

**Representative Ken Ivory** proposes the following substitute bill:

**FEDERALISM AMENDMENTS**

2017 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Ken Ivory**

Senate Sponsor: Allen M. Christensen

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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; 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

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

**1st Sub. H.B. 207**



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

27 **63C-4a-303. Duties of Commission on Federalism.**

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

30 (a) as agreed by a majority of the commission; or

31 (b) submitted to the commission by a council member.

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

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

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

38 (i) information about the federal law; or

39 (ii) assistance in communicating with a federal governmental entity regarding the  
40 federal law;

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

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

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

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

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

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

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

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

92            Section 2. **Appropriation.**

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

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

99 <u>From General Fund, One-time</u>	\$350,000
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100            Schedule of Programs:

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