

PROCLAMATION

BY THE

Governor of the State of Texas

41-2295

TO ALL TO WHOM THESE PRESENTS SHALL COME:

Senate Bill 222, the General Appropriations Bill, has reached my desk for action, having been duly certified by the Comptroller of Public Accounts pursuant to Article III, Section 49a of the Texas Constitution. It authorizes an expenditure of \$47.4 billion in total funds and \$28.3 billion in general revenue-related funds for fiscal 1990-91, after rider adjustments.

Harmony, cooperation and consensus were key elements in the success of the Texas legislature this year in developing solutions to some of our state's most challenging problems. In every major area of government, significant progress was made.

The legislature answered the call for increased quality and equity in public education. The \$450 million for equity and the various incentive programs, such as the Educational Excellence initiative, are benchmark legislative accomplishments. Our duty to improve education for all Texans continues and is unwavering. The 71st Session of the Texas legislature certainly met the test and helped to improve educational quality.

Legislation for accelerating the Texas economic recovery represents another major achievement. The last several years have witnessed the true Texas character and perseverance. We have moved out of the depths of economic recession when unemployment topped 10 percent in mid-1986 to the economic expansion of today with 300,000 new jobs and unemployment at less than six percent.

Important initiatives that will be recognized as historic steps--such as the dramatic reorganization of the state's criminal justice system and expansion of the number of prison facilities--are also funded in this budget. This spending plan calls for increased appropriations for health systems and programs to assist the mentally ill along with the creation of a uniform statewide accounting system and rural public transportation facilities.

The budget we have today is lean and efficient, yet it addresses the critical issues we face with innovative programs and, yes, ample and increased funding where needed. Overall, this budget provides increased spending on services of 14.7 percent; compared to the 1989 biennial level, actual revenue was increased \$3.8 billion over the previous biennium. Moreover, the legislature accomplished this without an increase in state taxes. In fact, effective September 1, \$560 million in taxes will expire. Lawmakers should be commended for recognizing that a tax increase at this critical time in our economic recovery would have only stifled continued growth.

Yet there are places in this budget that can and should stand additional scrutiny and additional economies. It is in that spirit that I exercise my constitutional prerogative of line-item veto so that modest advances are made in pursuit of fiscal discipline and budgetary integrity.

My line item vetoes, totaling \$11 million, include the following:

Summary of Items Vetoed

ARTICLE I - EXECUTIVE AND ADMINISTRATIVE DEPARTMENTS
AND AGENCIES

Aeronautics Commission - Page I-8

	For the Years Ending August 31, <u>1990</u>	August 31, <u>1991</u>
1. Aeronautical Services and Facilities Development:		
a. Administration and Support	352,021	352,021
b. Planning and Engineering Services	863,784	762,984
c. Aeronautical Services and Information	<u>208,339</u>	<u>212,739</u>
GRAND TOTAL, AERONAUTICS COMMISSION	<u>\$ 1,424,144</u>	<u>\$ 1,327,744</u>

Page I-9 (Riders)

2. REAPPROPRIATION OF LOAN FUND BALANCES. Balances in and revenues accruing to the Texas Aeronautics Commission Special Loan Fund are hereby reappropriated for the same purpose for the biennium beginning September 1, 1989.
3. REAPPROPRIATION OF DIRECTORY FEES. All monies received and collected for the Texas Airport Directory during the 1990-91 biennium are hereby appropriated to Item 1.c., Aeronautical Services and Information, for use during the 1990-1991 biennium. Any unexpended balances received for the Texas Airport Directory on August 31, 1989 are hereby appropriated for use in the biennium beginning with the effective date of this Act.
4. REAPPROPRIATION OF TRUST FUND BALANCES. There is hereby appropriated all revenues received during each year of the biennium beginning September 1, 1989, and any balances on hand at the beginning of each fiscal year of the biennium in the Aviation Trust Fund No. 525.
5. REAPPROPRIATION OF GRANT FUNDS. Any balances remaining as of August 31, 1989, in Rider No. 9 of appropriations made to the Texas Aeronautics Commission in Senate Bill No. 1, Acts of the Seventieth Legislature, Second Called Session, 1987, are reappropriated for the same purpose for the biennium beginning September 1, 1989.

DEPARTMENT OF AGRICULTURE - Page I-12

	For the Years Ending August 31, <u>1990</u>	August 31, <u>1991</u>
Item 1.b. Automated Data Processing	\$ 328,167	\$ 328,167

Page I-14 (Rider)

5. APPROPRIATION FOR FAMILY FARM AND RANCH SECURITY LOAN PROGRAM LIMITED. There is hereby appropriated to the Department of Agriculture from the Farm and Ranch Loan Security Fund and from the Interest and Sinking Fund for Farm and Ranch Loan Security Bonds the amount necessary to carry out the provisions of Article III, Section 50c, of the Texas Constitution and Chapter 839, Acts of the Sixty-sixth Legislature, 1979 (Article 55q, Vernon's Texas Civil Statutes), and as amended. During any fiscal year, the total amount of funds used to administer the Family Farm and

Ranch Security Loan Program may not exceed \$100,000. Contract legal costs incurred to serve the bonds or comply with the bond order or applicable regulations shall not exceed \$20,000 during any fiscal year.

Page I-19 (Rider)

28. CONTINGENCY FOR LEGISLATION. In addition to the appropriations made to the Department elsewhere in the Act, the following amounts are hereby appropriated contingent on 1) the continuation of the Department and 2) the passage of legislation as identified below, expanding the duties of the Department. In addition, appropriations made in this section shall not duplicate amounts appropriated elsewhere in this Act for like purposes, and are contingent upon a finding of fact by the Comptroller that legislation providing for the continuation of the Department will provide revenue in excess of the current estimate of 1990-91 revenue available from like sources.

	<u>1990</u>	<u>1991</u>
Out of General Revenue:		
S.B. 489 or H.B. 950 providing for the continuation of the Department	\$ 252,440	\$ 236,040
S.B. 1140 relating to a Commercial Fishery Marketing Council	77,148	132,148
S.B. 1507/H.B. 2339 relating to the promotion and regulation of fish farming	194,748	178,748
S.B. 1602 establishing the Texas-Israeli Semi-Arid Fund and Board	252,515	249,515
H.B. 2016 relating to permanent agricultural inspection stations	167,705	328,115
Out of Bond Proceeds:		
H.B. 1111/H.J.R. 51 or H.B. 1860/H.J.R. 70 relating to issuance of bonds for agricultural assistance	<u>89,900</u>	<u>83,900</u>
TOTAL	<u>\$ 1,034,456</u>	<u>\$ 1,208,466</u>

Should the Comptroller find that sufficient revenue is not available to fully fund each of the contingent appropriations made in this section, the appropriations shall be prioritized by the order in which the legislation is listed above.

OFFICE OF THE ATTORNEY GENERAL - Page I-46 (Rider)

11. DISPOSITION, EARNED FEDERAL FUNDS. Earned Federal Funds received in connection with child support or other programs of the Office of the Attorney General, and funds received as depreciation on child support capital equipment, in excess of the amount shown in the method of financing are appropriated to the Office of the Attorney General. Earned Federal Funds from program Item 3, Health and Human Services, may be transferred to program Item 1, Administration.

14. APPROPRIATION OF RECEIPTS, COURT COST. Court costs and investigative costs recovered by the Office of the Attorney General in excess of those specifically appropriated and shown in the agency's method of finance are reappropriated to the Attorney General's Office during the biennium of receipt to be used for court costs, expert witness fees, and other direct legal expenses related to litigation.

CONSERVATION FOUNDATION - Page I-81

	For the Years Ending	
	August 31, <u>1990</u>	August 31, <u>1991</u>
Item 1. Administration	\$ 81,651	\$ 81,651

(Rider)

1. APPROPRIATION OF RECEIPTS. Donations of cash to the Texas Conservation Foundation, income from investment of cash donations and any income from the sale, lease, or operation of property donated to the Foundation shall be deposited in a special account/fund in the Treasury for use by the Foundation and such funds are hereby appropriated to the Foundation, subject to any restriction in the instrument of transfer, for the uses authorized in Title-8, Chapter 181 of the Texas Natural Resources Code, including operation, maintenance and development of property. All balances of principal and income relating to gifts and grants to the Foundation on hand on August 31, 1989, are hereby reappropriated to the Foundation for use in the 1990-1991 biennium.

TEXAS EMPLOYMENT COMMISSION - Page I-120 (Rider)

22. CONTINGENCY APPROPRIATION, LABOR LAW ENFORCEMENT. Contingent upon enactment of House Bill No. 863, Acts of the Seventy-first Legislature, Regular Session, or other similar legislation, \$250,000 for fiscal year 1990 and \$250,000 for fiscal year 1991, from the General Revenue Fund is hereby appropriated for the purpose of implementing the provisions of the Act.

COMMISSION ON FIRE PROTECTION PERSONNEL STANDARDS AND EDUCATION - Page I-135 (Rider)

4. TRAINING ASSISTANCE FUNDS CONTINGENCY. Contingent upon passage of House Bill 457, Seventy-first Legislature, Fire Department Training Assistance funds are hereby appropriated to the Commission on Fire Protection Personnel Standards and Education for the 1990-91 biennium for the purpose as designated in the legislation.

ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS - Page I-168

	For the Years Ending	
	August 31, <u>1990</u>	August 31, <u>1991</u>
Item 1. Administration	\$ 473,447 & U.B.	\$ 473,447 & U.B.

- 3. UNEXPENDED BALANCE, ADMINISTRATION. Any unexpended balances remaining as of August 31, 1989 in the appropriation for 1. Administration, are hereby appropriated for the same purpose for the biennium beginning September 1, 1989. Any unexpended balances as of August 31, 1990, in this same line item are hereby reappropriated for the fiscal year beginning September 1, 1990.

COMMISSION ON LAW ENFORCEMENT OFFICER STANDARDS AND EDUCATION - Page I-189 (Rider)

- 6. PEACE OFFICER COLLEGE LOAN PROGRAM. Contingent upon the passage of Senate Bill No. 269, Seventy-first Legislature, Regular Session, or similar legislation providing for a peace officer college loan program, there is hereby appropriated from the Law Enforcement Officer Standards and Education Fund No. 116 the amounts of \$1,251,784 for fiscal year 1990 and \$1,232,771 for fiscal year 1991 to implement the provisions of the Act.

PARKS AND WILDLIFE DEPARTMENT - Page I-216 (Rider)

- 23. ALL-TERRAIN VEHICLE SAFETY FUND APPROPRIATION. The Parks and Wildlife Department is hereby appropriated the balance remaining in the All-Terrain Vehicle Safety Fund for public awareness of safety hazards related to the use of three wheel all-terrain vehicles and for any other purpose authorized by Senate Bill 939, Chapter 260, Acts of the Seventieth Legislature, Regular Session, 1987.

Page I-219 (Rider)

- 45. CONTINGENCY FOR HOUSE BILL NO. 1462. Contingent upon the passage of House Bill No. 1462, Seventy-first Legislature, Regular Session, or similar legislation that would prohibit the Parks and Wildlife Department from regulating the sale and consumption of alcoholic beverages in an assigned area at Galveston Bay State Park, there is hereby appropriated out of the State Park Fund No. 64 an amount not to exceed \$56,000 in fiscal year 1990 and \$40,000 in fiscal year 1991 for the purpose of implementing the provisions of the bill.

Purchasing and General Services Commission - Page I-253 (Rider)

- 39. CONTINGENCY FOR HOUSE BILL 411. Contingent upon enactment of House Bill No. 411, Acts of the Seventy-first Legislature, Regular Session, or other similar legislation, \$30,000 for fiscal year 1990 and \$18,600 for fiscal year 1991, from the General Revenue Fund is hereby appropriated for the purpose of implementing the provisions of the Act.

ARTICLE III - AGENCIES OF PUBLIC EDUCATION

TEXAS HIGHER EDUCATION COORDINATING BOARD - Page III-30

	For the Years Ending	
	August 31,	August 31,
	<u>1990</u>	<u>1991</u>
Item 16. Special Studies	\$ 100,000	U.B.
Item 23. Utility Contingency Fund	\$ 1,000,000	U.B.

Statement of Objections and Reasons for Veto

Texas Aeronautics Commission

Items 1.a., 1.b., and 1.c.
Riders 2,3,4, and 5

The Aeronautics Commission in its present form and funding levels cannot adequately serve the needs of the aviation community in Texas. Legislation that would have addressed the aviation needs more coherently and created a Department of Transportation did not pass this session. Since the Aeronautics Commission in its present form is not a viable means for furthering the interests of aviation in the state, I am vetoing the agency's appropriations. Legislation creating a Department of Transportation will be added to the special session call after worker's compensation issues are addressed, provided sufficient time is available.

Department of Agriculture

Item 1.b.
The legislature appropriated over \$3.9 million for general administration. That total amount is sufficient to cover the administrative costs of a well-run agency of this size.

Rider 5
The program's poor loan record makes it unworthy of any additional funding.

Rider 28
This rider appropriates additional funds to the department contingent upon the passage of certain legislation. The line item budget for the department includes appropriations adequate for all the purposes set forth in the contingent legislation, so the additional funds are unnecessary.

Office of the Attorney General

Rider 11
This rider appropriates all earned federal funds and all funds related to depreciation of child support capital equipment to the agency. It also allows unlimited transferability out of the child support program into the general administration program. Sufficient earned federal funds, along with other revenue sources, are already appropriated to cover all agency operations. Any additional unrestricted funding is poor budgeting practice and sets bad precedent.

Rider 14
This rider appropriates all litigation expenses recovered by the Attorney General, in excess of any amount appropriated in the line-item budget. The agency was appropriated \$2.1 million for this program. Allowing the agency to spend additional unrestricted, unaccounted for amounts is not a prudent allocation of state funds.

Texas Conservation Foundation

Item 1. and Rider 1
At one time state law required a separate agency to solicit donations for money and property for the Department of Parks and Wildlife and other agencies. This is no longer the case and continuing the agency is not justified.

Texas Employment Commission

Rider 22

Another rider already appropriates over \$200,000 more to carry out this function than it cost to perform the function when it was at the Department of Labor and Standards. Such funding increases are not justified.

Commission on Fire Protection Personnel Standards and Education

Rider 4

I fully support the concept of fire department training. However, a new function of the State Fire Marshal's Office within the State Board of Insurance is to make training and equipment grants and loans to local fire departments. As a result, this appropriation is an unnecessary duplication of resources.

Advisory Commission on Intergovernmental Relations

Item 1 and Rider 3

This agency's appropriation for the coming biennium includes no general revenue funds, which would require other entities to fund the agency. It has been funded by grants from the Governor's Office because it is unable to obtain sufficient contract work to sustain adequate revenue flow to survive. Texas colleges and universities are equipped to carry out any research studies that may be necessary. As a result, there is no longer a justification to fund a separate state agency for this purpose.

Texas Commission on Law Enforcement Officer Standards and Education

Rider 6

I support the concept of attempting to attract bright young Texans into the law enforcement profession. However, this program is not a loan program; it is actually a grant program that will require continued subsidization from general revenue funds for the program to continue. Better mechanisms exist for attracting people into law enforcement.

Parks and Wildlife Department

Rider 23

This program was transferred to the Department of Public Safety, so this rider is unnecessary.

Rider 45

The authority to sell alcoholic beverages in a state park is a precedent that does not need to be set in Texas.

Purchasing and General Services Commission

Rider 39

The agency's increased funding this biennium will more than adequately cover the costs of additional services for interagency mail.

Texas Higher Education Coordinating Board

Item 16

Additional non-specific studies by the Coordinating Board should be carried on as part of their normal operations and not require additional special funding.

Item 23

Texas' colleges, universities, and medical schools are the largest utility users in state government. As a group they expended \$140 million in 1988. A contingency fund would provide disincentive for energy savings.

Our state's public servants have an obligation to the people of Texas to ensure that every dollar spent on state government is done so with maximum efficiency and effectiveness. As Texas continues its economic recovery, it is vital that our government continue to assist that recovery and does not hinder continued growth. The efforts of this session must continue.

Senate Bill 222 was received by the Governor's Office less than ten days prior to adjournment of the Second Called Session of the Seventy-first Legislature. I have signed Senate Bill 222, which shall be filed with the Secretary of State, together with this Proclamation stating my objections to individual items of appropriation therein. In accordance with Article IV, Section 14 of the Texas Constitution, individual items of appropriation objected to shall be of no force or effect. The remaining portion of the bill shall be effective according to its terms.

The Secretary of State shall take notice of this action and notify the Legislature.



IN TESTIMONY WHEREOF, I have hereunto signed my name officially and caused the seal of the State to be affixed hereto at Austin, this 16th day of June, 1989.

W. P. Clements, Jr.
William P. Clements, Jr.
Governor of Texas

Jack M. Rains
Jack M. Rains
Secretary of State

Filed in the Office of
Secretary of State

JUN 18 1989

Statutory Filings Division
Statutory Documents