

SENATE BILL REPORT

SB 6512

As Reported by Senate Committee On:
Ways & Means, February 6, 2014

Title: An act relating to federal funding programs requiring changes in state law.

Brief Description: Concerning federal funding programs requiring changes in state law.

Sponsors: Senators Becker, Sheldon, Holmquist Newbry, Rivers, Brown, Padden, Angel, Dammeier, Dinsel, King, Hewitt, Honeyford and Pearson.

Brief History:

Committee Activity: Ways & Means: 2/05/14, 2/06/14 [DPS, w/oRec].

SENATE COMMITTEE ON WAYS & MEANS

Majority Report: That Substitute Senate Bill No. 6512 be substituted therefor, and the substitute bill do pass.

Signed by Senators Hill, Chair; Honeyford, Capital Budget Chair; Hargrove, Ranking Member; Bailey, Becker, Braun, Dammeier, Hewitt, Padden, Parlette, Rivers, Schoesler and Tom.

Minority Report: That it be referred without recommendation.

Signed by Senators Keiser, Assistant Ranking Member on the Capital Budget; Ranker, Assistant Ranking Member on the Operating Budget; Billig and Hatfield.

Staff: Steve Jones (786-7440)

Background: Article I, section 8 of the U.S. Constitution includes a provision known as the Spending Clause that authorizes Congress to expend funds "for the common defense and general welfare of the United States..." The U.S. Supreme Court has held that the Spending Clause allows Congress to grant federal funds to the states and to place conditions and restrictions on the states' voluntary receipt of those funds. However, it is impermissible for Congress to use the Spending Clause to compel the states to adopt or administer federal programs and policies. This principle was most recently expressed by the U.S. Supreme Court in the decision concerning the federal Affordable Care Act, where the court indicated that it would "strike down federal legislation that commandeers a State's legislative or administrative apparatus for federal purposes."

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Summary of Bill (Recommended Substitute): By December 1 of each year, the Joint Legislative Audit and Review Committee must report to the Legislature on federal funding for health and human services programs that require changes in state statutes as a condition of receiving the federal funds.

EFFECT OF CHANGES MADE BY WAYS & MEANS COMMITTEE (Recommended Substitute): The scope of the bill is narrowed by limiting the JLARC report to health and human services programs and excluding federal funding programs that only affect state agency administrative rules.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony on Original Bill: PRO: This bill will increase the transparency of those federal funds that require the state to change its policies, or that require a commitment of state funds. The taxpayers of the state need access to information on the financial obligations the state assumes in order to receive federal grants. The scope of the bill can be narrowed to reduce the fiscal impact of gathering this information.

Persons Testifying: PRO: Senator Becker, prime sponsor.