

# SENATE BILL REPORT

## SB 5594

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As Reported by Senate Committee On:  
Ways & Means, February 24, 2015

**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, Bailey, Braun, Angel, Parlette, Schoesler, Dammeier and Hewitt.

**Brief History:**

**Committee Activity:** Ways & Means: 2/09/15, 2/24/15 [DP, w/oRec].

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### SENATE COMMITTEE ON WAYS & MEANS

**Majority Report:** Do pass.

Signed by Senators Hill, Chair; Braun, Vice Chair; Dammeier, Vice Chair; Honeyford, Vice Chair, Capital Budget Chair; Hargrove, Ranking Member; Bailey, Becker, Brown, Fraser, Hewitt, O'Ban, Padden, Parlette, Schoesler and Warnick.

**Minority Report:** That it be referred without recommendation.

Signed by Senators Keiser, Assistant Ranking Member on the Capital Budget; Billig, Conway, Hasegawa and Kohl-Welles.

**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."

**Summary of Bill:** 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

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and K–12 education programs that require changes in state statutes as a condition of receiving the federal funds, if the federal funds exceed \$25 million for the biennium.

**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:** PRO: This legislation helps to get a handle on federal grants that have a significant impact on the state budget and require changes in state laws as a condition to the receipt of the federal funds. This is a common-sense approach to increase the available information on important issues of public policy.

OTHER: Throwing money at a problem will not make it go away. The state is in violation of the U.S. Constitution.

**Persons Testifying:** PRO: Senator Becker, prime sponsor; Amber Carter, Assn. of WA Business.

OTHER: Bob Miller, citizen.