

Representative Ken Ivory proposes the following substitute bill:

FEDERALISM COMMISSION AMENDMENTS

2023 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Ken Ivory

Senate Sponsor: Ronald M. Winterton

LONG TITLE

General Description:

This bill amends provisions regarding the Federalism Commission.

Highlighted Provisions:

This bill:

- ▶ requires the Federalism Commission to provide an annual report to each interim committee;
- ▶ allows the Federalism Commission to notify an interim committee of a federal law or action that implicates the principles of federalism or state sovereignty; 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:



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

27 **63C-4a-303. Federalism Commission to evaluate federal law -- Curriculum on**
28 **federalism.**

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

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

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

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

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

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

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

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

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

46 (ii) The commission shall provide an annual report to each interim committee
47 concerning any law or action by the federal government that implicates the principles of
48 federalism or state sovereignty.

49 (iii) The commission may notify the appropriate interim committee of any law or
50 action by the federal government that implicates the principles of federalism or state
51 sovereignty.

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

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

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

58 (i) information about the federal law; or

59 (ii) assistance in communicating with a federal governmental entity regarding the
60 federal law;

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

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

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

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

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

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

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

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

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

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

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

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

85 (b) The curriculum under Subsection (7)(a) shall be available to the general public and
86 include:

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

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

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

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

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

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

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

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

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

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

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

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

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

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