

July 6, 2001

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

Re: House Bill No. 1985 by Representative Shaw
Procurement: Requires inclusion of certain Louisiana distributors in group purchasing contracts of the Louisiana State University Health Sciences Center

Dear Mr. Speer:

The thrust of House Bill No. 1985 is to promote the participation of Louisiana medical vendors in certain group purchasing contracts with the Louisiana State University Health Sciences Center. And as such, the bill moved through the legislative process receiving overwhelming approval. However, late in the session and in the process, an amendment was added to the bill to declare its provisions applicable to existing contracts.

While I tend to share the authors' primary purpose to promote Louisiana participation, it is well settled constitutional law that legislation affecting substantive contractual provisions and rights cannot apply to existing contracts without exposing the state to suit for damages incurred by an adversely affected party.

For this reason, I am vetoing House Bill No. 1985 and returning it to the House of Representatives.

Sincerely,

M.J. "Mike" Foster, Jr.

jw