

WEST VIRGINIA LEGISLATURE

2017 REGULAR SESSION

Introduced

House Bill 2556

BY DELEGATES HAMRICK, STORCH, PHILLIPS, FOLK,
PAYNTER, OVERINGTON, STATLER, WALTERS, WESTFALL,
GEARHEART AND WILSON

[Introduced February 20, 2017; referred
to the Committee on the Judiciary then Finance.]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,
 2 designated §4-2-6a, relating to requiring the Joint Committee on Government and Finance
 3 to prepare a “Coercive Federal Funds Report” on each budget bill; to empower the
 4 Attorney General to bring suit in federal courts to enjoin the application of federal laws
 5 containing coercive federal funds; and to affirm that the policy of the State of West Virginia
 6 is that coercive federal funds are unconstitutional and violate the principles of federalism.

Be it enacted by the Legislature of West Virginia:

1 That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new
 2 section, designated §4-2-6a, to read as follows:

**ARTICLE 2. LEGISLATIVE AUDITOR; POWERS; FUNCTIONS; DUTIES;
 COMPENSATION.**

§4-2-6a. Coercive federal funds report.

1 (a) For the purpose of this section, “federal funds” refers to any federal grants in aid or
 2 other federal funds that are included in each budget bill.

3 (b) The Joint Committee on Government and Finance shall prepare a “Coercive Federal
 4 Funds Report” on each budget bill. The report shall contain all of the following:

5 (1) A detailed description of each source of federal funds in the budget bill that exceeds
 6 \$1 million in the aggregate; and

7 (2) A detailed description of the conditions that must be met for continued eligibility for
 8 each source, based on relevant federal law, regulations and guidance. The description of the
 9 conditions attached to each source shall be clearly separated into the following three categories:

10 (A) Conditions that describe the manner in which the federal funds must be spent;

11 (B) Conditions that describe the manner in which any related nonfederal state or local
 12 funds must be spent, including “maintenance of effort” and similar requirements; and

13 (C) Conditions that relate to policy matters other than the manner in which federal, state,

14 or local funds must be spent.

15 (c) The conditions described in paragraphs (B) and (C), subdivision (2), subsection (b) of
16 this section shall be deemed “coercive federal conditions,” and the related federal funds shall be
17 deemed “coercive federal funds.”

18 (d) The Attorney General is hereby authorized to bring suit in federal court to enjoin the
19 application of any and all such conditions.

20 (e) It is the policy of the State of West Virginia that federal programs that contain federal
21 conditions are unconstitutional and incompatible with the federal structure of the United States
22 Constitution, and with the Constitution’s guarantee of a democratic representative government for
23 the states. It is the policy of the State of West Virginia to work with other states in ending all such
24 federal programs, and replacing them as necessary with state programs that reflect the
25 preferences of the residents of the State of West Virginia. The Governor shall consult with the
26 Governors of other states to develop a coordinated approach to issues relating to coercive federal
27 funding programs.

NOTE: The purpose of this bill is to require the Joint Committee on Government and Finance to prepare a “Coercive Federal Funds Report” on each budget bill; to empower the Attorney General to bring suit in federal courts to enjoin the application of federal laws containing coercive federal funds; and to affirm that the policy of the State of West Virginia is that coercive federal funds are unconstitutional and violate the principles of federalism.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.