

PROCLAMATION
BY THE
Governor of the State of Texas

TO ALL TO WHOM THESE PRESENTS SHALL COME:

Pursuant to Article IV, Section 14, of the Texas Constitution, I, Rick Perry, Governor of Texas, do hereby disapprove of and veto House Bill No. 425 as passed by the Seventy-Eighth Texas Legislature, Regular Session, because of the following objections:

House Bill No. 425 would disregard the constitutional doctrine of separation of powers. Set forth in Article II of the Texas Constitution, this doctrine establishes that there be three distinct departments of our government – legislative, executive and judicial – and that no department “shall exercise any power properly attached to either of the others.” This bill would allow the Legislative branch to improperly infringe upon the powers and duties of the Executive branch, dictating to the Executive branch how it should exercise its powers and duties.

The bill also would improperly allow the legal opinion of an unelected government staff employee to supercede the expressed will of the Legislature, by giving that unelected staff employee the ability to issue independent opinions on the legislative intent of bills already passed by the Legislature. House Bill No. 425 also would disregard numerous opinions issued by the courts, which have ruled clearly that post-enactment statements of individual legislators should be given little weight in the determination of legislative intent.

Finally, the bill requires executive branch state agencies to determine legislative intent, a function constitutionally left to the courts.

Since the Legislature by its adjournment has prevented the return of this bill, I am filing these objections in the office of the Secretary of State and giving notice thereof by this public proclamation according to the aforementioned constitutional provision.



IN TESTIMONY WHEREOF, I have signed my name officially and caused the Seal of the State to be affixed hereto at Austin, this 20th day of June, 2003.

Rick Perry

RICK PERRY
Governor of Texas

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
7:30 PM O'CLOCK

JUN 20 2003

ATTESTED BY:

Ann Shea