

FEDERALISM COMMISSION AMENDMENTS

2023 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Ken Ivory

Senate Sponsor: _____

LONG TITLE

General Description:

This bill amends provisions regarding the Federalism Commission.

Highlighted Provisions:

This bill:

▶ allows the Federalism Commission to refer a federal law or action to an interim committee for an evaluation;

▶ provides the requirements for an evaluation of a federal law or action by an interim committee;

▶ addresses reporting an evaluation of a federal law or action by an interim committee to the Legislative Management Committee; and

▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

63C-4a-303, as last amended by Laws of Utah 2022, Chapter 320

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



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

29 **63C-4a-303. Federalism Commission to evaluate federal law -- Curriculum on**
30 **federalism.**

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

33 (i) as agreed by a majority of the commission;

34 (ii) submitted to the commission by a council member; or

35 (iii) reported to the commission in accordance with Subsection (1)(b).

36 (b) (i) To assist the commission in the evaluation of federal law as required in this
37 section and Section **63C-4a-304**, the commission may contract with a third party that is a Utah
38 institution of higher education to monitor federal law for possible implications on the
39 principles of federalism.

40 (ii) A third party contracted to monitor federal law as described in Subsection (1)(b)(i)
41 shall:

42 (A) monitor federal law for possible implications on the principles of federalism and
43 state sovereignty; and

44 (B) report to the commission any law or action by the federal government that may
45 implicate the principles of federalism or state sovereignty.

46 (c) (i) As used in this Subsection (1)(c), "interim committee" means the same as that
47 term is defined in Section **36-12-1**.

48 (ii) The commission may refer any law or action by the federal government that may
49 implicate the principles of federalism or state sovereignty to the appropriate interim committee.

50 (iii) If a federal law or action is referred to an interim committee under Subsection
51 (1)(c)(ii), the interim committee may provide the commission with an evaluation of the federal
52 law or action in accordance with Section **63C-4a-304**, including a recommendation on any
53 action to be taken by the Legislature.

54 (iv) The commission may report an evaluation described in Subsection (1)(c)(iii) to the
55 Legislative Management Committee in accordance with Subsection **63C-4a-304(4)(b)**.

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

58 (3) If the commission finds that a federal law is not authorized by the United States

59 Constitution or violates the principle of federalism as described in Subsection [63C-4a-304\(2\)](#), a
60 commission cochair or the commission may:

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

62 (i) information about the federal law; or

63 (ii) assistance in communicating with a federal governmental entity regarding the
64 federal law;

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

67 (ii) request a response by a specific date to the evaluation from the federal
68 governmental entity;

69 (c) request a meeting, conducted in person or by electronic means, with the federal
70 governmental entity, a representative from another state, or a United States Senator or
71 Representative elected from the state to discuss the evaluation of federal law and any possible
72 remedy; or

73 (d) give written notice of an evaluation and the conclusions of the commission to any
74 other relevant entity.

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

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

80 (6) The commission shall keep a current list on the Legislature's website of:

81 (a) a federal law that the commission evaluates under Subsection (1);

82 (b) an action taken by a cochair of the commission or the commission under
83 Subsection (3);

84 (c) any coordination undertaken with another state under Section [63C-4a-305](#); and

85 (d) any response received from a federal government entity that was requested under
86 Subsection (3).

87 (7) (a) The commission shall develop curriculum for a seminar on the principles of
88 federalism.

89 (b) The curriculum under Subsection (7)(a) shall be available to the general public and

90 include:

91 ~~[(a)]~~ (i) fundamental principles of federalism;

92 ~~[(b)]~~ (ii) the sovereignty, supremacy, and jurisdiction of the individual states, including
93 their police powers;

94 ~~[(c)]~~ (iii) the history and practical implementation of the Tenth Amendment to the
95 United States Constitution;

96 ~~[(d)]~~ (iv) the authority and limits on the authority of the federal government as found in
97 the United States Constitution;

98 ~~[(e)]~~ (v) the relationship between the state and federal governments;

99 ~~[(f)]~~ (vi) methods of evaluating a federal law in the context of the principles of
100 federalism;

101 ~~[(g)]~~ (vii) how and when challenges should be made to a federal law or regulation on
102 the basis of federalism;

103 ~~[(h)]~~ (viii) the separate and independent powers of the state that serve as a check on the
104 federal government;

105 ~~[(i)]~~ (ix) first amendment rights and freedoms contained therein; and

106 ~~[(j)]~~ (x) any other issues relating to federalism the commission considers necessary.

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

109 (9) The commission shall submit a report on or before November 30 of each year to the
110 Government Operations Interim Committee and the Natural Resources, Agriculture, and
111 Environment Interim Committee that:

112 (a) describes any action taken by the commission under Section [63C-4a-303](#); and

113 (b) includes any proposed legislation the commission recommends.