



STATE OF INDIANA
OFFICE OF THE GOVERNOR
State House, Second Floor
Indianapolis, Indiana 46204

Mitchell E. Daniels, Jr.
Governor

May 13, 2011

The Honorable David Long
President Pro Tempore
Indiana State Senate
117th General Assembly
State House
Indianapolis, Indiana

Dear President Pro Tem Long and Members of the Indiana State Senate:

By the authority vested in me as Governor of Indiana, under the provisions of Article 5, Section 14, of the Constitution of the State of Indiana, I do hereby veto Senate Enrolled Act 215, enacted during the regular session of the 117th General Assembly, as violative of the Indiana Constitution, which provides that the proceeds from “all forfeitures” shall go to the Common School fund.

The Indiana Supreme Court, on April 27, reinforced that point, possibly excepting the “limited diversion” of the actual expenses of obtaining those proceeds. Fairness to the General Assembly requires noting that legislators did not have the benefit of the court’s opinion, which was issued in the session’s final days.

This bill would take more than ninety cents of every dollar collected through forfeiture for the “expense of collection” rather than sending it to the Common School fund. That is unwarranted as policy and constitutionally unacceptable in light of the Supreme Court’s recent guidance and the plain language of Article 8, Section 2 of the Indiana Constitution.

Sincerely,

Mitchell E. Daniels, Jr.

Governor