

1                                   **CONTINUING EDUCATION ON FEDERALISM**

2   2014 GENERAL SESSION

3   STATE OF UTAH

4   **Chief Sponsor: Ken Ivory**

5   Senate Sponsor: Mark B. Madsen

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7 **LONG TITLE**

8 **General Description:**

9           This bill requires the Commission on Federalism to create a curriculum for a seminar  
10 on federalism that will then be required for a designated person from certain state and  
11 local agencies.

12 **Highlighted Provisions:**

13           This bill:

- 14           ▶ requires the Commission on Federalism to create a curriculum on federalism;
- 15           ▶ sets out parameters for the curriculum; and
- 16           ▶ requires certain agencies, political subdivisions, and offices to designate a person to  
17 attend a seminar on federalism at least once every two years.

18 **Money Appropriated in this Bill:**

19           None

20 **Other Special Clauses:**

21           None

22 **Utah Code Sections Affected:**

23 AMENDS:

24           **63C-4a-303**, as renumbered and amended by Laws of Utah 2013, Chapter 101

25 ENACTS:

26           **63C-4a-306**, Utah Code Annotated 1953

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28 *Be it enacted by the Legislature of the state of Utah:*

29           Section 1. Section **63C-4a-303** is amended to read:

30           **63C-4a-303. Duties of Commission on Federalism.**

31           (1) In accordance with Section 63C-4a-304, the commission may evaluate a federal  
32 law:

- 33           (a) as agreed by a majority of the commission; or
- 34           (b) submitted to the commission by a council member.

35           (2) The commission may request information regarding a federal law under evaluation  
36 from a United States senator or representative elected from the state.

37           (3) If the commission finds that a federal law is not authorized by the United States  
38 Constitution or violates the principle of federalism as described in Subsection 63C-4a-304(2), a  
39 commission cochair may:

40           (a) request from a United States senator or representative elected from the state:

- 41           (i) information about the federal law; or
- 42           (ii) assistance in communicating with a federal governmental entity regarding the  
43 federal law;

44           (b) (i) give written notice of an evaluation made under Subsection (1) to the federal  
45 governmental entity responsible for adopting or administering the federal law; and

46           (ii) request a response by a specific date to the evaluation from the federal  
47 governmental entity; and

48           (c) request a meeting, conducted in person or by electronic means, with the federal  
49 governmental entity, a representative from another state, or a United States Senator or  
50 Representative elected from the state to discuss the evaluation of federal law and any possible  
51 remedy.

52           (4) The commission may recommend to the governor that the governor call a special  
53 session of the Legislature to give the Legislature an opportunity to respond to the commission's  
54 evaluation of a federal law.

55           (5) A commission cochair may coordinate the evaluation of and response to federal law  
56 with another state as provided in Section 63C-4a-305.

57           (6) On May 20 and October 20 of each year, the commission shall submit a report by

58 electronic mail to the Legislative Management Committee and the Government Operations  
59 Interim Committee that summarizes:

60 (a) action taken by the commission in accordance with this section; and  
61 (b) action taken by, or communication received from, any of the following in response  
62 to a request or inquiry made, or other action taken, by the commission:

63 (i) a United States senator or representative elected from the state;  
64 (ii) a representative of another state; or  
65 (iii) a federal entity, official, or employee.

66 (7) The commission shall keep a current list on the Legislature's website of:

67 (a) a federal law that the commission evaluates under Subsection (1);  
68 (b) an action taken by a cochair of the commission under Subsection (3);  
69 (c) any coordination undertaken with another state under Section [63C-4a-305](#); and  
70 (d) any response received from a federal government entity that was requested under

71 Subsection (3).

72 (8) The commission shall develop curriculum for a seminar on the principles of  
73 federalism. The curriculum shall be available to the general public and include:

74 (a) fundamental principles of federalism;  
75 (b) the sovereignty, supremacy, and jurisdiction of the individual states, including their  
76 police powers;

77 (c) the history and practical implementation of the Tenth Amendment to the United  
78 States Constitution;

79 (d) the authority and limits on the authority of the federal government as found in the  
80 United States Constitution;

81 (e) the relationship between the state and federal governments;

82 (f) methods of evaluating a federal law in the context of the principles of federalism;

83 (g) how and when challenges should be made to a federal law or regulation on the basis  
84 of federalism;

85 (h) the separate and independent powers of the state that serve as a check on the federal

86 government;

87 (i) first amendment rights and freedoms contained therein; and

88 (j) any other issues relating to federalism the commission considers necessary.

89 (9) The commission may apply for and receive grants, and receive private donations to  
90 assist in funding the creation, enhancement, and dissemination of the curriculum.

91 Section 2. Section **63C-4a-306** is enacted to read:

92 **63C-4a-306. Course on federalism required.**

93 (1) This section shall apply to:

94 (a) all political subdivisions of the state;

95 (b) all agencies of the state;

96 (c) the Attorney General's office; and

97 (d) the Office of Legislative Research and General Counsel.

98 (2) Beginning January 1, 2015, an employing entity listed in Subsection (1) shall  
99 appoint at least one designee to which all questions and inquiries regarding federalism shall be  
100 directed. The designee shall be required to attend a seminar on the principles of federalism  
101 developed pursuant to Subsection [63C-4a-303](#)(8) at least once in every two-year period.

102 (3) The designee may complete the requirements of this section by attending a seminar  
103 in person or online.