

July 9, 1997

The Honorable Alfred Speer  
Clerk of the House of Representatives  
State Capitol  
Baton Rouge, LA 70804

RE: **HOUSE BILL NO. 1** by Mr. LeBlanc

An Act making appropriations for the ordinary expenses of the executive branch of state government, pensions, public schools, public roads, public charities, and state institutions and providing with respect to the expenditure of said appropriations.

Dear Mr. Speer:

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 15 items or provisions of the General Appropriation Bill.

**VETO MESSAGE NO. 1:**

This language amendment in the Division of Administration provided that in the event HB 2521 is enacted into law, \$947,443 in general fund and \$8,215 in self-generated revenues shall be transferred to the Office of Facility Management (Schedule 21-XXX) for utility costs and related costs of the Capitol Complex. An amendment to HB 2067 (Ancillary Bill) makes any transfer of appropriations from the General Appropriations Act to the Office of Facility Management null and void and restores the correct funding to the Division of Administration. Therefore, this veto is necessary for technical reasons and to clarify the ultimate legislative intent.

**VETO MESSAGE NO. 2:**

This language amendment in the Division of Administration provided that in the event HB 2521 is enacted

into law, \$340,780 in general fund, including 10 positions, shall be transferred from the Office of Facility Management (Schedule 21-XXX) to the Division of Administration. The \$1,951,684 and 27 positions that were transferred from the Division of Administration to the Office The Honorable Alfred Speer

July 8 1997

Page 2

of Facility Management by amendment in House Appropriations Committee was overstated by the \$340,780 and 10 positions. An amendment to HB 2067 (Ancillary Bill) makes any transfer of appropriations from the general appropriations act to the Office of Facility Management null and void and restores the correct funding to the Division of Administration. Therefore, this amendment is necessary for technical reasons and to clarify the ultimate legislative intent.

**VETO MESSAGE NO. 3:**

This item would provide \$25,000 for state match to local funding for technical training and assistance for beaver abatement activities in Vermillion Parish. These functions are already being performed statewide as part of the Nuisance Control Activity in the Department of Agriculture and Forestry. Although funding is not provided specifically for this purpose, the department should be able to continue to provide the same level of funding in FY98 as it has in the past for these efforts. Further, no evidence was presented to justify additional funding targeted to this one parish.

**VETO MESSAGE NO. 4:**

This item, in the Office of Commerce and Industry, provided \$150,000 for the establishment of foreign representation in Japan. The department has been provided funding in Fiscal Year 1997-1998 for International Marketing Investment Specialists, who have the expertise and the capacity to foster and cultivate economic growth between Japan and the State of Louisiana.

**VETO MESSAGE NO. 5:**

This item, in the Department of Culture, Recreation and Tourism - Office of the Secretary, provided \$25,000 for Franco Fete celebration activities. Franco Fete is scheduled to be held during Fiscal Year 1998-1999. Another amendment provided \$350,000 for the preparations for this year long celebration to commemorate the tricentennial of the establishment of the first permanent colony by the French in the Louisiana territory. No justification has been provided as to the need for this additional \$25,000

**VETO MESSAGE NO. 6:**

This item provided \$150,000 in the Department of Culture, Recreation and Tourism, Office of Cultural Development for the operation of the Louisiana Creole Heritage Center located on the campus of Northwestern State University. This non-academic degree activity is a duplication of The Center for

Acadian and Creole Studies located at the University of Southwestern Louisiana.

The Honorable Alfred Speer

July 8, 1997

Page 3

**VETO MESSAGE NO. 7:**

This amendment provided that of the funds appropriated for the Office of Alcohol and Drug Abuse the amount of \$160,000 would be allocated for the New Orleans Educational Talent Search program. This program provided alcohol and drug abuse prevention and education services to at-risk youths in the New Orleans area in Fiscal Year 1996-1997. Funding for continuation of this program was not included in the agency's budget request for Fiscal Year 1997-1998. If forced to provide funding for this activity, the agency would have to alter its overall plan for service delivery in the New Orleans area.

**VETO MESSAGE NO. 8:**

This amendment provided \$200,000 for the expansion of OB/GYN services, including labor and delivery, at W.O. Moss Regional Medical Center. Under a memorandum of understanding between the Department of Health and Hospitals and the former Louisiana Health Care Authority (not the LSU Medical Center Health Care Services Division) it was agreed that medical services in FY 1997-98 would continue to be provided at the same level of funding as in the current year. The legislation creating the new Health Care Services Division mandates that the advisory board for each hospital undertake to evaluate its future role and mission in the delivery of health care in the area served by the hospital. At such time as that evaluation has been completed the need to expand labor and delivery services at W.O. Moss can be further evaluated and a decision made as to the need to provide this level of service.

**VETO MESSAGE NO. 9:**

This language amendment directs the Office of Community Services to utilize \$300,000 of its appropriated block grants funds for funding of the New Orleans Health Corporation (NOHC). This language amendment would reduce funds that would otherwise be used to serve the Child Welfare program which provides Foster Care, Child Protection Investigations, Adoption Services, Family Preservation Services, and several other services whose primary goal is the welfare of the child while attempting to keep the family unit intact. Federal funds available for these services are already declining and this item would further limit the ability of the department to provide them.

**VETO MESSAGE NO. 10:**

This language amendment directs the Office of Community Services to utilize \$100,000 of its appropriated

block grant funds for transfer to the Office of Women's Services for Teen Pregnancy Prevention. This would reduce funds that would otherwise be available to the Child Welfare program which provides Foster Care, Child Protection Investigations, Adoption Services, Family Preservation Services, and several other services whose primary goal is the welfare of the child while attempting to keep the family unit intact. This item was not requested by the Department.

The Honorable Alfred Speer

July 8, 1997

Page 4

In addition, this amendment appears to be a duplicate of one adopted in the Senate Finance Committee that added \$100,000 to Women's Services for teen pregnancy programs.

**VETO MESSAGE NO. 11:**

This amendment provided that, of the funds appropriated to the Louisiana State University Medical Center, \$1,018,000 would be allocated to the Department of Medicine for Occupational Toxicology. Earmarking this item in this manner would limit the school's ability to assign priorities in properly fulfilling its teaching, research and indigent patient care missions. Such a limitation is inconsistent with the flexibility required by the LSU Medical Center in both FY 1997-98 and in future years as it takes the lead in reforming the state's public health care system.

**VETO MESSAGE NO. 12:**

This item, in Sullivan Technical College, provided \$125,000 for additional supplies and operating services. A request for \$100,000 was included in this agency's proposed 1997-98 budget as a New or Expanded Service. This request was not sufficiently justified and was, therefore not part of the Executive Budget recommendations. No additional justification has been provided since that time for the original \$100,000 request, much less this \$125,000.

**VETO MESSAGE NO. 13:**

This item, in Avoyelles Technical College, provided funding in the amount of \$19,585 by Interagency Transfers from funds appropriated in the Department of Economic Development for one (1) accounting specialist. Interagency Transfers are used to buy services or transfer funding for a specific purpose related to the mission and scope of the sending department. This transfer, which would have provided an administrative position at this school, does not relate to the mission or goals of the Department of Economic Development. Therefore, there does not appear to be a legal basis to make the Interagency Transfers required by the item.

**VETO MESSAGE NO. 14:**

This item provides \$300,000 for economic development efforts in St. Landry Parish, in the event House

Bill No. 693 is enacted into law. No detailed justification was provided for this item, but \$300,000 seems an excessive amount for this purpose in one parish, based on similar efforts elsewhere. Funds are not available to finance such efforts throughout the state. A total appropriation of \$500,000 is included in the FY 97-98 budget for economic development efforts, including marketing and product improvements, in the nine parishes in the Metrovision region (Orleans, Jefferson, St. Tammany, St. Bernard, St. Charles, St. John, St. James, Plaquemines, and

The Honorable Alfred Speer

July 8, 1997

Page 5

Tangipahoa). This item was not included in the Department of Economic Development's budget request for funding in FY 97-98 and, as noted above, little is known about its scope and mission.

VETO MESSAGE NO. 15:

This section of the Bill provided \$6,800,000 in general fund for payment into the Classroom-based Technology Fund contingent on the recognition of additional revenue by the Revenue Estimating Conference. Article VII, Section 10(E), of the Louisiana Constitution provides that "Appropriations by the Legislature...shall not exceed the official forecast in effect at the time the appropriations are made." As I noted when I vetoed a similar contingency item in last year's bill, an appropriation such as this seems inconsistent with the intent of this Constitutional provision. If additional revenue becomes available, it should be appropriated to address needs which exist at the time it is recognized. Further, the appropriation of funds which may, or may not become available can represent a hollow promise to those expecting such appropriations.

I am returning to you an exact copy of the pages of the Enrolled Bill indicating the foregoing actions taken by me.

Sincerely,

M.J. "Mike" Foster, Jr.

MJF/eb

Attachments