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Federalism Amendments
2025 GENERAL SESSION
STATE OF UTAH
Chief Sponsor: Ken Ivory
Senate Sponsor:

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3 **LONG TITLE**4 **General Description:**

5 This bill modifies provisions related to federalism.

6 **Highlighted Provisions:**

7 This bill:

8 ▶ defines terms;

9 ▶ expands the membership of the Federalism Commission (commission) and modifies the
10 manner in which members are appointed;11 ▶ increases the number of committee bill files the commission is permitted to open each
12 year;13 ▶ requires the Center for Constitutional Studies (center) at Utah Valley University, as
14 directed by the commission, to:15 • develop a continuing education and training program for state and local government
16 employees regarding federalism issues;17 • organize an annual federalism conference and study the creation of a state-led national
18 federalism organization; and

19 • establish informal working groups as necessary and report to the commission;

20 ▶ requires the Herbert Institute (institute) at Utah Valley University, as directed by the
21 commission, to:22 • serve as a liaison between the commission, the center, and government entities on
23 federalism issues; and24 • conduct outreach and coordination to support the commission's federalism efforts and
25 report to the commission;

26 ▶ requires the commission to:

27 • make recommendations to the center and to the institute regarding the entities'
28 federalism-related duties; and29 • report annually to the Legislative Management Committee regarding the entities'
30 progress; and

31 ▸ makes technical corrections.

32 **Money Appropriated in this Bill:**

33 This bill appropriates \$910,000 in operating and capital budgets for fiscal year 2026, all of
34 which is from the Income Tax Fund.

35 **Other Special Clauses:**

36 None

37 **Utah Code Sections Affected:**

38 AMENDS:

39 **63C-4a-102**, as last amended by Laws of Utah 2021, Chapter 64

40 **63C-4a-302**, as last amended by Laws of Utah 2024, Chapter 410

41 **63C-4a-303**, as last amended by Laws of Utah 2024, Chapter 190

42 ENACTS:

43 **53B-29-401**, Utah Code Annotated 1953

44 **53B-29-402**, Utah Code Annotated 1953

45 **53B-29-403**, Utah Code Annotated 1953



47 *Be it enacted by the Legislature of the state of Utah:*

48 Section 1. Section **53B-29-401** is enacted to read:

49 **Part 4. Federalism**

50 **53B-29-401 . Definitions.**

51 As used in this part:

52 (1) "Center" means the Center for Constitutional Studies at Utah Valley University.

53 (2) "Commission" means the Federalism Commission created in Section 63C-4a-302.

54 (3) "Institute" means the Gary R. Herbert Institute for Public Policy at Utah Valley
55 University.

56 Section 2. Section **53B-29-402** is enacted to read:

57 **53B-29-402 . Federalism-related duties of Center for Constitutional Studies.**

58 Under the direction of the commission and subject to appropriations by the Legislature,
59 the center shall:

60 (1) develop a nonpartisan continuing education and training program for state and local
61 government employees on:

62 (a) the principles of federalism;

63 (b) the sovereignty, supremacy, and general jurisdiction of the individual states,
64 including the breadth and extent of state police power jurisdiction;

- 65 (c) the history and practical implementation of the Ninth and Tenth Amendments to the
 66 United States Constitution;
- 67 (d) the limited jurisdiction and powers of the federal government as proscribed by the
 68 United States Constitution, as amended;
- 69 (e) methods of evaluating federal jurisdiction, law, or action in the context of the
 70 principles of federalism;
- 71 (f) the duty, jurisdiction, and powers of the state to restore or maintain the
 72 constitutionally balanced state and federal governing roles and responsibilities; and
- 73 (g) any other education or training components related to federalism as recommended by
 74 the commission;
- 75 (2) organize an annual conference for state representatives and leaders whose primary
 76 purpose is to facilitate nonpartisan discussion and coordination amongst states with
 77 respect to federalism issues;
- 78 (3) study and advise the commission in regards to the creation of a state-led national
 79 organization focused on strengthening federalism and improving intergovernmental
 80 relations, including the makeup, duties, and functions of such organization;
- 81 (4) establish informal working groups consisting of public and private stakeholders as is
 82 appropriate to assist the center in fulfilling the requirements of this section; and
- 83 (5) report to the commission as requested regarding the center's progress in fulfilling the
 84 requirements of this section.

85 Section 3. Section **53B-29-403** is enacted to read:

86 **53B-29-403 . Federalism-related duties of Herbert Institute.**

87 Under the direction of the commission and subject to appropriations by the Legislature,
 88 the institute shall:

- 89 (1) serve as a liaison between the commission, the center, and federal, state, and local
 90 government entities with respect to federalism issues;
- 91 (2) conduct outreach and coordination with public and private sector entities to support the
 92 commission's federalism efforts; and
- 93 (3) report to the commission as requested regarding the institute's progress in fulfilling the
 94 requirements of this section.

95 Section 4. Section **63C-4a-102** is amended to read:

96 **63C-4a-102 . Definitions.**

97 As used in this chapter:

- 98 (1) "Account" means the Constitutional Defense Restricted Account, created in Section

99 63C-4a-402.

100 (2) "Center" means the Center for Constitutional Studies at Utah Valley University.

101 [(2)] (3) "Commission" means the Federalism Commission, created in Section 63C-4a-302.

102 [(3)] (4) "Constitutional defense plan" means a plan that outlines actions and expenditures to
103 fulfill the duties of the commission and the council.

104 [(4)] (5) "Council" means the Constitutional Defense Council, created in Section 63C-4a-202.

105 [(5)] (6) "Federal governmental entity" means:

106 (a) the president of the United States;

107 (b) the United States Congress;

108 (c) a United States agency; or

109 (d) an employee or official appointed by the president of the United States.

110 [(6)] (7) "Federal issue" means a matter relating to the federal government's dealings with
111 the state.

112 [(7)] (8) "Federal law" means:

113 (a) an executive order by the president of the United States;

114 (b) a statute passed by the United States Congress;

115 (c) a regulation adopted by a United States agency; or

116 (d) a policy statement, order, guidance, or action by:

117 (i) a United States agency; or

118 (ii) an employee or official appointed by the president of the United States.

119 (9) "Institute" means the Gary R. Herbert Institute for Public Policy at Utah Valley
120 University.

121 [(8)] (10) "R.S. 2477" means Revised Statute 2477, codified as 43 U.S.C. Section 932.

122 [(9)] (11) "R.S. 2477 plan" means a guiding document that:

123 (a) is developed jointly by the Utah Association of Counties and the state;

124 (b) is approved by the council; and

125 (c) presents the broad framework of a proposed working relationship between the state
126 and participating counties collectively for the purpose of asserting, defending, or
127 litigating state and local government rights under R.S. 2477.

128 [(10)] (12) "United States agency" means a department, agency, authority, commission,
129 council, board, office, bureau, or other administrative unit of the executive branch of the
130 United States government.

131 Section 5. Section **63C-4a-302** is amended to read:

132 **63C-4a-302 . Creation of Federalism Commission -- Membership -- Meetings --**

133 **Staff -- Expenses.**

134 (1)(a) There is created the Federalism Commission, comprised of the following [~~nine~~] 14
135 voting members:

136 [~~(i) the president of the Senate or the president of the Senate's designee who shall~~
137 ~~serve as cochair of the commission;~~]

138 [~~(ii) two other members of the Senate, appointed by the president of the Senate;~~]

139 [~~(iii) the speaker of the House or the speaker of the House's designee who shall serve~~
140 ~~as cochair of the commission;~~]

141 [~~(iv) three other members of the House, appointed by the speaker of the House;~~]

142 [~~(v) the minority leader of the Senate or the minority leader of the Senate's designee;~~
143 ~~and]~~

144 [~~(vi) the minority leader of the House or the minority leader of the House's designee.]~~

145 (i) five members of the Senate appointed by the president of the Senate, comprised of
146 four members from the majority party and one member from the minority party;
147 and

148 (ii) nine members of the House of Representatives appointed by the Speaker of the
149 House of Representatives, comprised of seven members from the majority party
150 and two members from the minority party.

151 (b)(i) Subject to the provisions of this Subsection (1)(b), the Legislative Management
152 Committee may appoint nonvoting members to the commission from a list of
153 individuals recommended by the cochairs of the commission.

154 (ii) If the Legislative Management Committee chooses to not appoint an individual
155 on the list described in Subsection (1)(b)(i), the Legislative Management
156 Committee may ask the cochairs of the commission to submit an additional list of
157 recommendations.

158 (iii) The Legislative Management Committee may not appoint an individual who is
159 not recommended by the cochairs of the commission.

160 (iv) The nonvoting members appointed by the Legislative Management Committee
161 under this Subsection (1)(b) shall be appointed or reappointed for a two-year term.

162 (v) When a vacancy of a nonvoting member occurs for any reason, the Legislative
163 Management Committee, in consultation with the cochairs of the commission,
164 shall appoint a replacement for the unexpired term.

165 (2)(a) A majority of the voting members of the commission constitute a quorum of the
166 commission.

- 167 (b) Action by a majority of the members of a quorum constitutes action by the
168 commission.
- 169 (3) The commission may meet up to nine times each year, unless additional meetings are
170 approved by the Legislative Management Committee.
- 171 (4) The Office of Legislative Research and General Counsel shall provide staff support to
172 the commission.
- 173 (5) Compensation and expenses of a member of the commission who is a legislator are
174 governed by Section 36-2-2 and Legislative Joint Rules, Title 5, Legislative
175 Compensation and Expenses.
- 176 (6) Nothing in this section prohibits the commission from closing a meeting under Title 52,
177 Chapter 4, Open and Public Meetings Act, or prohibits the commission from complying
178 with Title 63G, Chapter 2, Government Records Access and Management Act.
- 179 (7) The commission may, in the commission's discretion, elect to succeed to the position of
180 any of the following under a contract that any of the following are party to, subject to
181 applicable contractual provisions:
- 182 (a) the Commission on Federalism;
- 183 (b) the Commission for the Stewardship of Public Lands; and
- 184 (c) the Federal Funds Commission.
- 185 (8) The commission may:
- 186 (a) open up to three committee bill files per calendar year relating to the commission's
187 statutory duties, including the committee bill file described in Subsection
188 63L-10-103(6); and
- 189 (b) provide assistance to an interim committee regarding a committee bill file opened by
190 the interim committee that relates to the commission's duties.
- 191 Section 6. Section **63C-4a-303** is amended to read:
- 192 **63C-4a-303 . Federalism Commission to evaluate federal law -- Curriculum on**
193 **federalism -- Environment discussions -- Oversight of Center for Constitutional Studies**
194 **in relation to center's federalism duties.**
- 195 (1)(a) In accordance with Section 63C-4a-304, the commission may evaluate a federal
196 law:
- 197 (i) as agreed by a majority of the commission;
- 198 (ii) submitted to the commission by a council member; or
- 199 (iii) reported to the commission in accordance with Subsection (1)(b).
- 200 (b)(i) To assist the commission in the evaluation of federal law as required in this

- 201 section and Section 63C-4a-304, the commission may contract with a third party
202 that is a Utah institution of higher education to monitor federal law for possible
203 implications on the principles of federalism.
- 204 (ii) A third party contracted to monitor federal law as described in Subsection
205 (1)(b)(i) shall:
- 206 (A) monitor federal law for possible implications on the principles of federalism
207 and state sovereignty; and
- 208 (B) report to the commission any law or action by the federal government that
209 may implicate the principles of federalism or state sovereignty.
- 210 (c)(i) As used in this Subsection (1)(c), "interim committee" means the same as that
211 term is defined in Section 36-12-1.
- 212 (ii) The commission shall provide an annual report to each interim committee
213 concerning any law or action by the federal government that implicates the
214 principles of federalism or state sovereignty.
- 215 (iii) The commission may notify the appropriate interim committee of any law or
216 action by the federal government that implicates the principles of federalism or
217 state sovereignty.
- 218 (2) The commission may request information regarding a federal law under evaluation from
219 a United States senator or representative elected from the state.
- 220 (3) If the commission finds that a federal law is not authorized by the United States
221 Constitution or violates the principle of federalism as described in Subsection
222 63C-4a-304(2), a commission cochair or the commission may:
- 223 (a) request from a United States senator or representative elected from the state:
- 224 (i) information about the federal law; or
- 225 (ii) assistance in communicating with a federal governmental entity regarding the
226 federal law;
- 227 (b)(i) give written notice of an evaluation made under Subsection (1) to the federal
228 governmental entity responsible for adopting or administering the federal law; and
- 229 (ii) request a response by a specific date to the evaluation from the federal
230 governmental entity;
- 231 (c) request a meeting, conducted in person or by electronic means, with the federal
232 governmental entity, a representative from another state, or a United States Senator
233 or Representative elected from the state to discuss the evaluation of federal law and
234 any possible remedy; or

- 235 (d) give written notice of an evaluation and the conclusions of the commission to any
236 other relevant entity.
- 237 (4) The commission may recommend to the governor that the governor call a special
238 session of the Legislature to give the Legislature an opportunity to respond to the
239 commission's evaluation of a federal law.
- 240 (5) A commission cochair may coordinate the evaluation of and response to federal law
241 with another state as provided in Section 63C-4a-305.
- 242 (6) The commission shall keep a current list on the Legislature's website of:
243 (a) a federal law that the commission evaluates under Subsection (1);
244 (b) an action taken by a cochair of the commission or the commission under Subsection
245 (3);
246 (c) any coordination undertaken with another state under Section 63C-4a-305; and
247 (d) any response received from a federal government entity that was requested under
248 Subsection (3).
- 249 (7)(a) The commission shall develop curriculum for a seminar on the principles of
250 federalism.
- 251 (b) The curriculum under Subsection (7)(a) shall be available to the general public and
252 include:
253 (i) fundamental principles of federalism;
254 (ii) the sovereignty, supremacy, and jurisdiction of the individual states, including
255 their police powers;
256 (iii) the history and practical implementation of the Tenth Amendment to the United
257 States Constitution;
258 (iv) the authority and limits on the authority of the federal government as found in the
259 United States Constitution;
260 (v) the relationship between the state and federal governments;
261 (vi) methods of evaluating a federal law in the context of the principles of federalism;
262 (vii) how and when challenges should be made to a federal law or regulation on the
263 basis of federalism;
264 (viii) the separate and independent powers of the state that serve as a check on the
265 federal government;
266 (ix) first amendment rights and freedoms contained therein; and
267 (x) any other issues relating to federalism the commission considers necessary.
- 268 (8) The commission may apply for and receive grants, and receive private donations to

- 269 assist in funding the creation, enhancement, and dissemination of the curriculum.
- 270 (9) The commission shall submit a report on or before November 30 of each year to the
- 271 Government Operations Interim Committee and the Natural Resources, Agriculture, and
- 272 Environment Interim Committee that:
- 273 (a) describes any action taken by the commission under Section 63C-4a-303; and
- 274 (b) includes any proposed legislation the commission recommends.
- 275 (10) The commission shall comply with Section 19-1-110 in discussions with the
- 276 Department of Environmental Quality on issues related to the environment or the
- 277 functioning of the Department of Environmental Quality.
- 278 (11) The commission shall:
- 279 (a) coordinate with and make recommendations to the center concerning the center's
- 280 federalism-related duties under Section 53B-29-402, including:
- 281 (i) approving, coordinating, and assisting with the development of the federalism
- 282 education and training program under Subsection 53B-29-402(1); and
- 283 (ii) determining the scope and objectives of:
- 284 (A) the annual federalism conference organized under Subsection 53B-29-402(2);
- 285 and
- 286 (B) the study conducted under Subsection 53B-29-402(3);
- 287 (b) coordinate with and make recommendations to the institute regarding the institute's
- 288 federalism-related duties under Section 53B-29-403, including determining the scope
- 289 and objectives of the institute's outreach and coordination efforts under Subsection
- 290 53B-29-403(2); and
- 291 (c) report annually to the Legislative Management Committee regarding:
- 292 (i) the center's progress in fulfilling the requirements of Section 53B-29-402; and
- 293 (ii) the institute's progress in fulfilling the requirements of Section 53B-29-403.

294 **Section 7. FY 2026 Appropriations.**

295 The following sums of money are appropriated for the fiscal year beginning July 1,

296 2025, and ending June 30, 2026. These are additions to amounts previously appropriated for

297 fiscal year 2026.

298 **Subsection 7(a). Operating and Capital Budgets**

299 Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures Act, the

300 Legislature appropriates the following sums of money from the funds or accounts indicated for

301 the use and support of the government of the state of Utah.

302 **ITEM 1** To Utah Valley University - Education and General

303	From Income Tax Fund	560,000
304	From Income Tax Fund, One-time	350,000

305 Schedule of Programs:

306	Public Service	910,000
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307 The Legislature intends that the Center for
 308 Constitutional Studies at Utah Valley University use
 309 \$500,000 of the ongoing appropriation provided under
 310 this item and the \$350,000 one-time appropriation
 311 provided under this item to fulfill the requirements of
 312 Utah Code Annotated Section 53B-29-402.

313 The Legislature further intends that the Herbert
 314 Institute at Utah Valley University use \$60,000 of the
 315 ongoing appropriation provided under this item to fulfill
 316 the requirements of Utah Code Annotated Section
 317 53B-29-403.

318 Section 8. **Effective Date.**

319 This bill takes effect on May 7, 2025.