

HJR015S01 compared with HJR015

~~{deleted text}~~ shows text that was in HJR015 but was deleted in HJR015S01.

inserted text shows text that was not in HJR015 but was inserted into HJR015S01.

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 Melvin R. Brown proposes the following substitute bill:

JOINT RULES RESOLUTION ON LEGISLATIVE REVIEW

NOTES

2015 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Ken Ivory

Senate Sponsor: _____

LONG TITLE

General Description:

This joint rules resolution of the Legislature modifies legislative rules ~~{related}~~relating to ~~{ notes attached to proposed legislation }~~ legislative review notes.

Highlighted Provisions:

This resolution:

▶ ~~{defines terms;~~

→ ~~requires the legislative general counsel to review jurisdiction and sovereignty when preparing a~~ removes the requirement for legislative review ~~{note placed on legislation - commonly referred to as a "constitutional note" - if the legislation has implications on federalism related to the Tenth Amendment to the United States~~

HJR015S01 compared with HJR015

~~Constitution~~notes; and

- ▶ provides ~~{procedures for that process}~~instructions to legislative counsel relating to the review and analysis of legislation.

Special Clauses:

None

Legislative Rules Affected:

AMENDS:

JR4-2-402

JR4-2-501

Be it resolved by the Legislature of the state of Utah:

Section 1. **JR4-2-402** is amended to read:

JR4-2-402. ~~{Legislative review notes.~~

~~—— (1) As used in this section, "federalism implications" includes one or more of the following:~~

~~—— (a) the legislation asserts, maintains, defends, limits, expands, or otherwise substantively affects the jurisdictional power or authority of the state of Utah, including the state's ability to govern and regulate its lands and natural resources;~~

~~—— (b) the legislation asserts, maintains, defends, limits, expands, or otherwise substantively affects the sovereign powers of the state of Utah, or directly regulates the state in a way that interferes with a function that is essential to the state's separate and independent existence, including any of the following state sovereign powers:~~

~~—— (i) police power;~~

~~—— (ii) authority to govern the health, safety, and welfare of its residents;~~

~~—— (iii) authority to provide for the education of its residents;~~

~~—— (iv) authority to protect the lives, liberties, and properties of its residents; or~~

~~—— (v) another sovereign power of the state;~~

~~—— (c) the legislation asserts, maintains, defends, limits, expands, or otherwise substantively affects the power of the state of Utah to exercise, maintain, or defend its sovereign rights, or to otherwise serve as a check on the power of the federal government;~~

~~or~~

HJR015S01 compared with HJR015

~~—— (d) the legislation has the effect of asserting, maintaining, defending, limiting, expanding, or otherwise substantively affecting a function that is essential to the state of Utah's separate and independent existence, unless the preemption by federal law is clear and certain because:~~

~~—— (i) authority for the federal preemption is found in a specific provision of the United States Constitution;~~

~~—— (ii) the federal preemption does not encroach upon authority reserved to the states; and~~

~~—— (iii) the constitutional authority for the federal preemption is necessitated by the presence of a problem of national scope.~~

~~—— [(1) (2) (a)] **Review of legislation by legislative counsel.**~~

~~[(1)] The legislative general counsel shall place a legislative review note on the legislation { regarding the legislation's constitutionality and, as necessary, the legislation's federalism implications }.~~

~~—— (b) If the legislation has a federalism implication, each federalism implication shall be identified.}]~~

~~[(2) (3)] (a) If an amendment or a substitute to legislation appears to substantively change the legislation's constitutionality { or federalism implications }, the legislative general counsel shall prepare an amended legislative review note for the legislation.]~~

~~[(b)] The amended legislative review note shall be made available to legislators in hard copy or electronically.]~~

~~[(3) (4)] The legislative review note or amended legislative review note is not an official part of the legislation. {~~

Legislative Review Note

~~—— as of 2-2-15 6:07 PM~~

~~—————}]~~

HJR015S01 compared with HJR015

Subject to the requirements of the Rules of Professional Conduct, legislative general counsel, or the drafting attorney for a bill, may provide a written analysis of legislation's constitutionality only in response to a request from a legislative client described in Utah Code Subsection 36-12-12(2)(e).

Section 2. JR4-2-501 is amended to read:

JR4-2-501. Numbering and distributing bills and resolutions.

After receiving approval from the sponsor under JR4-2-301, the Office of Legislative Research and General Counsel shall:

(1) proofread the legislation and perform other quality control measures;

(2) indicate on the first page of the legislation that the drafting attorney has approved the legislation for filing;

(3) place a committee or task force note on the legislation if required by JR4-2-401;

[(4) place a legislative review note on the legislation, if one is required by JR4-2-402;]

[(5)] (4) assign a number to the legislation to appear after the designation required by JR4-1-202 and JR4-1-301;

[(6)] (5) electronically set the legislation's line numbers; and

[(7)] (6) distribute an electronic copy of the legislation as required by JR4-2-503.