

Governor Beebe Vetoes Senate Bill 134

Governor Beebe vetoed Senate Bill 134 Monday afternoon. The legal reasoning for the veto cites the same cases referenced in the veto of House Bill 1037. His veto letter included the following section:

In short, because it would impose a ban on a woman's right to choose an elective, nontherapeutic abortion well before viability, Senate Bill 134 blatantly contradicts the United States Constitution, as interpreted by the Supreme Court. When I was sworn in as Governor I took an oath to preserve, protect, and defend both the Arkansas Constitution and the Constitution of the United States. I take that oath seriously.

The adoption of blatantly unconstitutional laws can be very costly to the taxpayers of our State. It has been suggested that outside groups might represent the State for free in any litigation challenging the constitutionality of Senate Bill 134, but even if that were to happen, that would only lessen the State's own litigation costs. Lawsuits challenging unconstitutional laws also result in the losing party - in this case, the State - being ordered to pay the costs and attorneys' fees incurred by the litigants who successfully challenge the law. Those costs and fees can be significant. In the last case in which the constitutionality of an Arkansas abortion statute was challenged, *Little Rock Family Planning Services v. Jegley*, the State was ordered to pay the prevailing plaintiffs and their attorneys nearly \$119,000 for work in the trial court, and an additional \$28,900 for work on the State's unsuccessful appeal. Those fee awards were entered in 1999, and litigation fees and costs have increased extensively since then. The taxpayers' exposure, should Senate Bill 134 become law, will likely be significantly greater.