

## HB0207S01 compared with HB0207

~~{deleted text}~~ shows text that was in HB0207 but was deleted in HB0207S01.

Inserted text shows text that was not in HB0207 but was inserted into HB0207S01.

**DISCLAIMER:** This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

Representative Ken Ivory proposes the following substitute bill:

### FEDERALISM AMENDMENTS

2017 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Ken Ivory**

Senate Sponsor: \_\_\_\_\_

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#### LONG TITLE

##### General Description:

This bill modifies provisions relating to federalism.

##### Highlighted Provisions:

This bill:

- ▶ modifies duties of the Commission on Federalism;~~{~~
- ~~▶ requires legislators to attend a seminar on principles of federalism;}~~ and
- ▶ appropriates money for the development and expansion of a federalism curriculum.

##### Money Appropriated in this Bill:

This bill appropriates in fiscal year 2018:

- ▶ to the Legislature -- Office of Legislative Research and General Counsel, as a one-time appropriation:
  - from the General Fund, \$350,000.

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### Other Special Clauses:

None

### Utah Code Sections Affected:

AMENDS:

**63C-4a-303**, as last amended by Laws of Utah 2014, Chapter 221

~~{ **63C-4a-306**, as enacted by Laws of Utah 2014, Chapter 221~~

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

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

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

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

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

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

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

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

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

federal law;

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

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

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

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

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

(6) On May 20 and October 20 of each year, the commission shall submit a report by electronic mail to the Legislative Management Committee and the Government Operations Interim Committee that summarizes:

(a) action taken by the commission in accordance with this section; and

(b) action taken by, or communication received from, any of the following in response to a request or inquiry made, or other action taken, by the commission:

(i) a United States senator or representative elected from the state;

(ii) a representative of another state; or

(iii) a federal entity, official, or employee.

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

(a) a federal law that the commission evaluates under Subsection (1);

(b) an action taken by a cochair of the commission under Subsection (3);

(c) any coordination undertaken with another state under Section 63C-4a-305; and

(d) any response received from a federal government entity that was requested under Subsection (3).

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

(a) fundamental principles of federalism;

(b) the sovereignty, supremacy, and jurisdiction of the individual states, including their police powers;

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

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

(e) the relationship between the state and federal governments, including the jurisdictional line between state and federal governments and the right, power, and authority of

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the states to maintain and defend the line;

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

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

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

(i) the power of the states ~~under Article V of the United States Constitution~~ to adjust or clarify the line dividing retained powers from delegated powers, including by action under Article V of the United States Constitution;

~~[(f)]~~ (j) first amendment rights and freedoms contained therein; and

~~[(f)]~~ (k) any other issues relating to federalism the commission considers necessary.

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

~~{ Section 2. Section 63C-4a-306 is amended to read:~~

~~63C-4a-306. Course on federalism required.~~

~~(1) [This section shall apply] Subsection (2) applies to:~~

~~(a) all political subdivisions of the state;~~

~~(b) all agencies of the state;~~

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

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

~~(2) (a) Beginning January 1, 2015, an employing entity listed in Subsection (1) shall appoint at least one designee to which all questions and inquiries regarding federalism shall be directed. [The designee shall be required to attend]~~

~~(b) At least once in every two-year period, a designee under Subsection (2)(a) shall attend, in person or online, a seminar on the principles of federalism developed pursuant to Subsection 63C-4a-303(8) [at least once in every two-year period].~~

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

~~(3) At least once in every two-year period, or as directed by the Legislative Management Committee, a legislator shall attend, in person or online, a seminar on the principles of federalism developed under Subsection 63C-4a-303(8).~~

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† Section ~~3~~2. **Appropriation.**

The following sum of money is appropriated for the fiscal year beginning July 1, 2017 and ending June 30, 2018. This is an addition to amounts previously appropriated for fiscal year 2018. Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures Act, the Legislature appropriates the following sum of money from the fund or account indicated for the use and support of the government of the state of Utah.

To the Legislature -- Office of Legislative Research and General Counsel

From General Fund, One-time \$350,000

Schedule of Programs:

Administration \$350,000

The Legislature intends that the Office of Legislative Research and General Counsel use this appropriation to pay the costs of developing and expanding the federalism curriculum the Commission on Federalism is required to develop under Subsection 63C-4a-303(8).

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**Legislative Review Note**

**Office of Legislative Research and General Counsel†**