

**FEDERALISM AMENDMENTS**

2017 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Ken Ivory**

Senate Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill modifies provisions relating to federalism.

**Highlighted Provisions:**

This bill:

- ▶ modifies duties of the Commission on Federalism;
- ▶ ~~H~~→ **[requires]** allows ←~~H~~ legislators to attend a seminar on principles of federalism; and
- ▶ appropriates money 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 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

**63C-4a-306**, as enacted by Laws of Utah 2014, Chapter 221

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

H.B. 207



28 Section 1. Section **63C-4a-303** is amended to read:

29 **63C-4a-303. Duties of Commission on Federalism.**

30 (1) In accordance with Section **63C-4a-304**, the commission may evaluate a federal  
31 law:

- 32 (a) as agreed by a majority of the commission; or
- 33 (b) submitted to the commission by a council member.

34 (2) The commission may request information regarding a federal law under evaluation  
35 from a United States senator or representative elected from the state.

36 (3) If the commission finds that a federal law is not authorized by the United States  
37 Constitution or violates the principle of federalism as described in Subsection **63C-4a-304(2)**, a  
38 commission cochair may:

39 (a) request from a United States senator or representative elected from the state:

- 40 (i) information about the federal law; or
- 41 (ii) assistance in communicating with a federal governmental entity regarding the  
42 federal law;

43 (b) (i) give written notice of an evaluation made under Subsection (1) to the federal  
44 governmental entity responsible for adopting or administering the federal law; and

45 (ii) request a response by a specific date to the evaluation from the federal  
46 governmental entity; and

47 (c) request a meeting, conducted in person or by electronic means, with the federal  
48 governmental entity, a representative from another state, or a United States Senator or  
49 Representative elected from the state to discuss the evaluation of federal law and any possible  
50 remedy.

51 (4) The commission may recommend to the governor that the governor call a special  
52 session of the Legislature to give the Legislature an opportunity to respond to the commission's  
53 evaluation of a federal law.

54 (5) A commission cochair may coordinate the evaluation of and response to federal law  
55 with another state as provided in Section **63C-4a-305**.

56 (6) On May 20 and October 20 of each year, the commission shall submit a report by  
57 electronic mail to the Legislative Management Committee and the Government Operations  
58 Interim Committee that summarizes:

- 59 (a) action taken by the commission in accordance with this section; and
- 60 (b) action taken by, or communication received from, any of the following in response
- 61 to a request or inquiry made, or other action taken, by the commission:
- 62 (i) a United States senator or representative elected from the state;
- 63 (ii) a representative of another state; or
- 64 (iii) a federal entity, official, or employee.
- 65 (7) The commission shall keep a current list on the Legislature's website of:
- 66 (a) a federal law that the commission evaluates under Subsection (1);
- 67 (b) an action taken by a cochair of the commission under Subsection (3);
- 68 (c) any coordination undertaken with another state under Section [63C-4a-305](#); and
- 69 (d) any response received from a federal government entity that was requested under
- 70 Subsection (3).
- 71 (8) The commission shall develop curriculum for a seminar on the principles of
- 72 federalism. The curriculum shall be available to the general public and include:
- 73 (a) fundamental principles of federalism;
- 74 (b) the sovereignty, supremacy, and jurisdiction of the individual states, including their
- 75 police powers;
- 76 (c) the history and practical implementation of the Tenth Amendment to the United
- 77 States Constitution;
- 78 (d) the authority and limits on the authority of the federal government as found in the
- 79 United States Constitution;
- 80 (e) the relationship between the state and federal governments, including the
- 81 jurisdictional line between state and federal governments and the right, power, and authority of
- 82 the states to maintain and defend the line;
- 83 (f) methods of evaluating a federal law in the context of the principles of federalism;
- 84 (g) how and when challenges should be made to a federal law or regulation on the basis
- 85 of federalism;
- 86 (h) the separate and independent powers of the state that serve as a check on the federal
- 87 government;
- 88 (i) the power of the states under Article V of the United States Constitution to adjust or
- 89 clarify the line dividing retained powers from delegated powers;

90           ~~[(i)]~~ (j) first amendment rights and freedoms contained therein; and  
 91           ~~[(j)]~~ (k) any other issues relating to federalism the commission considers necessary.  
 92           (9) The commission may apply for and receive grants, and receive private donations to  
 93 assist in funding the creation, enhancement, and dissemination of the curriculum.

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

95           **63C-4a-306. Course on federalism required.**

96           (1) ~~[This section shall apply]~~ Subsection (2) applies to:

- 97           (a) all political subdivisions of the state;  
 98           (b) all agencies of the state;  
 99           (c) the Attorney General's office; and  
 100           (d) the Office of Legislative Research and General Counsel.

101           (2) (a) Beginning January 1, 2015, an employing entity listed in Subsection (1) shall  
 102 appoint at least one designee to which all questions and inquiries regarding federalism shall be  
 103 directed. ~~[The designee shall be required to attend]~~

104           (b) At least once in every two-year period, a designee under Subsection (2)(a)

104a       ~~H→~~ **[shall]** may ~~←H~~

105 attend, in person or online, a seminar on the principles of federalism developed pursuant to  
 106 Subsection 63C-4a-303(8) [at least once in every two-year period].

107           ~~[(3) The designee may complete the requirements of this section by attending a seminar~~  
 108 ~~in person or online.]~~

109           (3) At least once in every two-year period, or as directed by the Legislative  
 110 Management Committee, a legislator ~~H→~~ **[shall]** may ~~←H~~ attend, in person or online, a  
 110a seminar on the  
 111 principles of federalism developed under Subsection 63C-4a-303(8).

112           Section 3. **Appropriation.**

113           The following sum of money is appropriated for the fiscal year beginning July 1, 2017  
 114 and ending June 30, 2018. This is an addition to amounts previously appropriated for fiscal  
 115 year 2018. Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures Act,  
 116 the Legislature appropriates the following sum of money from the fund or account indicated for  
 117 the use and support of the government of the state of Utah.

118           To the Legislature -- Office of Legislative Research and General Counsel

119           From General Fund, One-time

\$350,000

120           Schedule of Programs:

121                                    Administration                                    \$350,000  
122                                    The Legislature intends that the Office of Legislative Research and General Counsel  
123 use this appropriation to pay the costs of developing and expanding the federalism curriculum  
124 the Commission on Federalism is required to develop under Subsection [63C-4a-303\(8\)](#).

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**Legislative Review Note**  
**Office of Legislative Research and General Counsel**