

July 15, 1997

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

RE: HOUSE BILL NO. 62 BY REPRESENTATIVES FAUCHEUX, FRITH, HEBERT, MICHOT
AND ROUSSELL

To appropriate funds out of the General Fund of the state of Louisiana for Fiscal Year 1997-1998 to the Department of Public Safety and Corrections to be used to pay back supplemental pay to certain constables and justices of the peace.

Dear Mr. Speer:

I am vetoing Section 3 of House Bill No. 62 because the appropriation is inconsistent with the state constitution and with state law as noted in Louisiana Attorney General Opinion No. 94-276 which specifically addressed this issue. Mr. Davis is the former mayor of the Town of Ferriday. This appropriation is intended to reimburse expenses related to defense of Mr. Davis against three counts of malfeasance in office. Although Mr. Davis was convicted on one of these counts, this conviction was reversed. Opinion No. 94-276 indicated that the expenditure of state funds for the payment of legal expenses incurred by a former municipal officer is not permissible under the state constitution. Furthermore, the opinion points out that the provisions of state law only authorize state indemnification of state officers and employees. For these reasons, I am returning to you an exact copy of the pages of the Enrolled Bill indicating the foregoing action taken by me.

Sincerely,

M.J. "Mike" Foster, Jr.

rmg

Enclosure