

HB0207S02 compared with HB0207S01

~~text~~ shows text that was in HB0207S01 but was deleted in HB0207S02.

Inserted text shows text that was not in HB0207S01 but was inserted into HB0207S02.

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~~Senator Allen M. Christensen proposes the following substitute bill:

FEDERALISM AMENDMENTS

2017 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Ken Ivory

Senate Sponsor: ~~Ken Ivory~~Allen M. Christensen

LONG TITLE

General Description:

This bill modifies provisions relating to federalism.

Highlighted Provisions:

This bill:

- ▶ modifies duties of the Commission on Federalism; and
- ▶ appropriates money to pay costs associated with the Commission on Federalism fulfilling its duties and 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

HB0207S02 compared with HB0207S01

one-time appropriation:

- from the General Fund, \$350,000.

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

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

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

HB0207S02 compared with HB0207S01

remedy.

(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

HB0207S02 compared with HB0207S01

jurisdictional line between state and federal governments and the right, power, and authority of 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 to adjust or clarify the line dividing retained powers from delegated powers, including by action under Article V of the United States Constitution;

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

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

(9) (a) The commission shall:

(i) study the practical application of fundamental principles of federalism in the context of present-day efforts by states to restore our system of federalism that contemplates a federal government with limited, delegated powers in order to secure the liberty of our people;

(ii) develop specific and actionable strategies that state and local governments may pursue to restore clearly defined divisions and limits of governing authority between state and national governments;

(iii) coordinate nationally with public officials, legislative committees, and organizations to augment and implement the federalism principles and strategies; and

(iv) include the fundamental principles and actionable federalism strategies in the curriculum developed under Subsection (8), as well as in a format for primary and secondary education on federalism principles and actionable strategies.

(b) The commission may engage one or more consultants, including an institution of higher education, to assist the commission in fulfilling the commission's duties under Subsection (9)(a).

~~(9)~~ (10) 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. **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

HB0207S02 compared with HB0207S01

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:

(1) costs incurred by the Commission on Federalism to fulfill its responsibilities under Subsection 63C-4a-303(9), including the development of specific and actionable strategies to restore clearly defined divisions and limits of governing authority between state and national governments; and

(2) the costs of developing and expanding the federalism curriculum the Commission on Federalism is required to develop under Subsection 63C-4a-303(8).