

HB0253S02 compared with HB0253

~~{deleted text}~~ shows text that was in HB0253 but was deleted in HB0253S02.

inserted text shows text that was not in HB0253 but was inserted into HB0253S02.

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Representative Ken Ivory proposes the following substitute bill:

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:

▶ requires the Federalism Commission to provide an annual report to each interim committee;

▶ allows the Federalism Commission to ~~{refer a federal law or action to}~~ notify 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}~~ that implicates the principles of

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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:

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

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

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

- (i) as agreed by a majority of the commission;
- (ii) submitted to the commission by a council member; or
- (iii) reported to the commission in accordance with Subsection (1)(b).

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

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

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

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

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

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

(iii) The commission may notify the appropriate interim committee~~.~~

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

~~(iv) The commission may report an evaluation described in Subsection (1)(c)(iii) to the Legislative Management Committee in accordance with Subsection 63C-4a-304(4)(b)~~ of any law or action by the federal government that implicates the principles of federalism or state sovereignty.

(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 or the commission 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;

(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; or

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

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

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

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

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

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

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

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

~~(a)~~ (i) fundamental principles of federalism;

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

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

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

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

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

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

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

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

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

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

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

- (a) describes any action taken by the commission under Section 63C-4a-303; and
- (b) includes any proposed legislation the commission recommends.