



AN ACT PROVIDING FOR FEDERALISM TRAINING FOR LEGISLATIVE EMPLOYEES; AND PROVIDING THAT CERTAIN LEGISLATIVE BRANCH EMPLOYEES ARE REQUIRED TO COMPLETE FEDERALISM TRAINING.

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

**Section 1. Course on federalism required.** (1) In order to enhance certain state employees' ability to identify, prevent, or aid in repealing federal encroachment into state jurisdiction, each attorney and each professional session and interim committee staffer employed by the legislative services division is required to take a course or seminar on the principles of federalism at least once in every 2-year period. 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 the United States constitution;
- (g) methods of evaluating a federal law in the context of the principles of federalism;
- (h) how and when challenges should be made to a federal law, act, or regulation on the basis of federalism;

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

**Section 2. Codification instruction.** [Section 1] is intended to be codified as an integral part of Title 5, and the provisions of Title 5 apply to [section 1].

- END -

I hereby certify that the within bill,  
SB 0295, originated in the Senate.

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President of the Senate

Signed this \_\_\_\_\_ day  
of \_\_\_\_\_, 2017.

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Secretary of the Senate

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Speaker of the House

Signed this \_\_\_\_\_ day  
of \_\_\_\_\_, 2017.

SENATE BILL NO. 295

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

AN ACT PROVIDING FOR FEDERALISM TRAINING FOR LEGISLATIVE EMPLOYEES; AND PROVIDING  
THAT CERTAIN LEGISLATIVE BRANCH EMPLOYEES ARE REQUIRED TO COMPLETE FEDERALISM  
TRAINING.