

SENATE BILL NO. 281

INTRODUCED BY J. FIELDER

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A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT CERTAIN STATE EMPLOYEES ARE REQUIRED TO COMPLETE FEDERALISM TRAINING."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. **Section 1. Course on federalism required.** (1) (a) In order to enhance certain state employees' ability to identify, prevent, or aid in repealing federal encroachment into state jurisdiction, the following state attorneys shall take a course or seminar on the principles of federalism at least once in every 2-year period:

- (i) each attorney employed by the legislative services division; and
- (ii) one attorney from the:
 - (A) governor's office;
 - (B) attorney general's office;
 - (C) secretary of state's office;
 - (D) state auditor's office; and
 - (E) superintendent of public instruction's office.

(b) The course or seminar must include a minimum of 4 hours of instruction, training, or study on two or more of the topics in subsection (2). A qualifying course or seminar may be taken online or in person. A federalism course offered at no cost to the public developed in conjunction with a state legislature meets the requirements as long as two or more of the topics in subsection (2) are addressed.

- (2) Course topics may include:
 - (a) fundamental principles of federalism;
 - (b) the spheres of sovereignty as they apply to state and federal jurisdictions;
 - (c) the limits of Article VI, clause 2, of the United States constitution, commonly referred to as the supremacy clause;
 - (d) the sovereignty, supremacy, and jurisdiction of the individual states, including their police powers;
 - (e) the history and practical implementation of the 10th amendment to the United States constitution;
 - (f) the enumerated powers, authority, and limits on the authority of the federal government as found in



1 the United States constitution;

2 (g) methods of evaluating a federal law in the context of the principles of federalism;

3 (h) how and when challenges should be made to a federal law, act, or regulation on the basis of

4 federalism;

5 (i) the separate and independent powers of the state that serve as a check on the federal government;

6 (j) first amendment rights and freedoms contained within the constitution; and

7 (k) any other issues related to federalism with an emphasis on the state's most advantageous legal

8 position.

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10 NEW SECTION. **Section 2. Codification instruction.** [Section 1] is intended to be codified as an
11 integral part of Title 2, chapter 1, part 4, and the provisions of Title 2, chapter 1, part 4, apply to [section 1].

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