

1 **CONSTITUTIONAL DEFENSE COUNCIL - POSTING OF**
2 **PUBLIC INFORMATION**

3 2012 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Ken Ivory**

6 Senate Sponsor: Wayne L. Niederhauser

8 **LONG TITLE**

9 **General Description:**

10 This bill amends provisions in Title 63C, Chapter 4, Constitutional Defense Council,
11 regarding making information available on a website.

12 **Highlighted Provisions:**

13 This bill:

- 14 ▶ requires the Federalism Subcommittee of the Constitutional Defense Council to post
- 15 certain information on a website; and
- 16 ▶ makes technical changes.

17 **Money Appropriated in this Bill:**

18 None

19 **Other Special Clauses:**

20 None

21 **Utah Code Sections Affected:**

22 **AMENDS:**

23 **63C-4-106**, as enacted by Laws of Utah 2011, Chapter 252

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

26 Section 1. Section **63C-4-106** is amended to read:

27 **63C-4-106. Evaluation of federal law and policy -- Response.**



- 28 (1) As used in this chapter:
- 29 (a) "Federal governmental entity" means:
- 30 (i) the president of the United States;
- 31 (ii) the United States Congress;
- 32 (iii) a United States agency; or
- 33 (iv) an employee or official appointed by the president of the United States.
- 34 (b) "Federal law" means:
- 35 (i) an executive order by the president of the United States;
- 36 (ii) a statute passed by the United States Congress;
- 37 (iii) a regulation adopted by a United States agency; or
- 38 (iv) a policy statement, guidance, or action by:
- 39 (A) a United States agency; or
- 40 (B) an employee or official appointed by the president of the United States.
- 41 (c) "United States agency" means a department, agency, authority, commission,
- 42 council, board, office, bureau, or other administrative unit of the executive branch of the
- 43 United States government.
- 44 (2) In accordance with Section 63C-4-107, the Federalism Subcommittee shall evaluate
- 45 a federal law submitted to the Federalism Subcommittee by a council member.
- 46 (3) The Federalism Subcommittee may request information regarding a federal law
- 47 under evaluation from a United States Senator or Representative elected from the state.
- 48 (4) If the Federalism Subcommittee finds that a federal law is not authorized by the
- 49 United States Constitution or violates the principle of federalism as described in Subsection
- 50 63C-4-107(2), the Federalism Subcommittee chair may:
- 51 (a) request from a United States Senator or Representative elected from the state:
- 52 (i) information about the federal law; or
- 53 (ii) assistance in communicating with a federal governmental entity regarding the
- 54 federal law;
- 55 (b) (i) give written notice of the evaluation required by Subsection (2) to the federal
- 56 governmental entity responsible for adopting or administering the federal law; and
- 57 (ii) request a response by a specific date to the evaluation from the federal
- 58 governmental entity; and

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

63 (5) The Federalism Subcommittee may recommend to the governor that the governor
64 call a special session of the Legislature to give the Legislature an opportunity to respond to the
65 subcommittee's evaluation of a federal law.

66 (6) The Federalism Subcommittee chair may coordinate the evaluation of and response
67 to federal law with another state as provided in Section ~~[63G-4-108]~~ 63C-4-108.

68 (7) The Federalism Subcommittee shall submit a report by electronic mail that
69 summarizes action taken in accordance with this section to the Government Operations Interim
70 Committee on May 20 and October 20 of each year.

71 (8) The Federalism Subcommittee shall keep a current list on the state's website of:

72 (a) a federal law the Federalism Subcommittee evaluates under Subsection (2);

73 (b) an action the chair takes under Subsection (4);

74 (c) any coordination undertaken with another state as provided in Section 63C-4-108;

75 and

76 (d) any response received from a federal governmental entity that was requested under
77 Subsection (4).

Legislative Review Note
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Office of Legislative Research and General Counsel