

July 10, 2008

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

Re: House Bill No. 176 by Representative Abramson  
Veto Message

Dear Mr. Speer:

House Bill No. 176 would create a new reporting requirement for elected officials “from a voting district having a population of five thousand or more persons,” i.e., all legislators and parish-wide elected officials, and many municipal officials. Each of these elected officials would be required to include on their annual disclosure report information about campaign contributors who they later hired or appointed. I support the bill’s expansion of transparency, but have concern about a drafting error in the proposed subsection B(2), at page 2, lines 1-7, which states:

The information required to be disclosed by this Subsection shall be filed each year as part of the elected official’s annual financial disclosure statement required by this Part ***and shall include only those persons who contributed or made a loan to a campaign or contributed to a gubernatorial transition or inauguration and who were hired or appointed within one year of the contribution or loan.*** This information shall be included in the report which covers the time period in which the employment or appointment occurred. (Emphasis added)

By all accounts, including confirmation from the author, the bill was intended to require that elected officials report information about their own contributors, not those of another elected official. Yet, this language states otherwise. It is doubtful that a court interpreting this provision would simply ignore the plain language of the statute. As stated by the Louisiana Supreme Court, “where the words of a statute are clear and free from ambiguity, they are not to be ignored under the pretext of pursuing their spirit.” *State v. Shaw*, 2006-2467, (La. 11/27/07), 976 So.2d 1233, citing R.S. 1:4.

I respectfully decline to sign into law a bill containing penalties based on an expectation that the individuals subject to those penalties will act according to what the legislature intended, rather than what it plainly stated. For this reason, I have vetoed HB 176 and hereby return it to the House of Representatives.

Very truly yours,

Bobby Jindal  
Governor

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