



JAMES D. "BUDDY" CALDWELL
ATTORNEY GENERAL

State of Louisiana

DEPARTMENT OF JUSTICE

P.O. BOX 94005

BATON ROUGE

70804-9005

SEP 08 2014
OPINION 14-0088

90-A-1 PUBLIC FUNDS & CONTRACTS

Hon. Samuel C. D'Aquila
District Attorney
20th Judicial District
P.O. Box 338
Jackson, LA 70748

Under the West Feliciana Parish Charter ("Charter"), the Parish President has the authority to line item veto any budget ordinance. Under the Charter, any item vetoed shall be void unless the veto is overridden. However, the Parish President cannot veto any line item that has been removed by amendment, because there is no item to veto.

Dear District Attorney D'Aquila:

Your request for an Attorney General's Opinion has been assigned to me for research and reply. You have asked for our opinion on a matter related to the recent budget adopted by the West Feliciana Parish Council ("Council"). Specifically, you asked for our opinion as to what effect the Parish President's exercise of his line item veto authority has on the adopted budget.

According to your request, a preliminary budget for fiscal year 2014-2015 was submitted to the Council by the Parish President. The Council then amended the Parish President's preliminary budget and adopted the amended budget as its fiscal year 2014-2015 budget on May 19, 2014. Several of the amendments adopted by the Council either completely removed funding for certain proposed budgetary items, or otherwise altered the funding mechanism for certain budgetary items. Specifically, at issue are Amendment Nos. 3, 4, 5, and 7. Amendment No. 3 removed all expenses proposed under the line item "Economic Development" and added a new line item entitled "EDB" with all revenue budgeted at the discretion of the Economic Development Board. Amendment No. 4 also removed certain "Economic Development" funding, while Amendment Nos. 5 and 7 completely removed funding for a proposed four percent (4%) pay raise for West Feliciana Parish employees.

In accordance with the West Feliciana Parish Home Rule Charter, the adopted budget was then submitted to the Parish President for consideration and exercise of his line item veto, if deemed appropriate by him. On May 23, 2014, the Parish President issued his veto message whereby he asserted a line item veto of Amendment Nos. 3, 4, 5, and 7. You have asked for our opinion as to the effect of the Parish President's veto message.

According to the West Feliciana Parish Home Rule Charter ("Charter"), the Parish President may veto any line item in a budget ordinance. See Charter, art. III., §B(3)(b)(x). Furthermore, the Charter provides that "[a]ny item vetoed shall be void

unless the veto is overridden as prescribed for the passage of an ordinance over a veto." *Id.* Accordingly, it is the opinion of this office that the Parish President properly exercised his line item veto with respect to Amendment No. 3, insofar as it relates to the addition of the new line item entitled "EDB." As stated above, pursuant to the Charter, the Parish President has the authority to veto any line item in a budget ordinance. Based on the facts presented to this office, it is our understanding that the Parish President's veto of Amendment No. 3 was done timely and in accordance with the procedure established by the Charter. As such, Amendment No. 3, insofar as it relates to the addition of the new line item entitled "EDB," is void under the terms of the Charter unless the veto is subsequently overridden.

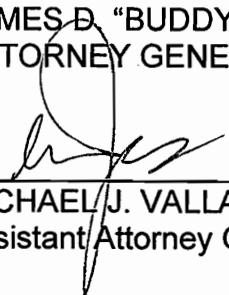
With respect to Amendment Nos. 4, 5, and 7, and the portion of Amendment No. 3 relating to the removal of all expenses proposed under the line item "Economic Development," it is the opinion of this office that the Parish President's line item veto has no effect under the Charter. Amendment Nos. 3, 4, 5, and 7 effectively removed certain line items listed in the Parish President's proposed budget. As a result, when the adopted budget was presented to the Parish President, those line items were not present. Accordingly, it is the opinion of this office that the line item veto of Amendment Nos. 4, 5, and 7, and the portion of Amendment No. 3 relating to the removal of all expenses proposed under the line item "Economic Development," have no effect. The various line items affected by these Amendments are simply removed from the budget and can only be added by a subsequent amendment or a supplemental budget adopted in accordance with the Charter. In accord is Attorney General Opinion No. 03-0062, wherein we opined that a parish president had no authority to veto the absence of an appropriation that was properly deleted by the council.

We trust this adequately responds to your request. If you should have any questions about the response contained herein, please feel free to contact our office.

Yours very truly,

JAMES D. "BUDDY" CALDWELL
ATTORNEY GENERAL

BY:



MICHAEL J. VALLAN
Assistant Attorney General