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OFFICE OF THE GOVERNOR

June 25, 2010

Mr. Alfred W. Speer
Clerk of the House of Representatives
State Capitol
Baton Rouge, Louisiana 70804

Mr. Glenn Koepp
Secretary of the Senate
State Capitol
Baton Rouge, Louisiana 70804

RE: House Bill No. 1 of the 2010 Regular Session of the Legislature Provide for the ordinary operating expenses of state government for Fiscal Year 2010-2011

Dear Gentlemen:

As authorized by Article III, Section 18(B), and more particularly, Article IV, Section 5(G)(1) of the Constitution of Louisiana, I have exercised my right to veto 20 items of the General Appropriation Bill. I respectfully request that you deliver on my behalf the following message to the members of the Legislature:

By working together, we passed a responsible budget that makes targeted reductions while protecting critical services for our state, and helping to prepare us for future budget challenges. Some wanted to see more reductions to higher education and healthcare. Others wanted to restore funding for some of the reductions. No one got everything they wanted, but we have approved a good budget.

While protecting critical services and streamlining government operations, the FY 11 Budget includes more than \$1 billion less in General Fund direct funding. This means that the FY 11 Budget reflects a decrease of more than \$4 billion compared to the FY 10 total budget.

The FY 11 Budget also reduces the number of full-time, appropriated positions in the executive branch by 2,945. Following prior reductions of 3,326 full-time appropriated positions through budgetary actions in FY 09 and FY 10, approval of this FY 11 recommendation would mean a total of 6,271 fulltime, appropriated positions reduced since 2008.

I appreciate your support and the work we have done together to streamline and reform government, as reflected in this budget, and in our future work together on behalf of the people of Louisiana.

This letter is to communicate that I have vetoed items in House Bill No. 1, as follows:

Veto Message No. 1

Page 5, lines 14-20:

The Commissioner will be making these recommendations to the Legislature as part of the Executive Budget submission process, and therefore, this language is duplicative. Therefore, I am vetoing this item.

Veto Message No. 2

Page 11, lines 23-26:

Neither this language nor professional accounting/auditing standards define what constitutes an unsatisfactory audit nor does this language direct which agency is responsible for making this determination. In addition, the timing of the decision to withhold appropriations is unclear as to whether appropriations would be withheld during the Legislature's annual budgetary process or at the time that an agency is determined to have had two consecutive unsatisfactory audits. Revised Statute 24:554(B) already empowers the Legislative Audit Advisory Council, which has oversight over audit results, to "forward its determination of noncompliance [of an agency] to the Joint Legislative Committee on the Budget and the appropriate oversight committees of the House of Representatives and the Senate." Furthermore, without extensive due process, this policy has the potential to disrupt the operations of agencies that provide critical services to the citizens of the state. Therefore I am vetoing this item.

Veto Message No. 3

Page 42, lines 32-34:

The Attorney General, in his letter to me dated June 23, 2010, stipulates the language in this amendment is in violation of the separation of powers contained in the Louisiana Constitution (Art. II Sec. 2 and Art. IV Sec. 8) and also states the authority to enter into a legal services contract in order to carry out the function and duties of the Attorney General is reserved to the Attorney General, not the Legislature, by our Constitution. Therefore, I am vetoing this item.

Veto Message No. 4

Page 65, lines 44-46:

There is no appropriation in FY11 from BP in HB 1 for Fiscal Year 2010-2011. Therefore, I am vetoing this item. However, a contract for this allocation will be entered into utilizing BP funds appropriated in Fiscal Year 2009-2010.

Veto Message No. 5

Page 65, lines 47-49:

There is no appropriation in FY11 from BP in HB 1 for Fiscal Year 2010-2011. Therefore, I am vetoing this item. However, a contract for this allocation will be entered into utilizing BP funds appropriated in Fiscal Year 2009-2010.

Veto Message No. 6

Page 110, lines 35-45:

The Centers for Medicare and Medicaid Services has refused to grant affirmative approval for the use of trust fund monies for this specific purpose; thus, expenditure of such funds would place the State at risk of a possible disallowance. Therefore, I am vetoing this item.

Veto Message No. 7

Page 111, lines 7-10:

SB 367 of the 2010 Regular Session did not pass. Therefore, I am vetoing this item.

Veto Message No. 8

Page 116, lines 7-25:

This language is superseded by senate floor amendment, #6039, to HB 76, page 11, lines 15 through 40. Therefore, I am vetoing this item.

Veto Message No. 9

Page 117, lines 33-36:

The Department of Health and Hospitals needs to have flexibility in implementing reimbursement methodologies. Therefore, I am vetoing this item.

Veto Message No. 10

Page 129, lines 1-4:

This amendment does not meet the NGO criteria. Therefore, I am vetoing this item.

Veto Message No. 11

Page 132, lines 52-62:

The Department has discretion to contract for the provision of services and the state agency is designated by the federal government as the responsible authority for such oversight. Therefore, I am vetoing this item.

Veto Message No. 12

Page 137, lines 56-61:

These amendments create additional requirements of services that are unfunded and hinder the efficient and effective transition of services. Therefore, I am vetoing this item.

Veto Message No. 13

Page 138, lines 1-7:

These amendments create additional requirements of services that are unfunded and hinder the efficient and effective transition of services. Therefore, I am vetoing this item.

Veto Message No. 14

Page 182, lines 24-26:

This language contradicts the constitutional authority of the Board of Regents to develop and implement a formula to distribute funds to the institutions of postsecondary education. Therefore, I am vetoing this item.

Veto Message No. 15

Page 182, lines 31-53; Page 183, lines 1-60; Page 184, lines 1-48:

This language contradicts the constitutional authority of the Board of Regents to develop and implement a formula to distribute funds to the institutions of postsecondary education. Therefore, I am vetoing this item.

Veto Message No. 16

Page 227, lines 7-14:

There is no appropriation in FY11 from BP to the Office of Tourism in HB 1 for Fiscal Year 2010-2011. Therefore, I am vetoing this item. However, a contract for this allocation will be entered into utilizing BP funds appropriated to the Office of Tourism in Fiscal Year 2009-2010.

Veto Message No. 17

Page 230, lines 7-15:

There are other funding sources available. School districts have a combination of Minimum Foundation Program, IDEA/Special Education, Title 1 and local funds available for the payment of salary supplements. Therefore, I am vetoing this item.

Veto Message No. 18

Page 235, lines 46-47:

Adequate funding has been provided to the Cecil J. Picard Educational and Recreational Center. Therefore, I am vetoing this item.

Veto Message No. 19

Page 242, lines 10-13:

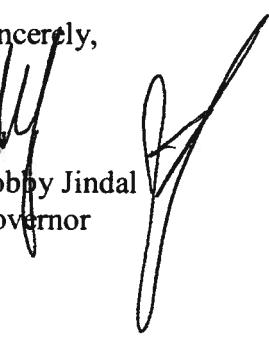
This language amendment would delay the Recovery School District in providing critical education related services. Therefore, I am vetoing this item.

Veto Message No. 20

Page 262, lines 39-57; Page 263, lines 1-7:

The effect of this amendment would make Louisiana's taxpayers, not BP, responsible for paying for state government's response to the Deepwater Horizon oil spill. BP, and not Louisiana's taxpayers, should pay for the state's mobilization to protect Louisiana from BP's mess. Also, the funding for this amendment was already allocated to various state agencies by the Joint Legislative Committee on the Budget at its May 19, 2010 meeting. We will continue to work with parishes to make sure their needs are met and that BP fulfills its responsibilities and financial commitments made to local communities. Therefore, I am vetoing this item.

Sincerely,


Bobby Jindal
Governor