

CONFERENCE COMMITTEE REPORT SUMMARY

Measure HB1236

Principal Authors: Representative McCall
Senator Treat

General Subject Matter: Attorney General

General Description of **Major Differences** between the current report and the version last seen and voted on in the House and the sections in which such differences are located:

√ Changes from engrossed House measure which were made in the Senate and contained in conference committee report/substitute (applies *only* to House measures):

None

√ Changes made in conference:

Adds monitoring and evaluating any action by the federal government including executive orders by the President of the United States, rules or regulations promulgated by an agency of the federal government or acts of Congress if such actions violate the Tenth Amendment to the duties of the Attorney General.

Creates a State Reserved Powers Protection Unit within the Office of the Attorney General to monitor and evaluate any action by the federal government to determine if such actions are in violation of the Tenth Amendment. If a review concludes infringement on the Tenth Amendment, the Attorney General shall determine whether the state should seek an exemption or seek to have the action declared unconstitutional.

Creates a new law stating that the legislature may review any federal executive order, federal agency rule or federal legislative action to determine constitutionality. Upon recommendation from the Legislature, the Attorney General will review the action to determine constitutionality and whether the state should seek an exemption from the application of the action or seek to have the action declared unconstitutional by a court of competent jurisdiction. If the Attorney General declines to pursue action, the Legislature may by majority vote initiate an action to seek an exemption or seek to have an action declared unconstitutional by a court of competent jurisdiction.

The CCS removes the creation of a revolving fund for the Office of the Attorney General to be designated as the "State Reserved Powers Protection Unit Revolving Fund."

Date Prepared: May 12, 2021