

Effective 5/13/2014

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.
- (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;
 - (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) first amendment rights and freedoms contained therein; and
 - (j) 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.

Amended by Chapter 221, 2014 General Session