

**ADDENDUM TO
2015
OFFICIAL JOURNAL
and
LEGISLATIVE CALENDAR
of the
VETOED MESSAGES OF HOUSE BILLS**

**Forty-first Regular Session
of the Legislature
Under the Adoption of the Constitution of 1974**

**BEGUN AND HELD IN THE CITY OF
BATON ROUGE, LOUISIANA
April 13, 2015, through June 11, 2015**

The information in this addendum to the Official Journal of the Forty-first Regular Session of the Legislature under the adoption of the Constitution of 1974 contains the veto messages that were received after the legislative session sine die adjournment of June 11, 2015.

**ALFRED W. SPEER
CLERK
HOUSE OF REPRESENTATIVES**



Messages from the Governor

The following messages from the Governor were received on the dates indicated:

STATE OF LOUISIANA OFFICE OF THE GOVERNOR

Bobby Jindal
Governor

June 19, 2015

The Honorable Alfred W. Speer
Clerk of the House of Representatives
State Capitol
Baton Rouge, LA 70802

Mr. Glenn Koepp
Secretary of the Senate
State Capitol
Baton Rouge, LA 70802

Re: House Bill No. 1 of the 2015 Regular Session of the Legislature provided for the ordinary operating expenses of state government for Fiscal Year 2015-2016

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 5 items of the General Appropriation Bill. I respectfully request that you deliver on my behalf the following message to the members of the Legislature, communicating that I have vetoed items in House Bill No. 1, as follows:

VETO MESSAGE NO. 1

On page 40, delete lines 22 through 27 in their entirety:

The Community Development Block Grant cannot be used for this purpose; therefore, I am vetoing this item.

VETO MESSAGE NO. 2

On page 65, delete lines 48 through 49 in their entirety:

The implementation of this amendment would limit the budgetary discretion of the State Police; therefore, I am vetoing this item.

VETO MESSAGE NO. 3

On page 78, delete lines 40 through 48 in their entirety; On page 79, delete lines 1 through 3 in their entirety:

According to federal restrictions, the Community Development Block Grant cannot be used for this purpose; therefore, I am vetoing this item.

VETO MESSAGE NO. 4

On page 80, delete lines 4 through 17 in their entirety:

According to federal restrictions, the Community Development Block Grant cannot be used for this purpose; therefore, I am vetoing this item.

VETO MESSAGE NO. 5

On page 88, lines 27 through 43 in their entirety:

According to federal restrictions, the Community Development Block Grant cannot be used for this purpose; therefore, I am vetoing this item.

Sincerely,

BOBBY JINDAL
Governor

STATE OF LOUISIANA OFFICE OF THE GOVERNOR

Bobby Jindal
Governor

June 19, 2015

The Honorable Alfred W. Speer
Clerk of the House of Representatives
State Capitol
Baton Rouge, LA 70802

Re: House Bill No. 42 by Representative Jones

Dear Mr. Speer:

House Bill No. 42 by Representative Jones grants a cost of living adjustment (COLA), which jeopardizes the state's credit rating by violating previous retirement reform efforts. In 2014, I signed Act 399, which granted a 1.5% COLA starting in July 2014 as long as COLAs were granted every other year until the system was 85% funded. This session, we worked with the author to amend House Bill No. 42 to maintain consistency with Act 399 and grant a COLA next year. In the last minutes of this Legislative Session, the author removed these amendments. Unfortunately, in its final form, this bill undoes prior reforms and undermines our commitment to keep our promises to Louisiana retirees.

Fitch explained in its April 2015 report:

Funding of the state's two largest pension systems is below average and has been declining. Recent reform efforts may contribute to some modest improvement...Reform efforts in the 2014 legislative session included the passage of Act 399 that instituted reforms to how cost of living increases are granted to retirees and how excess investment earnings are to be applied to address the unfunded actuarially determined liabilities (UAALs), as well as the re-amortization schedule of the UAALs at various funded levels. The reforms are expected to reduce employer contributions and modestly improve the funded ratios of the systems. Annual contributions to LASERS have been consistently below the actuarially-calculated level.

Standard & Poor's wrote in its April 2015 report:

The pension-funded ratio of 58.7% for 2014 is still weak...The 2014 state legislature passed pension reform that limited diversion from the pension investments for benefit enhancements and linked future pension benefit enhancements to funding levels, which could help boost future funding levels...In our view, the state's focus on structural solutions to its general fund budget challenges will be a key determinant of its future credit stability in the next two years, as will its ongoing efforts to restore the budget stabilization fund, fund long-term pension and OPEB [Other Post-Employment Benefit] obligations, and adhere to strong debt management practices.

Finally, Moody's April 2015 report noted that: "Louisiana's retirement system is underfunded, with a reported pension funded ratio for its largest plan, LASERS, of 59.3% as of June 30,

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2014...After applying Moody's adjustments, Louisiana's adjusted net pension liability (ANPL) when averaged over a 3-year period ranks 8th largest among the states..." What would make the state's credit rating go down, they further explain, is "Failure to maintain budget discipline, resulting in overspending and continued structural imbalances."

For these reasons, I have vetoed House Bill No. 42 and hereby return it to the House of Representatives.

Sincerely,

BOBBY JINDAL
Governor

STATE OF LOUISIANA
OFFICE OF THE GOVERNOR

Bobby Jindal
Governor

June 19, 2015

The Honorable Alfred Speer
Clerk of the House of Representatives
State Capitol
Baton Rouge, LA 70802

Re: House Bill No. 137 by Representative Kenneth Havard

Dear Mr. Speer:

House Bill No. 137 is a broad-reaching expansion of bureaucratic government that would not only discourage vitally needed private sector partnerships, but it would also hinder the state's ability to provide timely and critical services to the people of Louisiana in a manner that is both efficient and a responsible use of taxpayer dollars. Privatization efforts have saved Louisiana more than \$100 million since 2008 in addition to improving service and accessibility. HB 137 would create additional red tape in the governmental contracting process that would curb efforts to reduce the size of government and government spending.

For these reasons, I have vetoed House Bill No. 137 and hereby return it to the House of Representatives.

Sincerely,

BOBBY JINDAL
Governor

STATE OF LOUISIANA
OFFICE OF THE GOVERNOR

Bobby Jindal
Governor

June 19, 2015

The Honorable Alfred Speer
Clerk of the House of Representatives
State Capitol
Baton Rouge, LA 70802

Re: House Bill No. 272 by Representative Robert E. Billiot

Dear Mr. Speer:

House Bill No. 272 would expand eligibility for participation in a Veterans Criminal Court program to defendants charged with the following violent crimes: Second Degree Battery, Aggravated Assault, Mingling of Harmful Substances, Simple Kidnapping, Aggravated Criminal Damage to Property, Simple Robbery, Purse Snatching, Extortion, Illegal Use of Weapons or Dangerous Instrumentalities, Terrorism, Aggravated Second Degree Battery, Aggravated Assault upon a Peace Officer with a Firearm, Aggravated Assault with a Firearm, Second Degree Robbery, Disarming of a Peace Officer, Stalking, Second Degree Cruelty to Juveniles, Aggravated Flight from an Officer, Human Trafficking (with an adult), Home Invasion and Domestic Abuse Aggravated Assault.

I am proud of the great strides that Louisiana has made to help our veterans integrate back into the community, facilitate their continuing education, and provide veteran-specific mental health services. In 2014, I proudly signed SB 532 by Senator Guillory, also known as the "Veterans Court Program Treatment Act," which authorized courts to establish specialized Veterans Court programs in various judicial districts tailored specifically for veterans involved in the criminal justice system and focused on reducing criminal recidivism. Current eligibility is strictly limited to defendants charged with non-violent, non-sexual offenses and with no prior violent criminal behavior.

While I have the utmost respect for our servicemen and women and their brave commitment to our country, I am also equally committed to protecting victims of violent crimes and holding offenders accountable for their actions. Under current law, if a defendant completes the requirements of the Veterans Court program, a judge may discharge the defendant from court supervision, set aside the conviction, and dismiss the charges from the defendant's record under articles 893 or 894 of the Louisiana Code of Criminal Procedure. Expanding eligibility to include veteran defendants with violent criminal behavior without requiring (1) a formal mental health diagnosis or a nexus between the veteran defendant's military experience and his or her violent behavior (2) an exclusion for those who have been dishonorably discharged and (3) input from the victims of crimes such as Second Degree Battery, Domestic Abuse Aggravated Assault is not in the best interest of victims or public safety. Lastly, it is not clear as to whether expanding eligibility to violent crimes would allow the court to suspend and set aside a conviction for violent crimes that are otherwise prohibited under La. C.C.P. 894. For these reasons, I have vetoed House Bill No. 272 and hereby return it to the House of Representatives.

Sincerely,

BOBBY JINDAL
Governor

STATE OF LOUISIANA
OFFICE OF THE GOVERNOR

Bobby Jindal
Governor

June 19, 2015

The Honorable Alfred Speer
Clerk of the House of Representatives

State Capitol
Baton Rouge, LA 70802

Re: House Bill No. 370 by Representative Chris Broadwater

Dear Mr. Speer:

House Bill No. 370 would establish the Group Benefits Actuarial Committee. The specified committee membership is comprised of the commissioner of insurance, or his designee, the state treasurer, or his designee, and the legislative auditor, or his designee, but provides for no membership or representation from the Office of Group Benefits, nor does it require any actuarial analysis expertise on the part of the members, who are clearly vested with final and ultimate rate setting authority.

This structure creates a rate setting process that would leave state employees and agencies exposed to the possibility of future non-actuarially sound and/or politically driven premium rate determinations. This process would also remove the existing legislative oversight that exists via the executive budget approval process as the Office of Group Benefits would be required to implement the premium rates approved only by the committee. Furthermore, I have already signed SB No. 260 by Senators Broome and Claitor which creates a more appropriate premium rate analyses model with accurate stakeholder representation and maintains the existing legislative oversight structure. Specifically, SB 260 creates the Group Benefits Estimating Conference comprised of members from both the legislative and executive branches and requires the commissioner of administration to use the information developed by the Group Benefits Estimating Conference in the development of premium rates.

For these reasons, I have vetoed House Bill No. 370 and hereby return it to the House of Representatives.

Sincerely,

BOBBY JINDAL
Governor

STATE OF LOUISIANA
OFFICE OF THE GOVERNOR

Bobby Jindal
Governor

June 19, 2015

The Honorable Alfred Speer
Clerk of the House of Representatives
State Capitol
Baton Rouge, LA 70802

Re: House Bill No. 555 by Representative James Fannin

Dear Mr. Speer:

House Bill No. 555 expands the definition of a dealer to include any company that uses a domiciled affiliate to conduct business in the state. The idea of "affiliate nexus" has been litigated in several states, forcing those states to change their laws to conform with the court's

respective decision and creating financial instability as a result. In 2011, I expressed my opposition to similar legislation, House Bill No. 641, which failed to pass.

Until Congress acts on the federal level to address the Commerce Clause issues with affiliate nexus and establish a uniform law on how states should handle companies that have no physical presence within their borders, House Bill No. 555 exposes Louisiana to expensive litigation that has budgetary implications for critical services like healthcare and higher education.

For these reasons, I have vetoed House Bill No. 555 and hereby return it to the House of Representatives.

Sincerely,

BOBBY JINDAL
Governor

STATE OF LOUISIANA
OFFICE OF THE GOVERNOR

Bobby Jindal
Governor

June 19, 2015

The Honorable Alfred Speer
Clerk of the House of Representatives
State Capitol
Baton Rouge, LA 70802

Re: House Bill No. 577 by Representative Katrina Jackson

Dear Mr. Speer:

House Bill No. 577 significantly limits the private property rights of Louisiana residents by prohibiting them from challenging, as an interested third party, the annexation of publicly owned property by a municipality. This bill applies to all municipality annexations throughout the state, and is not limited to the specific municipality for which the legislation was intended. If this bill were to become law, property owners who do not own the public property to be annexed, but have a real and actual personal stake in the outcome of the annexation, will no longer have the legal standing necessary to challenge that annexation currently established under R.S. 33:174. Further, I have received veto requests from legislators, concerned constituents and the Louisiana REALTORS.

For these reasons, I have vetoed House Bill No. 577 and hereby return it to the House of Representatives.

Sincerely,

BOBBY JINDAL
Governor

STATE OF LOUISIANA
OFFICE OF THE GOVERNOR

Bobby Jindal
Governor

June 19, 2015

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The Honorable Alfred Speer
Clerk of the House of Representatives
State Capitol
Baton Rouge, LA 70802

Re: House Bill No. 837 by Representative Edward Price

Dear Mr. Speer:

House Bill No. 837 would allow offenders convicted of violent crimes such as Aggravated Battery, Second Degree Battery, Aggravated Assault, Aggravated Criminal Damage to Property, Simple Robbery, Purse Snatching, and Illegal Use of Weapons or Dangerous Instrumentalities to have these convictions permanently expunged from their criminal record.

Last year, I signed HB 55 by Representative Lopinto, which significantly expanded access to expungements for a broad range of non-violent, non-sexual felony and misdemeanor convictions. However, expanding access to expungements to include violent crimes is a step too far and creates a potential public safety risk to prospective employers, landlords, and various licensing boards that rely on accurate and complete criminal background information in order to make informed decisions. The potential to expand employment opportunities for ex-offenders is far outweighed by the need to have appropriate access to violent criminal histories.

For these reasons, I have vetoed House Bill No. 837 and hereby return it to the House of Representatives.

Sincerely,

BOBBY JINDAL
Governor

STATE OF LOUISIANA
OFFICE OF THE GOVERNOR

Bobby Jindal
Governor

July 1, 2015

Honorable Glenn Koepp
Secretary of the Senate
State Capitol
Baton Rouge, Louisiana 70802

Honorable Alfred W. Speer
Clerk of the House of Representatives
State Capitol
Baton Rouge, Louisiana 70802

Dear Gentlemen:

Since the 2015 Regular Session of the Louisiana Legislature adjourned, I have sent to you veto messages and returned the instruments for the following two (2) Senate bills and seven (7) House bills:

Senate Bill Vetoes: SB 48 and SB 250

House Bill Vetoes: HB 42, HB 137, HB 272, HB 370, HB 555, HB 577, and HB 837

I have also sent you veto messages with reference to line items in House Bill No. 1.

This completes my consideration of all bills passed during the Regular Session of 2015. I am sending this notice to you to fulfill the requirements of Article III, Section 18 of the Louisiana Constitution and R.S. 24:10.

Sincerely,

BOBBY JINDAL
Governor