

**Senator Allen M. Christensen** 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 to pay costs associated with the Commission on Federalism

fulfilling its duties and 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:*

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 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

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 to adjust or clarify the line dividing retained powers from  
89 delegated powers, including by action under Article V of the United States Constitution;

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) (a) The commission shall:

93 (i) study the practical application of fundamental principles of federalism in the context  
94 of present-day efforts by states to restore our system of federalism that contemplates a federal  
95 government with limited, delegated powers in order to secure the liberty of our people;

96 (ii) develop specific and actionable strategies that state and local governments may  
97 pursue to restore clearly defined divisions and limits of governing authority between state and  
98 national governments;

99 (iii) coordinate nationally with public officials, legislative committees, and  
100 organizations to augment and implement the federalism principles and strategies; and

101 (iv) include the fundamental principles and actionable federalism strategies in the  
102 curriculum developed under Subsection (8), as well as in a format for primary and secondary  
103 education on federalism principles and actionable strategies.

104 (b) The commission may engage one or more consultants, including an institution of  
105 higher education, to assist the commission in fulfilling the commission's duties under  
106 Subsection (9)(a).

107 [~~(9)~~] (10) The commission may apply for and receive grants, and receive private  
108 donations to assist in funding the creation, enhancement, and dissemination of the curriculum.

109 **Section 2. Appropriation.**

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

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

116 From General Fund, One-time \$350,000

117 Schedule of Programs:

118 Administration \$350,000

119           The Legislature intends that the Office of Legislative Research and General Counsel  
120 use this appropriation to pay:

121           (1) costs incurred by the Commission on Federalism to fulfill its responsibilities under  
122 Subsection [63C-4a-303\(9\)](#), including the development of specific and actionable strategies to  
123 restore clearly defined divisions and limits of governing authority between state and national  
124 governments; and

125           (2) the costs of developing and expanding the federalism curriculum the Commission  
126 on Federalism is required to develop under Subsection [63C-4a-303\(8\)](#).