

HOUSE BILL NO. HB0160

Commission on federalism.

Sponsored by: Representative(s) Halverson, Jaggi, Kroeker,
McKim, Miller, Piiparinen and Reeder

A BILL

for

1 AN ACT relating to the legislature; establishing the
2 commission on federalism; providing duties and powers;
3 requiring a report; providing an appropriation; and
4 providing for an effective date.

5

6 *Be It Enacted by the Legislature of the State of Wyoming:*

7

8 **Section 1.** W.S. 28-11-601 through 28-11-603 are
9 created to read:

10

11

ARTICLE 6

12

COMMISSION ON FEDERALISM

13

14 **28-11-601. Commission on federalism created.**

15

1 (a) Not later than March 31 following each general
2 election, a commission on federalism shall be appointed
3 comprised of the following seven (7) members:

4
5 (i) The president of the senate or his designee
6 who shall serve as co-chairman of the commission;

7
8 (ii) The minority floor leader of the senate;

9
10 (iii) One (1) member of the senate appointed by
11 the president of the senate;

12
13 (iv) The speaker of the house of representatives
14 or his designee who shall serve as co-chairman of the
15 commission;

16
17 (v) The minority floor leader of the house of
18 representatives; and

19
20 (vi) Two (2) members appointed by the speaker of
21 the house of representatives.

22

1 (b) The commission shall meet six (6) times each year
2 unless additional meetings are approved by the management
3 council.

4

5 **28-11-602. Commission duties and powers.**

6

7 (a) In accordance with W.S. 28-11-603, the commission
8 on federalism may evaluate a federal law as agreed by a
9 majority of the commission.

10

11 (b) The commission may request information on a
12 federal law under evaluation from a United States senator
13 or congressman from Wyoming.

14

15 (c) If the commission finds that a federal law is not
16 authorized by the United States Constitution or violates
17 the principle of federalism as provided in W.S. 28-11-603,
18 the commission may:

19

20 (i) Request additional information from a United
21 States senator or congressman from Wyoming including
22 requesting assistance in communicating with a federal
23 governmental entity regarding the law;

24

1 (ii) Give written notice regarding the outcome
2 of an evaluation under subsection (a) of this section to
3 the federal entity responsible for adopting or
4 administering the federal law;

5

6 (iii) Request a response by a specific date to a
7 notice provided under paragraph (ii) of this subsection;

8

9 (iv) Request a meeting, conducted in person or
10 by electronic means, with the federal government entity, a
11 representative from another state or a United States
12 senator or congressman from Wyoming to discuss the
13 evaluation of the federal law and any possible remedy; or

14

15 (v) Recommend legislative action to the Wyoming
16 legislature through the introduction of necessary
17 legislation or, if required, recommending to the members of
18 the legislature that a special session of the legislature
19 be convened to respond to the commission's evaluation of a
20 federal law.

21

22 (d) The commission may coordinate the evaluation of
23 and response to a federal law with a like commission or
24 committee in another state.

1

2 (e) Not later than October 20 of each year, the
3 commission shall submit a report to management council and
4 to the legislature that summarizes:

5

6 (i) Action taken by the commission under this
7 section;

8

9 (ii) Any action taken by, or communication
10 received from, any of the following in response to any
11 action or request from the commission:

12

13 (A) A United States senator or congressman
14 from Wyoming;

15

16 (B) A representative of another state; or

17

18 (C) A federal entity, official or employee.

19

20 (f) The commission shall make the following available
21 on the website of the legislature:

22

23 (i) Each federal law evaluated by the commission
24 under subsection (a) of this section;

1

2 (ii) Any action taken by the commission under
3 subsection (c) of this section;

4

5 (iii) Any coordination with other states under
6 subsection (d) of this section; and

7

8 (iv) Any response received from a federal
9 government entity received pursuant to a request made under
10 paragraph (c)(iii) of this section.

11

12 **28-11-603. Commission evaluation of federal laws.**

13

14 (a) The commission on federalism shall evaluate
15 whether a federal law evaluated under W.S. 28-11-602(a) is
16 authorized by:

17

18 (i) United States Constitution, Article I,
19 Section 2, to provide for the decennial census;

20

21 (ii) United States Constitution, Article I,
22 Section 4, to override state laws regulating the times,
23 places and manner of congressional elections, other than
24 the place of senatorial elections;

1

2 (iii) United States Constitution, Article I,
3 Section 7, to veto bills, orders and resolutions by
4 Congress;

5

6 (iv) United States Constitution, Article I,
7 Section 8, to:

8

9 (A) Lay and collect taxes, duties, imposts
10 and excises, to pay the debts and provide for the common
11 defense and general welfare of the United States, but all
12 duties, imposts and excises shall be uniform throughout the
13 United States;

14

15 (B) Borrow money on the credit of the
16 United States;

17

18 (C) Regulate commerce with foreign nations,
19 among the several states, and with the Indian tribes;

20

21 (D) Establish a uniform rule of
22 naturalization and uniform laws on the subject of
23 bankruptcies throughout the United States;

24

1 (E) Coin money, regulate the value of coin
2 money and of foreign coin, and fix the standard of weights
3 and measures;

4
5 (F) Provide for the punishment of
6 counterfeiting the securities and current coin of the
7 United States;

8
9 (G) Establish post offices and post roads;

10
11 (H) Promote the progress of science and
12 useful arts, by securing for limited times to authors and
13 inventors the exclusive right to their respective writings
14 and discoveries;

15
16 (J) Constitute tribunals inferior to the
17 supreme court;

18
19 (K) Define and punish piracies and felonies
20 committed on the high seas and offences against the law of
21 nations;

22

1 (M) Declare war, grant letters of marque
2 and reprisal, and make rules concerning captures on land
3 and water;

4
5 (N) Raise and support armies, but no
6 appropriation of money to that use shall be for a longer
7 term than two (2) years;

8
9 (O) Provide and maintain a navy;

10

11 (P) Make rules for the government and
12 regulation of the land and naval forces;

13

14 (Q) Provide for calling forth the militia
15 to execute the laws of the union, suppress insurrections
16 and repel invasions;

17

18 (R) Provide for organizing, arming and
19 disciplining the militia, and for governing the part of the
20 militia that may be employed in the service of the United
21 States, reserving to the states respectively, the
22 appointment of the officers and the authority of training
23 the militia according to the discipline prescribed by
24 congress;

1

2

3

4

5

6

7

8

9

10 other needful buildings; or

11

12

13

14

15

16

17

18

19

20

21

22

23

24

(S) Exercise exclusive legislation in all cases whatsoever, over such district, which may not exceed ten (10) miles square, as may, by cession of particular states and the acceptance of congress, become the seat of the government of the United States, and to exercise like authority over all places purchased by the consent of the legislature of the state in which the place shall be, for the erection of forts, magazines, arsenals, dock-yards and other needful buildings; or

(T) Make all laws which shall be necessary and proper for carrying into execution the powers listed in this section, and all other powers vested by the United States Constitution in the government of the United States, or in any department or officer of the United States.

(v) United States Constitution, Article I, Section 9, to authorize a federal officer to receive benefits from a foreign nation;

(vi) United States Constitution, Article I, Section 10, to fix the pay of members of Congress and of federal officers;

1

2 (vii) United States Constitution, Article II,
3 Section 1, to:

4

5 (A) Set the time for choosing electors; or

6

7 (B) Establish who succeeded to the
8 presidency after the vice president.

9

10 (viii) United States Constitution, Article II,
11 Section 2, to:

12

13 (A) Serve as commander-in-chief of the
14 armed forces;

15

16 (B) Require the written opinions of
17 executive officers;

18

19 (C) Grant reprieves and pardons;

20

21 (D) Make vacancy appointments;

22

23 (E) Make treaties, subject to the advice
24 and consent of the United States senate;

1

2 (F) Appoint foreign affairs officers
3 subject to the advice and consent of the United States
4 senate;

5

6 (G) Appoint domestic affairs officers
7 subject either to the advice and consent of the United
8 States senate or pursuant to law;

9

10 (H) Appoint judges subject to the advice
11 and consent of the United States senate; or

12

13 (J) Authorize the president to fill
14 designated inferior offices without senatorial consent.

15

16 (ix) United States Constitution, Article II,
17 Section 3, to:

18

19 (A) Receive representatives of foreign
20 powers;

21

22 (B) Execute the laws;

23

24 (C) Commission United States officers;

1

2

(D) Give congress information;

3

4

(E) Make recommendations to congress;

5

6

(F) Convene congress on extraordinary

occasions;

8

9

(G) Adjourn congress if it cannot agree on

a time.

11

12

(x) United States Constitution, Article III,

Section 1, to:

14

15

(A) Create exceptions to the supreme

court's appellate jurisdiction;

17

18

(B) Fix the jurisdiction of federal courts

inferior to the supreme court; or

20

21

(C) Declare the punishment for treason.

22

1 (xi) United States Constitution, Article IV,
2 Section 1, to establish the rules by which the records and
3 judgments of states are proved in other states;

4

5 (xii) United States Constitution, Article IV,
6 Section 3, to:

7

8 (A) Manage federal property;

9

10 (B) Dispose of federal property;

11

12 (C) Govern the federal territories; or

13

14 (D) Consent to admission of new states or
15 the combination of existing states.

16

17 (xiii) United States Constitution, Article IV,
18 Section 4, to defend states from invasion, insurrection,
19 and nonrepublican forms of government;

20

21 (xiv) United States Constitution, Article V,
22 Section 1, to propose constitutional amendments;

23

1 (xv) United States Constitution, Article VI,
2 Section 1, to prescribe the oath for federal officers;

3

4 (xvi) United States Constitution, Amendment
5 XIII, to abolish slavery;

6

7 (xvii) United States Constitution, Amendment
8 XIV, to guard people from certain state abuses;

9

10 (xviii) United States Constitution, Amendment
11 XVI, to impose taxes on income from any source without
12 having to apportion the total dollar amount of tax
13 collected from each state according to each state's
14 population in relation to the total national population;

15

16 (xix) United States Constitution, Amendment XX,
17 to revise the manner of presidential succession;

18

19 (xx) United States Constitution, Amendment XV,
20 XIX, XXIII or XXIV, to extend and protect the right to
21 vote; or

22

23 (xxi) United States Constitution, Amendment
24 XVII, to grant a pay raise to a sitting congress.

1

2 (b) The commission shall evaluate whether a federal
3 law evaluated under W.S. 28-11-602(a) violates the
4 principle of federalism by:

5

6 (i) Affecting the distribution of power and
7 responsibility among the state and national government;

8

9 (ii) Limiting the policymaking discretion of the
10 state;

11

12 (iii) Impacting a power or a right reserved to
13 the state or its citizens by the United States
14 Constitution, Amendment IX or X; or

15

16 (iv) Impacting the sovereignty rights and
17 interest of the state or a political subdivision to provide
18 for the health, safety and welfare and promote the
19 prosperity of the state's or political subdivision's
20 inhabitants.

21

22 (c) In the evaluation of a federal law, the
23 commission:

24

1 (i) Shall rely on:

2

3 (A) The text of the United States
4 Constitution, as amended;

5

6 (B) The meaning of the text of the United
7 States Constitution, as amended, at the time of its
8 drafting and ratification; and

9

10 (C) A primary source document that is:

11

12 (I) Directly relevant to the drafting,
13 adoption, ratification or initial implementation of the
14 United States Constitution, as amended; or

15

16 (II) Created by a person directly
17 involved in the drafting, adoption, ratification or initial
18 implementation of the United States Constitution, as
19 amended.

20

21 (ii) May rely on other relevant sources,
22 including federal court decisions; and

23

1 (iii) Is not bound by a holding by a federal
2 court.

3

4 **Section 2.**

5

6 (a) Notwithstanding W.S. 28-11-601(a) as created by
7 this act, not later than ten (10) days after the effective
8 date of this act, a commission on federalism shall be
9 appointed comprised of the following seven (7) members:

10

11 (i) The president of the senate or his designee
12 who shall serve as co-chairman of the commission;

13

14 (ii) The minority floor leader of the senate;

15

16 (iii) One (1) member of the senate appointed by
17 the president of the senate;

18

19 (iv) The speaker of the house of representatives
20 or his designee who shall serve as co-chairman of the
21 commission;

22

23 (v) The minority floor leader of the house of
24 representatives; and

1

2 (vi) Two (2) members appointed by the speaker of
3 the house of representatives.

4

5 **Section 3.** There is appropriated sixty thousand
6 dollars (\$60,000.00) from the general fund to the
7 legislative service office. This appropriation shall only
8 be expended to provide salary, travel and per diem to
9 members of the commission on federalism for meetings held
10 from the effective date of this act through June 30, 2016.
11 Notwithstanding any other provision of law, this
12 appropriation shall not be transferred or expended for any
13 other purpose and any unexpended, unobligated funds
14 remaining from this appropriation shall revert as provided
15 by law on June 30, 2016.

16

17 **Section 4.** This act is effective immediately upon
18 completion of all acts necessary for a bill to become law
19 as provided by Article 4, Section 8 of the Wyoming
20 Constitution.

21

22 (END)