

PROCLAMATION
BY THE
Governor of the State of Texas

ALL TO WHOM THESE PRESENTS SHALL COME:

July 26, 1972

I wish to express my appreciation to the Lieutenant Governor, Speaker of the House of Representatives and the other members of the Legislature for their cooperative spirit in the passage of an effectual state budget for the fiscal year beginning September 1, 1972.

My commitment to Texans of no new state taxes in the 1973 fiscal year has been realized. This has been accomplished by anticipating the receipt of sufficient federal funds for reimbursement of state expenditures for social services. The achievement of this pledge would not have been possible without the cooperation and efforts of the members of the Legislature and the staff of the Texas Department of Public Welfare. The citizens of Texas will benefit from our efforts through improved and expanded state services without increased state taxes.

Senate Bill 1, Sixty-second Legislature, Third Called Session contains an appropriation of over \$4.1 billion from all funds for the 1973 fiscal year. Of this total, over \$858 million is from the General Revenue fund.

There are, however, several items contained in Senate Bill 1 that are unnecessary, constitute an appropriation of moneys from a fund that is not producing sufficient revenue to take care of the purpose for which it was created, or can be postponed without jeopardizing the delivery of services by the State. Therefore, by authority granted me by Article IV, Section 14 of the Texas Constitution, I hereby veto those certain items from Senate Bill 1, Sixty-second Legislature, Third Called Session.

SUMMARY OF ITEMS VETOED

<u>Article II</u>	<u>Amount</u>
DEPARTMENT OF MENTAL HEALTH AND MENTAL RETARDATION CONSTRUCTION PROGRAM	
FORT WORTH STATE SCHOOL	
Item 2 - For Design and Construction	\$ 1,000,000
 <u>Article III</u>	
ATTORNEY GENERAL'S OFFICE	
Item 14 - Board of Barber Examiners Fund, No. 40	10,069
COMPTROLLER OF PUBLIC ACCOUNTS	
Item 22 - For all necessary expenses to administer S. B. 245, Sixty-second Legislature, Regular Session, 1971, including salaries, wages, professional fees and services, consumable supplies and materials, current and recurring operating expense, travel and capital outlay	189,271
BOARD OF INSURANCE	
Item 19 - For salaries, professional services and fees, and travel expenses of expert witnesses, actuaries and special investigators, to make studies, investigate, and assist in matters of public interest pending before the State Board of Insurance	175,000
PARKS AND WILDLIFE DEPARTMENT	
Item 21 - That portion of Item 21 reading: "...NTE \$1,500,000 for acquisition from the Highway Department of land bounded by Congress Avenue, Colorado Street, 10th Street and 11th Street in the City of Austin, Texas, for development of said land as a State garden park..."	1,500,000
TOURIST DEVELOPMENT AGENCY	
Item 7 - For disbursement to the Confederate Air Force for expenses incurred in promoting Texas as a tourist destination during participation in the International Transportation Exhibition (Transpo '72) in Washington, D. C.	25,000
EXECUTIVE AND ADMINISTRATIVE DEPARTMENTS AND AGENCIES SPECIAL PROVISIONS	
Section 8a - Barber Examiners Fund No. 40 (30c)	6,480
Section 8b - Barber Examiners Fund No. 40	21,900
INDUSTRIAL ACCIDENT BOARD	
Item 3 - Executive Director	21,000

<u>Article IV</u>	<u>Amount</u>
COORDINATING BOARD, TEXAS COLLEGE AND UNIVERSITY SYSTEM	
Item 11 - For allocation to El Paso Community College for start-up expenses	\$ 250,000
Item 12 - For allocation to public junior colleges to establish occupational extension centers in Coleman, Haskell, Lubbock, and Palestine in accordance with the provisions of H.B. 1351, Sixty-second Legislature, Regular Session. Provided that, prior to allocation, the Coordinating Board shall prepare a plan for the delivery of community college programs and adopt regulations to ensure effective use of these funds in support of said plan	1,221,500
TEXAS A&M UNIVERSITY - MAIN UNIVERSITY	
Item 8e - Institute of Comparative Medicine	100,000
Item 8f - Biomedical Engineering	100,000
TARLETON STATE COLLEGE	
Item 8b - Masters Level Program Development	55,000
TEXAS A & I UNIVERSITY	
Item 1a - President (with house and utilities)	28,500
Item 9f - Purchase of facilities including buildings, equipment, utility lines, and approximately 35 acres of land now owned by the University of Corpus Christi	1,500,000
NORTH TEXAS STATE UNIVERSITY	
Item 9c - Oral History Program	15,000
WEST TEXAS STATE UNIVERSITY	
Item 8c - Development Funds for Ranch Project	15,000
ANGELO STATE UNIVERSITY	
Item 7d - Graduate Program Development	<u>120,000</u>
TOTAL	<u>\$ 6,353,720</u>

OBJECTS OF FUNDS AND REASONS FOR VETO

BOARD OF MENTAL HEALTH AND MENTAL RETARDATION
CONSTRUCTION PROGRAM
Item 2

Funds have been provided in Senate Bill 1 to expand the services at Corpus Christi State School, Lubbock State School, Brenham State School, Richmond State School and the San Angelo Center. In addition, Senate Bill 1 provides an appropriation of \$8.5 million for local community centers for the mentally ill and mentally retarded. This is an increase of three million dollars over current appropriations. The State is continuing its commitment to provide adequate funds for the care and treatment of the mentally retarded during the 1973 fiscal year. Adequate State and local facilities and programs are available to serve the handicapped in the North Texas area during the next fiscal year. The appropriation of one million dollars will not build a new school for the mentally retarded; and, it will not provide any additional services to the mentally retarded. It will only obligate the Sixty-third Legislature and/or other Legislatures to complete this school. Since the one million dollar appropriation represents a token contribution to the estimated total cost of \$25 million for construction of the school, the decision to fund this school should be made by the Sixty-third Legislature. For these reasons I am vetoing this item.

ATTORNEY GENERAL'S OFFICE
Item 14

Since the Legislature failed to enact legislation increasing fees to the Board of Barber Examiners Fund, it is estimated that income to the Fund will be insufficient by \$100,000 for financing anticipated appropriations and demands for the 1973 fiscal year. By eliminating charges against the Fund the Barber Examiners should have sufficient funds to maintain their operations until the Regular Session of the Sixty-third Legislature. At this time, the Legislature will have the opportunity to either increase the fees to support the operations of the Board, or to reduce appropriations. For these reasons I am vetoing this item as well as other appropriations from this Fund, except those for the operation of the Board of Barber Examiners.

COMPTROLLER OF PUBLIC ACCOUNTS
Item 22

Senate Bill 245, Sixty-second Legislature, Regular Session specified that the Comptroller of Public Accounts would develop a uniform accounting system for the expenditure of funds for welfare programs by the various counties, hospital districts and cities. Since the development of this system has been completed and the unexpended balances totalling over \$130,000 from the 1972 fiscal year are reappropriated, this appropriation is unnecessary. For these reasons I am vetoing this item.

BOARD OF INSURANCE
Item 19

Senate Bill 11, Acts of the Sixty-second Legislature, First Called Session appropriated \$175,000 for these purposes during the 1972 fiscal year. A large unexpended balance of over \$100,000 from this 1972 fiscal year appropriation is reappropriated for the 1973 fiscal year by Senate Bill 1. Since the reappropriation of the unexpended balance is sufficient to finance the necessary expenditures for these special studies and investigations during the 1973 fiscal year, this new appropriation is unnecessary. Therefore, I am vetoing this item.

INDUSTRIAL ACCIDENT BOARD
Item 3

Since the Legislature has provided funds for a full-time three-member Board to administer the agency and since there is no statutory authority for the position of Executive Director, this expenditure is not necessary. The position of Assistant Executive Director is provided to assist the Board, and the Sixty-third Legislature has the opportunity to make such amendments as are necessary to the statute if such a position is necessary. Therefore, I am vetoing this item.

PARKS AND WILDLIFE DEPARTMENT

Item 21

The only way the Highway Commission can dispose of property is by declaring land surplus to highway needs. The Commission has not formally declared the land bounded by Congress Avenue, Colorado Street, 10th Street and 11th Street in the City of Austin as surplus. The development of this property as a state park is not included in the State's master park plan developed by the Parks and Wildlife Commission nor has the purchase of this property been formally approved by the Commission.

No need has been expressed or determined by the State or the City of Austin for such a park. No study or plan has been conducted to determine the desirability or feasibility of developing this property into a state park. The cost of developing this park is unknown. A park of this size at this location would be expensive to operate and would require security by the State 24 hours each day, 365 days a year. This 1.5 million dollar appropriation provides sufficient funds for the Parks and Wildlife Commission to purchase this site; but, it is not adequate to develop and maintain the park. Therefore, for these reasons I am vetoing this allocation of \$1.5 million.

TOURIST DEVELOPMENT AGENCY

Item 7

On April 20, 1972, adequate funds were transferred to the Tourist Development Agency for this purpose during the 1972 fiscal year. Since expenses have already been incurred for promoting Texas tourism during the International Transportation Exhibition in Washington, D.C., this appropriation appears to be unconstitutional. Therefore, I am vetoing this item.

EXECUTIVE AND ADMINISTRATIVE DEPARTMENTS AND AGENCIES -
SPECIAL PROVISIONS

Section 8a and Section 8b - Board of Barber Examiners Fund No. 40

Since the Legislature failed to enact legislation increasing fees to the Barber Examiners Fund, it is estimated that income to the Fund will be insufficient by \$100,000 for financing anticipated appropriations and demands for the 1973 fiscal year. By eliminating these charges the Barber Board should have sufficient funds to maintain their operations until the Regular Session of the Sixty-third Legislature. At this time, the Legislature will have an opportunity to either increase the fees to support the operations of the Board, or reduce appropriations. For these reasons I am vetoing these items.

COORDINATING BOARD, TEXAS COLLEGE AND UNIVERSITY SYSTEM

Item 11

The construction and operation of community colleges in Texas has always been financed through the cooperative efforts of the State, students and citizens of the community college district. Although the citizens of the El Paso Community College district have not passed a maintenance tax to provide funds for the operation of their college, the State provided the college appropriations exceeding \$600,000 for the 1972 fiscal year. With this appropriation the college was able to complete its first year of operation, serving approximately 900 students. For the 1973 fiscal year, Senate Bill 1 appropriates \$940,000 in state funds for the continued operations of the college. The State has met its commitment for funding the El Paso Community College. The appropriation of an additional \$250,000 for start-up expenses is in conflict with the State's concept of developing and operating a community college. In my opinion, expenditure of funds in this manner would establish an undesirable precedent in the financing of community colleges. For these reasons I am vetoing this item.

COORDINATING BOARD, TEXAS COLLEGE AND UNIVERSITY SYSTEM (Continued)
Item 12

The Sixty-second Legislature, Regular Session, authorized the establishment and operation of branches of junior colleges outside their respective districts. A statewide study should be conducted before funds are appropriated for this purpose. This study should indicate if a need for such branches exists, the areas of the State where the branches should be located, and the estimated cost of establishing and operating these branches. The initiation of this program without careful analysis and consideration would commit the State to increased appropriations in the future with limited direction. In its present form, this appropriation is an invitation to the existing forty-four junior colleges to establish branches.

Senate Bill 1 designates branch campuses in Lubbock, Palestine, Coleman and Haskell. This designation preempts the Coordinating Board from establishing branches based on the need for such centers. Designating branch campuses in the Governor's home town, the Lieutenant Governor's former district and the Speaker's home town is a pork-barrelling technique which is not in the best interest of all the citizens of Texas. The establishment and funding of junior college branches should be considered during the Regular Session of the Legislature. The Coordinating Board would then have sufficient time to develop a state plan for providing the first two years of post-secondary education for the citizens of Texas. For these reasons I am vetoing this item.

TEXAS A&M UNIVERSITY - MAIN UNIVERSITY
Items 8e and 8f

These items have neither been discussed nor approved by the Coordinating Board, nor been given sufficient review by the Legislature. In addition, the need for these items has not been sufficiently demonstrated. The establishment of these programs also has implications for medical education at Texas A&M University which the Legislature and the Governor's Office have not had time to study thoroughly. For these reasons I am vetoing these two items.

TARLETON STATE COLLEGE
Item 8b

This item was not recommended by me or the Legislative Budget Board. The continued proliferation of graduate programs at every institution of higher education represents a serious state educational concern. Tarleton State College is currently conducting graduate programs from available resources without the aid of a special line item appropriation. In my opinion, this college can continue these programs within available appropriations. For these reasons I am vetoing this item.

TEXAS A & I UNIVERSITY
Item 1a

The Legislature has provided funds for a system administration of Texas A & I University which includes a salary and housing for a chancellor. In addition, funds have been appropriated for the salaries of presidents of Texas A & I University, the Laredo Center, and Texas A & I University at Corpus Christi. The Texas A&M University System, although much larger in size than the A & I University System, operates with the services of both a chancellor and a president. In my opinion, the size of Texas A & I University System certainly does not require positions for three presidents and a chancellor. The chancellor, Texas A & I University System can continue to serve as president of Texas A & I University, Kingsville, without having greater responsibility than the president of the Texas A&M University System. Therefore, I am vetoing this item.

Item 9f

This appropriation would allow the State to purchase approximately 35 acres of land and existing buildings at the University of Corpus Christi. This money would be used to retire the debts of the University of Corpus Christi.

TEXAS A & I UNIVERSITY
Item 9f, (Continued)

Throughout the discussions and hearings concerning the feasibility of a State university at Corpus Christi, an understanding existed that sufficient land for the new university would be conveyed to the State without charge; and, if the site of the existing University of Corpus Christi was to be used for the new State university, it would be conveyed without charge to the State.

In official documents of the Boards of the University of Corpus Christi and Texas A & I University, it is stated that "the responsibility for retiring the University of Corpus Christi's debts was a community obligation" and also some amount less than \$1,500,000 would be necessary.

For these reasons I am vetoing this item.

NORTH TEXAS STATE UNIVERSITY
Item 9c

This item was not recommended by me or the Legislative Budget Board; and, it was only included in the final appropriations bill. No description of the projects to be undertaken with this appropriation is included in this bill. Because of the lack of discernible legislative intent and the present capability of North Texas State University to finance such a program from available sources, I am vetoing this item.

WEST TEXAS STATE UNIVERSITY
Item 8c

This item was not requested by the University. It was neither recommended by me, the Legislative Budget Board, nor was it included in the original Senate Appropriations Bill. This expenditure would result in the need for future State appropriations for programs which have not been given thorough legislative or budgetary review. For these reasons I am vetoing this item.

ANGELO STATE UNIVERSITY
Item 7d

This item was not recommended by me or by the Legislative Budget Board. The continued proliferation of graduate programs at every institution of higher education represents a serious state educational concern. Angelo State University is currently conducting graduate programs from available resources without the aid of a special line item appropriation. In my opinion, this university can continue these programs within available appropriations. For these reasons I am vetoing this item.

STATEMENT OF OBJECTIONS

TO THE FOLLOWING ITEM AND RIDERS IN SENATE BILL NO. 1

Although I have some doubt as to the Governor's constitutional authority to veto language in an appropriations bill, I feel it is my responsibility to express my objections to certain provisions in Senate Bill 1.

1. The item on page IV-42 reading as follows:

"Operation of new research centers at Chillicothe-Vernon, Dallas and Uvalde"

Although I am not vetoing this item, I believe it is the responsibility of the Board of Directors of Texas A&M University to submit to the Governor and the Legislature their plans and justifications for the creation of new research centers before these centers are established. In addition, Legislative authorization for the creation of these new centers would be most desirable. I hope the Board of Directors of Texas A&M University will adopt this approach in the future.

2. The item on page IV-52 as follows:

"Planning and operation of Victoria Center"

Senate Bill 1 provides appropriations for two centers, located in Victoria and Texarkana, that have not been authorized by the Legislature. In my opinion the establishment of new centers or branches of any college or university should be specifically authorized by the Legislature.

3. The rider provisions on page IV-59 reading as follows:

"All funds appropriated to the Texas Tech University School of Medicine at Lubbock are to be expended for human medical educational purposes only."

The Texas Tech University School of Medicine was created by H. B. 498, Acts of the Sixty-first Legislature, Regular Session. Since this Act delineates the role and scope of the school, this rider is superfluous. In addition, the rider is ambiguous. This rider serves no useful purpose and is not in the best interest of the State.

4. The rider provisions on page IV-74 reading as follows:

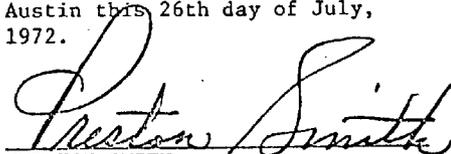
"Sec. 24. RECRUITMENT OF STUDENTS.
Appropriations herein made and authorized from the General Revenue Fund or from local institutional funds may be expended for travel expenses incurred within the boundaries of the State of Texas for the purpose of direct recruitment of students. Within sixty (60) days after the beginning of each semester each institution named in this Article shall file with the Governor's Office, the Legislative Budget Board, and the State Auditor, a report showing the amount of funds expended and the locations visited by each individual during the previous semester or summer session for the purpose of recruiting students."

In effect, this rider would allow state colleges and universities to expend tax funds to compete with one another for students. Private funds are now utilized to assist in the recruitment of students where there is a deficiency in a certain category of students. No guidelines or limitations have been set in this proposed utilization of tax funds for recruitment of students. A serious question arises as to whether state tax funds should be utilized in the recruitment of athletes, which apparently would be allowed under the provisions of this rider. In view of the vast expansion of the Texas college and university system and the recently started program of state aid to students attending private colleges, utilizing state funds to recruit students will only result in wasteful and unnecessary expenditure of state money.

I am calling on all state colleges and universities not to expend state funds for student recruitment purposes.

Senate Bill No. 1 was received in the Governor's Office less than ten (10) days prior to the adjournment of the Third Called Session of the Sixty-second Legislature, and in accordance with Section 14, Article IV of the Constitution of Texas, this 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 26th day of July,
1972.



PRESTON SMITH
Governor of Texas

By the Governor: