

HB0120S01 compared with HB0120

~~{deleted text}~~ shows text that was in HB0120 but was deleted in HB0120S01.

inserted text shows text that was not in HB0120 but was inserted into HB0120S01.

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Representative Ken Ivory proposes the following substitute bill:

CONTINUING EDUCATION ON FEDERALISM

2014 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Ken Ivory

Senate Sponsor: _____

LONG TITLE

General Description:

This bill requires the Commission on Federalism to create a curriculum for a seminar on federalism that will then be required for ~~{all}~~a designated person from certain state and local ~~{employees who are members of the Utah State Bar}~~agencies.

Highlighted Provisions:

This bill:

- ▶ requires the Commission on Federalism to create a curriculum on federalism;
- ▶ sets out parameters for the curriculum; and
- ▶ requires ~~{all state and local employees whose job description requires that they be members of the Utah State Bar}~~certain agencies, political subdivisions, and offices to designate a person to attend a seminar on federalism at least once every two years.

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Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

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

ENACTS:

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

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

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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 ~~{a}~~ curriculum for a seminar on the principles of federalism ~~{ to be presented to every employee of the state or a political subdivision of the state whose job description requires that the employee be a member of the Utah State Bar }.~~ ~~{ }~~ 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

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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; and

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

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

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

(1) ~~{As a condition of continued employment, every employee of the state or a}~~ This section shall apply to:

(a) all political {subdivision} subdivisions of the state { whose job description requires that the employee be a member of the Utah State Bar shall attend a seminar on the principles of federalism.

~~—— (2) The seminar shall follow the curriculum developed pursuant to Subsection 63C-4a-303(8) and may be online.~~

~~—— (3) Beginning January 1, 2015, each employee who meets the condition in Subsection (1) shall be required to attend a seminar at least once in a two-year period.~~

Legislative Review Note

~~—— as of 2-6-14 6:04 PM~~

(b) all agencies of the state;

(c) the Attorney General's office; and

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

(2) 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 a seminar on the principles of federalism developed pursuant to 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.