

BILL ANALYSIS

H.B. 3706
By: Callegari
State Sovereignty, Select
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The proposed Restoration of State Sovereignty Act of 2010 before the United States Congress (H.R. 5903) would prohibit the Federal Government from enforcing against a State authority any requirement imposed as a condition for receiving Federal grant program funds unless that State's legislature expressly approves, by law, that program and, in doing so, waives the State's right to act inconsistently with any Federal requirement. The resolution also provides that States shall not have any obligation to obey any Federal requirement imposed as a condition for the receipt of Federal grant program funds unless their legislatures approve the program and, in doing so, waive their right to act inconsistently with the Federal grant's requirements.

The Restoration of State Sovereignty Act of 2010 was introduced before Congress in July 2010. As of the writing of this bill analysis, the resolution has been referred to the House Committee on Oversight and Government Reform and the Committee on Appropriations.

As introduced, Texas House Bill 3706 would establish a mechanism to allow the Texas Legislature to prepare for the possible passage of the Restoration of State Sovereignty Act of 2010 (H.R. 5903) or other, similar measures that provide states elective authority to participate in federal programs or mandates. The bill would allow the Speaker of the Texas House of Representatives and the Lieutenant Governor of Texas to jointly establish a state sovereignty oversight work group to monitor and evaluate federal legislation that would provide states with elective authority to participate in federal programs or mandates, and identify necessary changes in state law for Texas' effective exercise of any rights and authority granted by that federal legislation.

RULEMAKING AUTHORITY

HB 3706 does not expressly delegate rulemaking authority to any state officer, department, agency, or institution.

ANALYSIS

SECTION 1. Creates Chapter 329, Government Code, entitled "State Implementation of Federal Law Recognizing State Sovereignty." The bill provides that the purpose of the new chapter is to examine the manner in which the legislature and the State of Texas would exercise their rights, and recommend any changes in state law required for that purpose, in the event that the United States Congress enacts federal legislation that grants states the authority to choose whether to participate in any federal grant program that imposes conditional requirements upon receipt of a federal grant or whether to modify the conditions under which the state would receive a federal grant as proposed by the Restoration of State Sovereignty Act of 2010, or if Congress enacts federal legislation that would, in any other manner, give individual states the right or authority to determine whether or to what extent any federal program or mandate would apply to the states. The bill authorizes the lieutenant governor and the speaker of the house of representatives to jointly establish a state sovereignty oversight work group composed of members of each chamber and any additional members the speaker and lieutenant governor deem appropriate.

The bill allows for one or more standing committee of each chamber to be included in the work group. The bill requires that the state sovereignty oversight work group identify, monitor, and analyze any pending or enacted federal legislation that provides states elective authority to participate in federal grant programs or mandates in order to provide state officials and citizens information necessary to communicate effectively with Congress regarding the legislation and its implementation by Texas, help Texas public officials anticipate and prepare for the possible implementation of such legislation, and identify or recommend changes in law that would be necessary for the effective exercise by this state of any rights and authority that may be granted by such legislation. The bill authorizes the state sovereignty oversight work group to request the assistance of state agencies in identifying programs that may be affected by federal legislation that provides states elective authority to participate in federal grant programs and the potential fiscal or administrative ramifications of that legislation.

SECTION 2. 1 September 2011 effective date.

EFFECTIVE DATE

1 September 2011.