

1 SENATE BILL NO. 295

2 INTRODUCED BY J. FIELDER, E. BUTTREY, S. HINEBAUCH, A. OLSZEWSKI, S. SALES, N. SWANDAL,
3 C. VINCENT

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5 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR FEDERALISM TRAINING FOR LEGISLATIVE
6 EMPLOYEES; AND PROVIDING THAT CERTAIN LEGISLATIVE BRANCH EMPLOYEES ARE REQUIRED TO
7 COMPLETE FEDERALISM TRAINING."

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

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11 NEW SECTION. **Section 1. Course on federalism required.** (1) In order to enhance certain state
12 employees' ability to identify, prevent, or aid in repealing federal encroachment into state jurisdiction, each
13 attorney and each professional session and interim committee staffer employed by the legislative services division
14 is required to take a course or seminar on the principles of federalism at least once in every 2-year period. The
15 course or seminar must include a minimum of 4 hours of instruction, training, or study on two or more of the topics
16 in subsection (2). A qualifying course or seminar may be taken online or in person. A federalism course offered
17 at no cost to the public developed in conjunction with a state legislature meets the requirements as long as two
18 or more of the topics in subsection (2) are addressed.

19 (2) Course topics may include:

- 20 (a) fundamental principles of federalism;
21 (b) the spheres of sovereignty as they apply to state and federal jurisdictions;
22 (c) the limits of Article VI, clause 2, of the United States constitution, commonly referred to as the
23 supremacy clause;
24 (d) the sovereignty, supremacy, and jurisdiction of the individual states, including their police powers;
25 (e) the history and practical implementation of the 10th amendment to the United States constitution;
26 (f) the enumerated powers, authority, and limits on the authority of the federal government as found in
27 the United States constitution;
28 (g) methods of evaluating a federal law in the context of the principles of federalism;
29 (h) how and when challenges should be made to a federal law, act, or regulation on the basis of
30 federalism;

- 1 (i) the separate and independent powers of the state that serve as a check on the federal government;
- 2 (j) first amendment rights and freedoms contained within the constitution; and
- 3 (k) any other issues related to federalism with an emphasis on the state's most advantageous legal
- 4 position.

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6 **NEW SECTION. Section 2. Codification instruction.** [Section 1] is intended to be codified as an

7 integral part of Title 5, and the provisions of Title 5 apply to [section 1].

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