

State of Louisiana



BOBBY JINDAL
GOVERNOR

Post Office Box 94004
Baton Rouge, LA 70804-9004

OFFICE OF THE GOVERNOR

June 20, 2014

The Honorable Glenn Koepf
Secretary of the Senate
State Capitol
Baton Rouge, LA 70802

Re: House Bill No. 143 by Senator Bob Kostelka

Dear Mr. Koepf:

Senate Bill No. 143 could put the state in a mid-year deficit posture without the tools available during the legislative process to address such shortfalls, and prior to a final decision of the legal issue being litigated. Current law allows the head of a department, board or agency to certify that a temporary restraining order or injunction against the state could place the state in a deficit posture, while still allowing the litigation to proceed to a final ruling. Whether a temporary restraining order or injunction will cause a deficit is an issue of fact—either it will require additional spending that was not budgeted in HB1 for that fiscal year, or it will not.

If a deficit occurs when the Legislature is not in session, the Executive Branch is required by the Constitution to present a plan to reduce spending to bring the state budget back into balance. There are far fewer tools available outside of the legislative process to mitigate the impact of those reductions on critical services, creating the threat of critical needs of citizens going unmet. This is an unacceptable risk to our citizens.

The bill also raises separation of powers issues. By allowing the Judicial Branch—prior to a final decision of the legal issues—to review and determine whether the state budget has entered a deficit posture at the very first stage of the litigation, the Judicial Branch assumes the fundamental appropriations function of the Legislative Branch to craft and pass an annual budget for the State.

For these reasons, I have vetoed Senate Bill No. 143 and hereby return it to the Senate.

Sincerely,

A handwritten signature in black ink, appearing to read "BJ", written over a printed name.

Bobby Jindal
Governor