

CONTINUING EDUCATION ON FEDERALISM

2014 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Ken Ivory

Senate Sponsor: _____

LONG TITLE

General Description:

This bill requires the Commission on Federalism to create a curriculum for a seminar on federalism that will then be required for all state and local employees who are members of the Utah State Bar.

Highlighted Provisions:

This bill:

- ▶ requires the Commission on Federalism to create a curriculum on federalism;
- ▶ sets out parameters for the curriculum; and
- ▶ requires all state and local employees whose job description requires that they be

members of the Utah State Bar to attend a seminar on federalism at least once every two years.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

63C-4a-303, as renumbered and amended by Laws of Utah 2013, Chapter 101

ENACTS:

63C-4a-306, Utah Code Annotated 1953



28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58

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

59 electronic mail to the Legislative Management Committee and the Government Operations
60 Interim Committee that summarizes:

61 (a) action taken by the commission in accordance with this section; and
62 (b) action taken by, or communication received from, any of the following in response
63 to a request or inquiry made, or other action taken, by the commission:

64 (i) a United States senator or representative elected from the state;
65 (ii) a representative of another state; or
66 (iii) a federal entity, official, or employee.

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

68 (a) a federal law that the commission evaluates under Subsection (1);
69 (b) an action taken by a cochair of the commission under Subsection (3);
70 (c) any coordination undertaken with another state under Section 63C-4a-305; and
71 (d) any response received from a federal government entity that was requested under
72 Subsection (3).

73 (8) The commission shall develop a curriculum on the principles of federalism to be
74 presented to every employee of the state or a political subdivision of the state whose job
75 description requires that the employee be a member of the Utah State Bar. The curriculum
76 shall include:

77 (a) fundamental principles of federalism;
78 (b) the sovereignty, supremacy, and jurisdiction of the individual states, including their
79 police powers;

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

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

84 (e) the relationship between the state and federal governments;

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

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

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

90 (i) any other issues relating to federalism the commission considers necessary.

91 Section 2. Section **63C-4a-306** is enacted to read:

92 **63C-4a-306. Course on federalism required.**

93 (1) As a condition of continued employment, every employee of the state or a political
94 subdivision of the state whose job description requires that the employee be a member of the
95 Utah State Bar shall attend a seminar on the principles of federalism.

96 (2) The seminar shall follow the curriculum developed pursuant to Subsection
97 63C-4a-303(8) and may be online.

98 (3) Beginning January 1, 2015, each employee who meets the condition in Subsection
99 (1) shall be required to attend a seminar at least once in a two-year period.

Legislative Review Note
as of 2-6-14 6:04 PM

Office of Legislative Research and General Counsel