

By: Creighton

S.B. No. 806

A BILL TO BE ENTITLED

AN ACT

relating to a report concerning, and actions by certain state officers regarding, federal money provided to this state that is subject to a coercive federal condition.

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

SECTION 1. Chapter 322, Government Code, is amended by adding Section 322.0083 to read as follows:

Sec. 322.0083. REPORT ON FEDERAL MONEY SUBJECT TO COERCIVE FEDERAL CONDITION. (a) In this section, "coercive federal condition" means a condition in a category described by Subsection (c)(3) that is imposed by the federal government as a condition on this state's receipt of federal money.

(b) The Legislative Budget Board shall prepare a report concerning federal money provided, or to be provided, to this state that is:

(1) included as a method of finance in the general appropriations act for a state fiscal biennium that becomes law; and

(2) subject to a coercive federal condition.

(c) The report under this section must include:

(1) a detailed description of each federal agency, program, or other source from or through which this state has received or will receive more than \$5 million of federal money described by Subsection (b) for use during the state fiscal

1 biennium covered by the general appropriations act in which the
2 money is included as a method of finance;

3 (2) with respect to each source identified in
4 Subdivision (1) and based on federal law and any administrative
5 guidance issued with respect to that federal law, a detailed
6 description of each condition that must be met for this state to
7 receive or continue to receive the federal money from that source;
8 and

9 (3) a classification of the conditions described as
10 required by Subdivision (2) according to the following categories:

11 (A) conditions that prescribe the manner in which
12 the federal money must be spent;

13 (B) conditions that prescribe the manner in which
14 any related state or local money must be spent, including any
15 maintenance of effort or similar requirement; and

16 (C) conditions that relate to policy or other
17 matters other than prescribing the manner in which federal, state,
18 or local money must be spent.

19 (d) The Legislative Budget Board shall provide the report
20 required by this section to the legislature, the governor, and the
21 attorney general not later than the 90th day after the last day of
22 the regular or special legislative session during which the
23 legislature enacts the general appropriations act on which the
24 report is based.

25 SECTION 2. Subchapter F, Chapter 401, Government Code, is
26 amended by adding Section 401.106 to read as follows:

27 Sec. 401.106. INTERSTATE COORDINATION REGARDING FEDERAL

1 MONEY SUBJECT TO COERCIVE FEDERAL CONDITION. (a) In this section,
2 "coercive federal condition" has the meaning assigned by Section
3 322.0083.

4 (b) It is the policy of this state that this state should
5 collaborate with other states to terminate states' participation in
6 any federal program under which states receive federal money
7 subject to a coercive federal condition and, if necessary,
8 substitute a state program that reflects the preferences of
9 residents of the affected state.

10 (c) The governor shall consult with the governors of other
11 states to develop a coordinated approach consistent with the policy
12 under Subsection (b) for addressing issues relating to federal
13 money subject to a coercive federal condition that is provided to
14 the states by the federal government.

15 SECTION 3. Subchapter B, Chapter 402, Government Code, is
16 amended by adding Section 402.0211 to read as follows:

17 Sec. 402.0211. REPRESENTATION OF STATE IN MATTERS INVOLVING
18 FEDERAL MONEY SUBJECT TO COERCIVE FEDERAL CONDITION. (a) In this
19 section, "coercive federal condition" has the meaning assigned by
20 Section 322.0083.

21 (b) It is the policy of this state that the provision to this
22 state by the federal government of federal money that is subject to
23 a coercive federal condition is:

24 (1) unconstitutional under the United States
25 Constitution;

26 (2) incompatible with the structure of the
27 relationship between the federal government and states as outlined

1 in the United States Constitution; and

2 (3) incompatible with the guarantee in the United
3 States Constitution of a democratic representative form of
4 government for the states.

5 (c) Consistent with the policy of this state provided by
6 Subsection (b), the attorney general may file an action in the name
7 of this state in a federal court to enjoin the enforcement of a
8 coercive federal condition applicable to federal money this state
9 receives.

10 SECTION 4. Notwithstanding Section 322.0083(d), Government
11 Code, as added by this Act, the Legislative Budget Board shall
12 provide the initial report required by that section to the
13 legislature, the governor, and the attorney general not later than:

14 (1) September 1, 2017, if the legislature enacts the
15 general appropriations act for the state fiscal biennium beginning
16 September 1, 2017, during the 85th Regular Session and the act
17 becomes law; or

18 (2) the 90th day after the last day of a special
19 legislative session of the 85th Legislature during which that
20 legislature enacts the general appropriations act for the state
21 fiscal biennium beginning September 1, 2017, if that act becomes
22 law.

23 SECTION 5. This Act takes effect immediately if it receives
24 a vote of two-thirds of all the members elected to each house, as
25 provided by Section 39, Article III, Texas Constitution. If this
26 Act does not receive the vote necessary for immediate effect, this
27 Act takes effect September 1, 2017.