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JOURNAL
OF THE
SENATE OF TEXAS

BEING THE
Fifth Called Session

OF THE
FORTY-FIRST LEGISLATURE

BEGUN AND HELD AT
The City of Austin, February 19, 1930



WENDELL O'NEAL, Journal Clerk.
MRS. HUGH HARRIS, First Assistant Journal Clerk.

A. C. BALDWIN & SONS
STATE PRINTERS
AUSTIN

Message From the Governor.

The Chair recognized the Door-keeper, who introduced a messenger from the Governor with the following message:

Executive Office,
Austin, Texas, Feb. 24, 1930.
To the Members of the Forty-first
Legislature:

A bill was introduced at the last Special Session of the Legislature making some change in the law with reference to the Commission of Appeals of the Supreme Court. I understand that this bill has the endorsement of the Supreme Court and that it is desired to improve the working efficiency of the Commission. I submit for your consideration matters of judicial reform.

The Board for the leasing of University lands is requesting that a change be made in the law creating this Board and in providing for the disposition of lands belonging to the University of Texas. I submit for your consideration the amendment of the law creating the Board for the leasing of University lands and the statutes pertaining to the disposition of properties belonging to the University of Texas.

Respectfully submitted,
DAN MOODY,
Governor of Texas.

Message From the Governor.

The Chair recognized the Door-keeper, who introduced a messenger from the Governor with the following message:

Executive Office,
March 3, 1930.

To the Forty-first Legislature:

At the Regular Session of the Forty-first Legislature a bill amending the pension laws was presented by a joint committee of the United Confederate Veterans, Sons of the Confederacy and United Daughters of the Confederacy. This bill was passed at the Regular Session of the Forty-first Legislature by a unanimous vote in both the House and the Senate. It was later learned that the bill would not operate fairly; and at the First Called Session of the Forty-first Legislature I submitted the subject of correcting this bill. An amendment was passed by a unanimous vote in both houses. There was a defect in this amendment. I again submitted the subject of correcting the pension law at the Second Called Session of the Forty-first Legislature, and an amendment to the original bill was passed by a unanimous vote in the Senate, and by a vote of 102 to 1 in the House. In the latter part of the past year it was discovered that under this last amendment of the pension law many of the widows of Confederate veterans would not receive their pension. At the Fourth Called session of the Legislature I again submitted the subject of correcting the pension laws, but in that session the correction was not made.

I am again submitting the subject to you, in the hope that proper laws may be enacted to prevent such a condition as existed in the latter part of last year in reference to the payment of pensions to the widows of Confederate veterans.

The enactment of laws to further regulate pipe lines as common carriers of oil and to enlarge the powers of the Railroad Commission to control such common carriers is submitted for your consideration.

There are two items under the subject of insurance that I desire to submit for your consideration.

(1) The State has a large number of men employed at work on our

public highways. Some of this work is hazardous, and some employees have sustained injuries of a very serious nature. The Constitution prohibits the Legislature appropriating money to pay claims for damages occasioned because of injuries received by an employee of the State while in the course of employment. It is not likely that the State would be liable in a suit to recover damages occasioned by injuries suffered by its employees while in the performance of work necessary to the discharge of governmental functions. It seems to me that the State should protect its employees by some form of workmen's compensation insurance, and I am submitting the subject of passing a law to authorize the State to carry compensation insurance on such of its employees as are engaged in work that is hazardous and dangerous.

(2) A number of times in recent sessions the Legislature has been asked to appropriate money to help school districts that could not issue more bonds to rebuild public school buildings that had been destroyed by tornado or otherwise. A school district that has issued its maximum of bonds is in a serious situation when from tornado or fire its school building is destroyed. I submit for your consideration the wisdom of passing a law authorizing or requiring school districts to take out insurance on public school buildings against fire and tornado.

You are familiar with the crowded conditions in some of the offices and departments about the State capitol, and I submit for your consideration the passage of a law authorizing the Board of Control to make a survey of public buildings and grounds, and allocate space to offices and departments within the public buildings of the State.

It has been suggested that the rights of water improvement districts to condemn property for their needed purposes are at present inadequate. I submit for your consideration the subject of amending the statutes of eminent domain.

The original report of the State Auditor advises that the State loses approximately fifty thousand dollars per annum in interest because of the

present system of depositing public funds. I submit for your consideration the amendment of Article 4388 of the Revised Civil Statutes to prohibit the carrying of special bank accounts, and to require that all public moneys received shall be deposited promptly in the Treasury, even though the status of the funds be undetermined, and authorizing some suspense account within the Treasury Department where the funds can be kept until their proper status is determined.

The following subjects are submitted for your consideration at the request of members of the Legislature:

(1) The amendment of Article 5738 of the Revised Civil Statutes to correct a defect in a bill passed at the last Special Session of the Legislature.

(2) The amendment of Chapter 46, Acts of the Forty-first Legislature, passed at the Second Called Session, to provide that cities levying the maximum tax rate and devoting the proceeds of taxes levied to the retirement of bond issues may not be placed in receivership under the provisions of said chapter.

(3) The consideration of whether or not the Legislature will enact laws authorizing the City of Port Arthur and Jefferson County to construct certain improvements upon submerged lands in Sabine Lake.

(4) The granting of cities and towns additional authority in the support of hospitals.

(5) Whether the Legislature will grant the Highway Department authority to exchange certain lands now owned by the State of Texas for certain lands owned by the Concho, San Saba and Llano Valley Railway Company in order to construct certain State highways in Tom Green County according to existing plans.

(6) The enactment of statutes dealing with the manner of incorporating independent school districts and with the terms and manner of selecting school trustees, and the correction of Acts of the Forty-first Legislature governing the school system of certain counties, which Acts have been held invalid under ruling of the Attorney General's Department.

(7) The enactment of statutes dealing with the rights of the De-

partment of Agriculture in supervising the weighing of cotton.

(8) The amendment of the Act of the Forty-first Legislature canceling the lease on the Travis County court house.

(9) The enactment of a law granting the Commissioners' Court of Shackelford County authority to expend county money in the extermination of predatory animals.

(10) The amendment of Chapter 5, Title 115, Revised Civil Statutes of 1925 to require that any ordinance or resolution of the governing board of any city or town levying an assessment against real property for paving or otherwise improving any street, or streets, shall be recorded in the proper records of the office of the County Clerk.

(11) The regulation of the issuance of certificates by tax collectors showing the status of taxes on real property.

(12) The amendment of Article 2560, regulating City depositories.

(13) The amendment of Article 6711 to better provide for neighborhood roads.

(14) The amendment of Title 88, Revised Civil Statutes of Texas, to extend the laws against libel and slander to statements made over the radio.

(15) The granting of authority to the Commissioners' Court of Wilbarger County to contract and agree to the construction of a public bridge across the Red River.

(16) The granting of authority to the Commissioner of the General Land Office to procure and file in the General Land Office papers relating to the survey of lands by virtue of certificates issued by the State of Texas to railway companies, which records are now held by individuals and private interests.

(17) The amendment of Chapter 65, Acts of the First Called Session of the Forty-first Legislature.

(18) A recent decision of one of the courts holds certain levy improvement district bonds invalid following the holding of the Supreme Court of the United States in the Archer County case. The enactment of laws to validate such bonds is submitted for your consideration.

Respectfully submitted,

DAN MOODY,
Governor of Texas.

Message From the Governor.

The Chair recognized the Door-keeper who introduced a messenger from the Governor with the following message:

Executive Office,

Austin, Texas, March 5, 1930.

To the Forty-first Legislature:

Upon request the following subjects are submitted for your consideration:

(1) The amendment of Senate Bills No. 26 and No. 95 passed at the Fourth Called Session of the Forty-first Legislature to correct errors therein.

(2) The amendment of Article 910 of the Penal Code to accomplish the purposes thereof.

(3) The amendment of Article 916 of the Penal Code to provide an area in this State for the propagation of wild turkeys, and to prohibit the taking or killing of wild turkeys within such area except that the Game Commission, in cooperation with the property owners in this area, may trap wild turkeys for distribution to other sections of the State.

(4) The amendment of Chapter 91, Acts of the First Called Session of the Forty-first Legislature, to increase the authority of the State Auditor.

(5) The amendment of the statutes respecting the employment and selection of school supervisors.

(6) The amendment of Chapter 82 of the Acts of the First Called Session of the Forty-first Legislature to better improve the market for bonds issued under said Chapter, and to avoid the difficulties which have been experienced under the statute as now written.

(7) The enactment of laws respecting disposition of property belonging to the public schools, and to enlarge the powers of the Board of Education over such properties.

(8) The amendment of Chapter 40, Acts of the Second Called Session of the Forty-first Legislature.

I desire to remind you of the situation with reference to requests which have been made for supplemental funds to meet additional emergency needs of departments and institutions. The Presidents of the

State supported colleges have said that the summer schools of 1930 cannot operate for more than one-half the usual term with the funds now available. The Forty-first Legislature did not make as much money available for the 1930 summer schools as the 1929 summer schools had. It has been stated that I vetoed some of the appropriations for summer school purposes, but the statement is incorrect. The items for summer school purposes carried in the educational appropriation bill now in force were allowed to stand as passed by the Legislature. It has also been stated that some of the appropriations of contingent funds to supplement salaries which I vetoed were to be used for summer school purposes, but this is also incorrect. I was told by the Presidents of State supported colleges that this money was to be used by them to supplement salaries of teachers during the long term, and not the summer school.

The summer schools of 1930 have every dollar available now which was provided for them by the Forty-first Legislature, and we are told that this will not be sufficient to operate these schools more than about half the usual term.

The eleemosynary institutions have made requests for additional funds.

The provision for the support and maintenance of the prison system was made upon the basis of a prison population of about four thousand. The population has averaged approximately five thousand since before the bill was passed. The Prison Board has stated that the funds available are not sufficient to feed, clothe and guard all of these prisoners, and meet other current needs of the system.

I called your attention to these requests in the past called session of the Legislature and submitted for your consideration the raising of revenues to meet them. In the proclamation convening this session of the Legislature, I again mentioned these requests and submitted the subject of raising the funds necessary to meet them. I suggest that some of them are urgent, and that they are essential to some of the necessary functions of the government.

I further want to remind you that the time left within which you may raise the funds to satisfy these needs is fast drawing to a close. There are only about fifteen days left to this session of the Legislature. None can defend the spending of money in excess of the revenues of the State. I want to impress upon you the importance that something be done to provide revenues if these needs are to receive attention.

Respectfully submitted,
DAN MOODY,
Governor.

Message From the Governor.

The Chair recognized the Door-keeper, who introduced a messenger from the Governor with the following message:

Executive Office,

Austin, Texas, March 8, 1930.

To The Forty-first Legislature:

At the request of members of the Legislature the following subjects are submitted for your consideration:

(1) The amendment of Chapter 61 of the General Laws passed at the second called session of the Forty-first Legislature to correct defects therein, which were made evident by a recent opinion of the Court of Civil Appeals.

(2) The enactment of the necessary road laws for various counties.

(3) The amendment of Chapter 64, Acts of the Regular Session of the Forty-first Legislature, and Chapter 88 of the Acts of the First Called Session of the Forty-first Legislature, to correct defects therein.

(4) The validation of attempts of the City of Lubbock to extend its corporate limits.

(5) The enactment of necessary statutes to make possible the leasing of parks owned by the State for the development of oil resources.

(6) The amendment of Article 4644-a to allow cities and towns to close streets and alleys for the construction of public improvements by the payment of damages to injured abutting property owners.

(7) Bill affecting the public school system.

(8) Operation of motor vehicles and the manner of paying taxes and license fees thereon, and to include a correction of an error made in the amendment of these laws passed at the last Special Session of the Legislature.

Respectfully submitted,

DAN MOODY, Governor.

Message From the Governor.

The Chair recognized the Doorkeeper, who introduced a messenger from the Governor with the following message:

Executive Office,
March 12, 1930.

To the Members of the Forty-first Legislature:

The following subjects are submitted for your consideration:

(1) The amendment of Section 1, Chapter 10, Acts of the Third Called Session of the Forty-first Legislature, to correct defects therein.

(2) The amendment of Senate Bill No. 138, passed by the Second Called Session of the Forty-first Legislature, to correct errors therein.

(3) The amendment of Chapter 274, Acts of the Regular Session of the Forty-first Legislature.

(4) The amendment of Article 1302, Revised Civil Statutes, of 1925.

(5) The enactment of statutes giving the Insurance Commission added powers in the control of fire hazards.

(6) The subject of enacting laws designed to relieve the present distressed condition of agriculture in this State is submitted for your consideration.

Respectfully submitted,
DAN MOODY,
Governor.

Message From the Governor.

The Chair recognized the Door-keeper, who introduced a messenger from the Governor with the following message:

To the Texas Senate:

I understand that the statement has been made before the State that I vetoed items for summer school support out of the educational appropriation bill now in force. This statement is incorrect, as the original bill on file in the office of Secretary of State will show. I further understand that when this statement was made, that someone called attention to the fact that the statement was incorrect. I am told that when it was pointed out that this statement was incorrect, that the person responsible for the statement then said that I appeared before the Finance Committee and requested a reduction in appropriations for summer schools for the present biennium, that is the summer schools of 1930 and 1931.

This statement is incorrect. The one making this statement doubtless has matters confused in his own mind. In the regular session of the Forty-first Legislature an appropriation was made to supplement the appropriations of the Fortieth Legislature for summer schools of 1929 and to supplement the rural aid appropriation. This bill carried more money than was necessary, and I had a conference with the Presidents of the various State supported colleges. As a result of this conference we agreed on the items of money that should be appropriated to supplement the appropriations of the Fortieth Legislature for the summer schools of 1929. I also had conferences with the Superintendent of Public Instruction regarding the amount needed to supplement the rural aid bill. The results of these conferences were taken to the Finance Committee during the regular session of the Forty-first Legislature and the Finance Committee adopted the figures that had been agreed to between the presidents of the State supported colleges and me. The bill will be found at page 398 of the Acts of the Regular Session of the Forty-first Legislature. This bill

was passed February 22, 1929, was approved by me March 7, 1929, and became effective March 7, 1929, and the funds thereby appropriated were for the fiscal year that ended August 31, 1929, and have absolutely nothing to do with the summer schools of 1930. The appropriations made for summer school purposes by the Forty-first Legislature will be found in the Educational Appropriation bill, beginning on page 259 of the Acts of the Second and Third Called Sessions of the Forty-first Legislature. This bill was passed during the Third Called Session of the Forty-first Legislature.

This is in correction of what has been incorrectly said to the Senate by others in connection with the matters herein mentioned.

Respectfully,
DAN MOODY.

Message From the Governor.

The Chair recognized the Doorkeeper, who introduced a messenger from the Governor with the following message:

Executive Office,
March 13, 1930.

To the Members of the Forty-first Legislature:

It is my information that some members of the Legislature say that they are not clear in their understanding of my intentions regarding the subject of appropriation. I thought that I had been very definite in the statement of my position in this regard. In the message sent to the Legislature on March fifth the following language was used:

"The summer schools of 1930 have every dollar available now which was provided for them by the Forty-first Legislature, and we are told that this will not be sufficient to operate these schools more than about half the usual term.

"The eleemosynary institutions have made requests for additional funds.

"The provision for the support and maintenance of the prison system was made upon the basis of a prison population of about four thousand. The population has averaged approximately five thousand since before the bill was passed. The Prison Board has stated that the funds available are not sufficient to feed, clothe and guard all of these prisoners, and meet other current needs of the system.

"I called your attention to these request in the past called session of the Legislature and submitted for your consideration the raising of revenues to meet them. In the proclamation convening this session of the Legislature, I again mentioned these requests and submitted the subject of raising the funds necessary to meet them. I suggest that some of them are urgent, and that they are essential to some of the necessary functions of the government. I further want to remind you that the time left within which you may raise the funds to satisfy these needs is fast drawing to a close. There are only about fifteen days left to this session of the Legislature. None can defend the spend-

ing of money in excess of the revenues of the State. I want to impress upon you the importance that something be done to provide revenues if these needs are to receive attention."

In my opinion the language just quoted is susceptible to but one construction, and that is that I mean to submit the subject of appropriations when you have provided the revenue to be appropriated for these needs. It is my purpose to submit the subject of appropriations when you have raised the revenue that will be required to meet the necessary requests of the departments and institutions, but until that time I do not plan to submit that subject, otherwise there would be no point in suggesting the need of the revenue.

The present tax rates were adopted to yield revenue to meet outstanding appropriations. If the other appropriations are made then the necessary revenues must be provided. These revenues should not and cannot be raised by imposing additional taxes on the farms and homes of the country. If you should appropriate money for these purposes without first providing it you would be in the indefensible position of appropriating funds beyond the expectant revenue of the State. Present revenues will pay all outstanding appropriations. There would be no justification in submitting the subject of appropriations before provision is made for the funds and it is for that reason that I withhold this subject.

I want to say to you again, as I did on March fifth, that the time left for the Forty-first Legislature is fast drawing to a close, and I want to impress upon you the importance of prompt action in providing the revenues if these needs are to receive attention. The summer school situation affects approximately ten thousand of our school teachers who attend these schools for their necessary preparation.

House Bill No. 11, passed at the Third Called Session of the Forty-first Legislature and found at page 523, Acts of the Second and Third Called Sessions of the Forty-first Legislature, provides the powers and duties of the Board of Control in caring for certain colored orphans. Under this bill it has been

impossible for the Board of Control to take over this matter, and I am told that the inmates of the orphanage are suffering and in want. It is my understanding that some defects in the title to some piece of property has caused the delay. I submit for your consideration making such amendments to this Act as in your judgment the necessities of the situation may require.

Respectfully submitted,
DAN MOODY.

Message From the Governor.

The Chair recognized the Door-keeper, who introduced a messenger from the Governor with the following message:

Executive Office,
March 14, 1930.

To the Senate of Texas:

While it is always desirable to keep the record straight, it is neither desirable nor practical to attempt a correction of all erroneous impressions that may be created by statements made in legislative debates, but I deem it proper to correct statements which the public press reports as made yesterday in the Senate, because a misunderstanding upon the part of the public is likely to follow unless the correction is made.

Members of the Senate told me that it had been stated on the floor of the Senate yesterday that I had vetoed summer school appropriations, and that when this statement was challenged, it was corrected; and that it was then said that while I did not veto summer school appropriations, I asked the committees to reduce these appropriations. I sent a correction to the Senate of the statement that I had vetoed summer school appropriations, and pointed out that I had not vetoed any such appropriations, and I also corrected the statements to the effect that I had asked for a reduction of the appropriations for summer schools. The public press of this morning carries the report that it was said that I had vetoed certain appropriations for contingent funds, and that if these appropriations had not been vetoed the summer schools would now have sufficient money. This statement is not correct, and is calculated to misinform the public.

The facts are that certain educational institutions asked the Forty-first Legislature for an increase in salaries and in the number of in-

structors for the long school term. Neither the increase in salaries nor the additional instructors were allowed in the appropriation bill that was passed; but to provide funds to increase salaries and to employ additional instructors, items were inserted in the appropriation bill under the wording "contingent funds for additional teachers and adjustment of salaries." Similar items were in the appropriation bill of the Fortieth Legislature totaling \$88,500.00, while these items in the bill of the Forty-first Legislature totaled \$382,243.00. I vetoed all of these contingent fund appropriations with the exception of one. The money carried in these appropriations was to be used, and the schools intended to use it, and I understood that the Legislature appropriated it for the employment of additional instructors and to supplement salaries during the long term and not for the summer schools. Representatives of eight of the State supported colleges have stated this morning that the schools planned to use it for additional instructors and to supplement salaries during the long term, and did not intend it for summer school purposes. The elimination of these items did not take away one dollar of the money intended for summer schools. Every dollar appropriated for summer schools is now in the bill and available. The plight of the summer schools is due entirely to the fact that adequate funds were not provided when you passed the appropriation bill.

This correction is made in the interest of fairness, and to correct misimpressions that might be created by the statements to which I have referred.

Respectfully submitted,
DAN MOODY, Governor.

Message From the Governor.

The Chair recognized the Doorkeeper, who introduced a messenger from the Governor with the following message:

Executive Office,
March 17, 1930.

To the Forty-first Legislature:

In previous messages I have advised you of the requests which have been made for the appropriation of funds to meet additional emergency needs of the departments and institutions. These requests in so far as they apply to the present fiscal year, that is to say the fiscal year ending August 31, 1930, may be summarized as follows:

Educational institutions:

Departmental maintenance	\$128,800.00
Summer schools	404,674.00
Total	\$533,474.00

The State supported colleges made a request for the appropriation of a contingent fund for salaries, but this request has been eliminated.

The prison system has requested an appropriation for its support and maintenance totaling \$488,311.27.

The Board of Control has submitted a request for the eleemosynary institutions totaling \$39,470.00.

Departments of the State Government have requested supplemental appropriations for their emergency needs totaling approximately \$50,000.00.

The figures hereinabove given represent requests for funds for the remainder of the present fiscal year.

For the fiscal year beginning September 1, 1930, and ending August 31, 1931, the educational institutions have requested \$886,003.00. The prison system has requested \$527,332.19. The Board of Control has requested for the eleemosynary institutions \$49,800.00.

It is obvious that there is not enough revenue available to meet all of these requests. Up to the present one revenue bill has been passed by the Legislature which has reached me for approval, and that is House Bill Number 19. This bill, I am advised, will increase the revenues approximately \$800,000.00 per annum. It imposes a tax on public utilities. The bill provides that the tax shall be paid on the first days of January, April, July and October of each year.

The bill did not receive an emergency vote, and therefore will become effective ninety days from the adjournment of the present session of the Legislature. The increased tax, therefore, paid under this bill between now and September first would be paid on July first, and would cover the tax period from the effective date of the bill, that is about the middle of June, to July first, and this sum will, of course, be nominal.

I estimate that there will be in the general revenue fund on the first of September a sum of from \$100,000.00 to \$150,000.00, and certainly not in excess of the last named amount. In other words, I believe the present income will pay warrants drawn against outstanding appropriations up to September first, and perhaps will leave a balance of not exceeding \$100,000.00 to \$150,000.00.

I have suggested the need of revenues to meet these requests for additional emergency appropriations. The revenues have not been provided but there is a small sum of money, as shown herein, which may be appropriated, and I am submitting for your consideration doing what you can to meet these needs from the funds available. If you pass other bills to yield revenues to the Treasury, of course, that can be taken into account. I am not going to permit the State to be put on a deficit by the appropriation of funds beyond the expectant revenues of the State. To place the State on a deficiency means that many of the employees of the State Government must discount their warrants, and that people in selling supplies that are bought by the State, knowing that the warrants are not cashable, want to add to the price of the article enough money to cover the charge of carrying the warrant. I will not approve appropriations beyond the revenues of the State. I want to do whatever can be done to meet these needs, but I will not consent to the appropriation of money beyond the funds available. Whatever you can do within the limits of the revenues of the State towards meeting these needs I think should be done, but you have had opportunity to raise the revenue to meet these needs, and you have not done it, and I will not become responsible for approving appropriations except within the money that the State has in sight.

Respectfully submitted,
DAN MOODY.

Message From the Governor.

The Chair recognized the Doorkeeper, who introduced a messenger from the Governor with the following message:

Executive Office,
March 20, 1930.

To the Forty-first Legislature:

The press of the State carries the statement that the Senate and House, respectively, have passed appropriation bills totaling in excess of \$5,000,000.00 and in excess of \$2,000,000.00, and that an appropriation bill is now being considered by a Free Conference Committee.

The amount of requests for appropriations was called to the attention of the Legislature and the necessity of raising revenues to meet these requests was also pointed out to you. That these requests existed and that there was need for revenue to meet them have been known to you throughout this session and a part of the preceding special session of the Legislature. It was evident before even the last preceding special session of the Legislature convened that there would be requests for additional emergency appropriations and that revenue would have to be raised. You have had all of one session and part of another to raise this revenue.

I am not familiar with all of the revenue bills pending, or of the prospect of passing them, but up to the present time the only bill which has come to me, which in my judgment will raise any revenue between now and September 1, is the bill taxing public utilities. This bill becomes effective about the twentieth of June, and the first tax date under the bill will be July 1. Therefore, the increased revenue yielded by this bill between now and September 1 will be based on the income of the utilities from about Jun 20 to July 1, and I estimate that the additional income to the State to be so yielded will amount to between \$20,000.00 and \$25,000.00.

In a previous message I pointed out that existing sources of revenue would provide approximately \$100,000.00, and certainly not in excess of \$150,000.00, available for appro-

priation between now and September 1. In my judgment these figures represent the maximum amount of money that you can appropriate for expenditure between now and September 1. In my judgment these figures represent the maximum amount of money that you can appropriate for expenditure between now and September 1 and not place the State on a deficit. The penitentiary bill which you have passed carries an appropriation of \$575,000.00, and this money is made available for expenditure, prior to September 1, as I interpret the bill, and in all probability the appropriations carried in the bill will lapse on September 1 unless the money is expended on the improvement contemplated by the bill between now and that date. If you take this item in consideration your appropriations have already exceeded the prospective revenue to be received during the present fiscal year. I have suggested and advocated that any appropriation for prison improvement be made effective subsequent to September 1, 1930, that is during the next fiscal year. I have thought it was necessary to postpone the effective date of such an appropriation, because of the limited amount of revenue available between now and September 1, 1930. It seems, however, that the prison bill which you have passed is effective before September 1, in so far as the appropriation is concerned. The needed appropriations for current expense of the prison system would as a matter of necessity have to be from funds available before September 1 because that appropriation would be to meet current operating expense and to feed, guard and clothe the inmates.

I am advised that the bill which you have passed taxing public utilities will yield approximately \$800,000.00 for the fiscal year beginning September 1, 1930, and ending August 31, 1931. If the State ad valorem tax rate is placed at the maximum an additional revenue could be raised in this matter. I am opposed to raising the State ad valorem tax above its present level and I do not think that the Legislature ought to force an increase in these taxes on farms, homes and ranches of

this country; they are now overburdened with taxes. Agriculture and home ownership is staggering under an excessive load of taxation and in some instances owners of land do not receive enough income from their land to pay their taxes. You had an opportunity to raise the revenue needed to meet the requirements of the State Government without increasing these taxes, but the revenue has not been raised. If you require an increase in the taxes imposed upon the homes and agricultural interests of this State, the responsibility will be yours. I have previously said that I would consent to placing the State on a deficit. You have money which you can appropriate without putting the State on a deficit and without increasing the tax burden of the home owners and agricultural interests of this State. I think you either should stay within this revenue; or when you had the opportunity you should have raised the needed revenue from sources that are not bearing their proportionate burden of the support of this government, instead of now trying to go beyond the stated revenue and thereby force an increased tax on the distressed agricultural interests of the State.

The situation is one of legislative creation and it is one that could have been provided against only by legislative action. Any increase in the taxes imposed on home ownership and the agricultural interests of this State will be the result of your action. Your passage of a bill beyond the revenue would raise these taxes, and the passage of such a bill will not correct any situation and it should not be undertaken.

Among the most urgent needs presented for additional emergency appropriations is the one for further support of the summer schools of our State supported colleges. I view with horror the thought of closing these summer schools and thereby directly injuring the opportunities of more than ten thousand of our school teachers, and indirectly injuring our public school system. It seems to me that you could take this and other of the very urgent needs and prorate the money available to give your help to those most worthy and

urgent. Thus you could stay within the available revenue.

Much has been said about the constitutional duties and prerogatives of the various branches of the State Government. There is certainly one duty that rests as much on one branch as it does on the other, as much on the legislative branch as on the executive, and that is to keep the appropriations within the available revenue. I urge that you keep the appropriations within the available revenue and that you distribute it to meet the most urgent needs in the most equitable and just manner possible. If you adopt this policy you will, at least, help as far as the present funds allow. If you adopt any other policy you evidence a willingness to place the State on a deficit, and a willingness to increase the taxes of our agricultural interests, or you must indulge the hope that I will resort to the unpleasant task—and I think in the present situation impossible task—of eliminating items to bring the bill within the revenue. You certainly realize that when the amount of available revenue are considered that no item eliminating process after the bill is passed can result in as equitable and fair distribution of available money to meet urgent emergency needs as can be made now in the writing of the bill. You know that it is impossible by eliminating items to balance an appropriation bill with so many demands and such a small amount of available revenue as in the present case. If your bill is beyond the revenues the only sensible action would be to return the bill to you. In such a case you could not amend the bill after its return and there is not time to introduce and pass a new bill. You would then either re-pass the bill and assume full responsibility for placing the State on a deficit or you would not re-pass the bill and thereby assume full responsibility for failure to provide for the needs of the departments and institutions.

I trust that when these considerations are brought to your attention that you will write a bill within the revenue and prorate the available money among the most urgent needs.

Respectfully submitted,

DAN MOODY.