

RÉSUMÉ DIGEST

HB 84

2020 Second Extraordinary Session

Edmonds

Present law prohibits any state agency from expending federal funds without a specific appropriation made by the legislature.

Present law authorizes the Joint Legislative Committee on the Budget (JLCB) to approve the expenditure of new or additional federal funds that were not available when the legislature was in session.

Proposed law would have allowed the expenditure of federal funds received due to a federally declared disaster or emergency prior to approval by JLCB if the secretary requesting to expend the funds certifies in writing to the governor and JLCB that any delay would be detrimental to the state and JLCB is unable to meet.

Proposed law would have provided that the inability of JLCB to meet would not prohibit the expenditure of federal funds received for testing, treatment, or prevention of COVID-19 prior to approval by the committee.

Proposed law would have added a requirement for JLCB to consider the expenditures at its next meeting following notification of the secretary's certification and would have prohibited any new or additional federal funds from being expended by any agency for the same disaster or emergency unless approved by the committee or appropriated by the legislature prior to expenditure.

(Proposed to amend R.S. 39:134(C))

VETO MESSAGE:

"Please be advised that I have vetoed House Bill 84 of the 2020 Second Extraordinary Session.

This bill, if allowed to become law, would have the possibility to significantly impact the State's ability to respond to urgent needs in federally declared disaster. This legislation, developed without any consultation by the office charged with responding to emergencies, the Governor's Office of Homeland Security and Emergency Preparedness, is simply a solution in search of a problem. In addition, the bill suffers from ill-defined terms that would only cause confusion and delays in response. For instance, section C(2)(b) provides that federal funds may be expended prior to approval by the Joint Legislative Committee on the Budget (JLCB) only if JLCB is "unable to meet to approve the expenditure." However, the legislation provides no clarity as to what "unable to meet" means and if such inability to meet is based on any period of time. It is not acceptable that bureaucratic delays would prevent the flow of federal funds to Louisiana communities in times of desperate need. There is no reason to prevent federal dollars from being utilized for their intended purpose as quickly as possible during an emergency.

In this year alone, Louisiana has been hit by three hurricanes and two tropical storms all while confronting the most significant public health emergency in a century. This is simply not the time to be tying the hands of agencies to respond to these disasters by delaying their ability to expend federal funds."