

By: Callegari

H.B. No. 3706

A BILL TO BE ENTITLED

AN ACT

relating to measures in anticipation of federal legislation that would recognize the sovereignty of the states by providing each state with autonomy in determining whether and to what extent certain federal programs or mandates would apply in that state.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subtitle C, Title 3, Government Code, is amended by adding Chapter 329 to read as follows:

CHAPTER 329. STATE IMPLEMENTATION OF FEDERAL LAW

RECOGNIZING STATE SOVEREIGNTY

Sec. 329.001. PURPOSE OF CHAPTER. The purpose of this chapter is to examine the manner in which the legislature and this state would exercise their rights, and to recommend any changes in state law required for that purpose, in the event that the United States Congress enacts federal legislation that:

(1) would grant the individual states the authority to choose whether to participate in any federal grant program that imposes requirements as a condition of the receipt of a federal grant or whether to modify the conditions under which the state would receive a grant, such as the proposed Restoration of State Sovereignty Act of 2010 (H.R. 5903), that was introduced in the 111th Congress, Second Session; or

(2) in any other manner would give the individual states the right or authority to determine whether or to what extent

1 any federal program or federal mandate would apply to that state.

2 Sec. 329.002. STATE SOVEREIGNTY OVERSIGHT WORK GROUP. (a)  
3 For purposes of this chapter, the lieutenant governor and the  
4 speaker of the house of representatives may jointly establish the  
5 state sovereignty oversight work group composed of members of each  
6 house of the legislature and any additional members those officers  
7 jointly determine appropriate. For that purpose, those officers  
8 may designate one or more standing committees of each house to be  
9 included in the work group.

10 (b) The work group shall identify, monitor, and analyze any  
11 pending or enacted federal legislation described by Section 329.001  
12 in order to:

13 (A) provide officials and other citizens of this  
14 state with information necessary to communicate effectively with  
15 Congress regarding the legislation and its implementation by this  
16 state;

17 (B) help public officials of this state to  
18 anticipate and prepare for the possible implementation of the  
19 legislation; and

20 (C) identify or recommend changes in law that  
21 would be necessary for the effective exercise by this state of any  
22 rights and authority that may be granted by that legislation.

23 (c) The work group may request the assistance of state  
24 agencies in identifying programs that may be affected by that  
25 legislation and the potential fiscal or administrative  
26 ramifications of that legislation.

27 SECTION 2. This Act takes effect September 1, 2011.