideration of the appropriations contained, there are several items which I feel are either unjustified or nonessential at this time. I am therefore under the provisions of Article IV, Section 14, of the Texas Constitution vetoing certain line items as follows:

SUMMARY OF ITEMS VETOED

Article II—

DEPARTMENT OF MENTAL HEALTH AND MENTAL RETARDATION CONSTRUCTION PROGRAM

Dallas Neuropsychiatric Institute	1970	1971
16. Construct Institute	\$2,900,000	

Article III—

ATTORNEY GENERAL'S OFFICE

9. Professional fees and services, including amounts necessary for enforcement of Tort Claims Act; and for witness expenses in the investigation, adjustment, prosecution and litigation of causes including travel and per diem expenses not to exceed travel and per diem paid to State employees under the provisions of this Act. Such amounts as may be necessary may be transferred from this item to other items of expenditure for the purpose of enforcing the Tort Claims Act		\$225,000
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Article III—

PARKS AND WILDLIFE DEPARTMENT

14C(9)—Longhorn Cavern State Park	\$ 25,000	U.B.
14G—Water Well at Lyndon Baines Johnson State Park	50,000	U.B.
14I—Land Acquisition—Hardeman and/or Motley Counties	172,000	U.B.
14J—For acquisition of land and development of Port Lavaca Causeway State Park as authorized by House Bill No. 1034, 60th Legislature, Regular Session, 1967	207,500	U.B.

RED RIVER AUTHORITY

For completion of Master Plan for water resource development of the Texas portion of the Red River Authority including engineering studies, comprehensive planning, travel, consumable supplies and materials, current and recurring operating expenses and capital outlay	14,500	14,500
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DEPARTMENT OF PUBLIC SAFETY

Item 15—For the construction of a subdistrict headquarters building in McAllen, contingent upon the City of McAllen furnishing land	262,717	
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Article IV—

TEXAS A&M UNIVERSITY

Repairs and Air Conditioning Adjunct at Junction, Texas	250,000	U.B.
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TEXAS MARITIME ACADEMY

Pelican Island Development	160,000	U.B.
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PRAIRIE VIEW AGRICULTURAL AND MECHANICAL COLLEGE

Environmental Pollution Control Studies and Practices	45,000	20,000
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STEPHEN F. AUSTIN STATE UNIVERSITY

Fish Raising Facility	60,000	
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TOTAL (1970-71) \$4,406,217

OBJECTIONS TO ITEMS AND REASONS FOR VETO

**DEPARTMENT OF MENTAL HEALTH AND MENTAL RETARDATION
CONSTRUCTION PROGRAM**

Dallas Neuropsychiatric Institute

Item 16. Construct Institute

In 1965, the Legislative Budget Board, of which I was Chairman, recommended construction of “. . . a short-term intensive-care mental hospital and research institute in conjunction with The University of Texas Southwestern Medical School.” The goal at that time was development of a cooperative program that would utilize highly-qualified staff of the medical school in cooperation with staff of the hospital and research institute in such a way as to provide badly-needed services for the area, provide a clinical setting for expanded training programs for psychiatric and other medical personnel, and provide a favorable environment for expansion of the State's research efforts on the causes and cures of mental illnesses.

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The progress to date has not been encouraging. Although four years have elapsed, there still exists considerable disagreement between The University of Texas and the Department of Mental Health and Mental Retardation regarding the proper method of operating the institute. The current estimated cost of the Institute exceeds the available funds by approximately one-third. Federal funds are no longer available in the amounts and for the purpose that was originally contemplated. For these reasons, I am vetoing the item.

ATTORNEY GENERAL'S OFFICE

Item 9.

There has been a growing tendency toward the contracting for attorneys in special cases to represent the state as special assistant attorneys general. Furthermore, there have been continuing efforts by boards and agencies to employ counsel other than the Attorney General. The interests of the state can best be served if the Attorney General or his assistants represent the state in all possible instances. In view of the increased appropriations for the Attorney General's staff and the large number of attorneys authorized, the time has come to rely on full time assistant attorneys general to represent the state. I am vetoing only the second year of this appropriation in order that existing contracts can be honored and to allow time for the Attorney General to provide for an orderly assimilation of this work load.

PARKS AND WILDLIFE DEPARTMENT

14C(9)

This item was not requested by the department and did not appear in either the House or Senate Bill. The work contemplated at Longhorn Cavern State Park in this appropriation should, under the provisions of the concession contract, be accomplished by the concessionaire. For these reasons, I am vetoing this item.

Item 14G

This item was not requested by the department and did not appear in either the House or Senate Bill. The water well is not contemplated as a part of the development of this park by the department. For these reasons I am vetoing this item.

Item 14I

This item was not requested by the department and did not appear in either the House or Senate Bill. In November of 1967 the voters of Texas approved a \$75,000,000 Park Bond Development Program. The purpose of this program is to provide a self-supporting method of acquiring land and developing a park system for Texas. A comprehensive plan for the development of this park system has been developed and its implementation begun. The acquisition and development of parks such as the one in this appropriation should be accomplished under the Park Bond Development Program subject to the criteria applied by the department. For this reason, I am vetoing this item.

Item 14J

The park proposed in this item does not conform to the criteria established in the state's comprehensive park plan and is essentially a city park. It should not be developed or operated with state funds. For this reason, I am vetoing this item.

RED RIVER AUTHORITY

Master Plan for Texas Portion of Red River Authority . . .

The Water Development Board is responsible for water resource planning in the State and should conduct studies and planning of the kind proposed in this item. Additionally this appropriation did not appear in either the Senate Bill or the House Bill. No other river authority created by the Legislature receives such an appropriation. For these reasons, I am vetoing this appropriation.

61ST LEGISLATURE—2ND CALLED SESSION

DEPARTMENT OF PUBLIC SAFETY

Item 15

The Department of Public Safety requested funds for construction of a sub-district office building in Harlingen. This appropriation for a building at McAllen was not requested by the Department of Public Safety and did not appear in either the House or Senate Bills. The appropriation could not be properly utilized without relocating many departmental personnel. I am for these reasons vetoing this item.

TEXAS A&M UNIVERSITY

Repairs and Air Conditioning Adjunct at Junction, Texas...

Funds for this item were not requested and were not included in either the Legislative Budget Board's nor the Governor's budget recommendations and did not appear except in the final appropriations bill. I am vetoing this item because its expenditure would result in the need for future state appropriations for programs which have not been given thorough legislative nor budgetary review. The funds in question would be spent on buildings that are worth less than the amount being used for the buildings' repair and rehabilitation and would result in future needs for increased maintenance appropriations.

TEXAS MARITIME ACADEMY

Pelican Island Development...

A total of \$500,000 from state funds was appropriated in the 1969 fiscal year for the Pelican Island development of a Maritime Academy Campus. However, these funds could only be used for the construction of docking facilities in connection with the development of the campus. Since the purpose of this appropriation is not specified and since \$500,000 has already been appropriated for docking facilities, and since I did not recommend this item nor the Legislative Budget Board and since no funds were provided for it in the House and Senate appropriations bills; I am hereby vetoing this item.

PRAIRIE VIEW AGRICULTURAL AND MECHANICAL COLLEGE

Environmental Pollution Control Studies and Practices...

The item appeared only in the conference committee report and was not in the institution's budget request submitted to the Governor's office and Legislative Budget Board. I did not recommend this item, nor did the Legislative Budget Board. Other state agencies are now involved in similar programs. This item represents a new endeavor by the college which I believe should have been thoroughly justified in the budget process before funds were appropriated. Therefore, I am vetoing this item.

STEPHEN F. AUSTIN STATE UNIVERSITY

Fish Raising Facility...

The item was not requested by Stephen F. Austin State University. In my opinion the operation of a fish raising facility by Stephen F. Austin State University is not essential for the education of its students. For these reasons, I am vetoing this item.

STATEMENT ON APPROPRIATION TO THE WATER RIGHTS COMMISSION FOR RESEARCH AND DEVELOPMENT RELATING TO SALINE AND BRACKISH WATER OF THE STATE

The work described in this appropriation item is desirable, necessary and justifiable. I do not intend to veto this item. However, the Water Rights Commission is responsible for the adjudication and administration of water

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rights in the state. Their responsibilities do not statutorily or logically include water planning, research or development. These functions are properly the responsibility of the Water Development Board. I am therefore expressing my intention to transfer the funds appropriated in Item No. 13 for the Water Rights Commission to Item No. 19 "Topographic Mapping, Water Studies and Investigations" made to the Water Development Board.

STATEMENT ON "TURNPIKE RIDER" FOLLOWING THE APPROPRIATION FOR THE DEPARTMENT OF PUBLIC SAFETY

The appropriation to the Department of Public Safety contains the following rider provision:

"Whenever the Texas Department of Public Safety shall, by agreement entered into under the authority of the Inter-Agency Co-operation Act, provide for appropriate reimbursement therefor, such Department is authorized to expend so much funds as may be necessary out of funds appropriated herein to permit the proper policing of turnpike and turnpike projects under contracts entered into with the Texas Turnpike Authority pursuant to Chapter 410, Acts of the Fifty-third Legislature, Regular Session, 1953, provided, however, that funds received from the Texas Turnpike Authority shall be deposited to the State Highway Fund No. 6, and are not reappropriated by this Act."

Attorney General's Opinion Number M-280-A dated September 23, 1968, held the same rider found in H. B. 5, Acts of the 60th Legislature, First Called Session, 1968 to be invalid.

I call this Opinion to the attention of the Comptroller of Public Accounts and the Public Safety Commission. I am instructing the Comptroller of Public Accounts and the Public Safety Commission to disregard this rider.

House Bill 2 was received in the Governor's Office less than ten (10) days prior to the adjournment of the Second Called Session of the Sixty-First Legislature, and in accordance with Section 14, Article IV of the Constitution of Texas, the Bill, together with this Proclamation, is filed with the Secretary of State.



IN TESTIMONY WHEREOF, I have hereunto signed my name officially and caused the seal of State to be affixed hereto at Austin this 13th day of September, 1969.

PRESTON SMITH
Governor of Texas

By the Governor:

W. O. BOWERS III
Asst. Secretary of State