

**Keven J. Stratton** proposes the following substitute bill:

**Federalism Revisions**

2026 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Keven J. Stratton**

House Sponsor:

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**LONG TITLE**

**General Description:**

This bill modifies provisions related to federalism.

**Highlighted Provisions:**

This bill:

- defines terms;
- provides for the registration and protection of a trademark used by a state-led federalism organization;
- extends requirements for publishing and reporting federal guidance letters to certain education entities;
- changes the statewide website on which state agencies are required to publish federal guidance letters;
- requires a state agency that receives a federal guidance letter to submit an electronic report to the Federalism Commission containing information and recommendations regarding the impacts and scope of the federal guidance letter;
- authorizes a state agency to publish federal guidance letters received prior to the date on which the requirements for publishing and reporting federal guidance letters first took effect;
- requires the Federalism Commission to report annually to the Legislative Management Committee regarding federal guidance letters reported by state agencies; and
- makes technical and conforming changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

29 AMENDS:

30 **53H-4-703 (Effective 05/06/26)**, as renumbered and amended by Laws of Utah 2025,  
31 First Special Session, Chapter 8

32 **63C-4a-303 (Effective 05/06/26) (Repealed 07/01/28)**, as last amended by Laws of Utah  
33 2025, First Special Session, Chapter 9

34 **63G-16-301 (Effective 05/06/26)**, as enacted by Laws of Utah 2025, Chapter 335

35 **63G-16-302 (Effective 05/06/26)**, as enacted by Laws of Utah 2025, Chapter 335

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

38 Section 1. Section **53H-4-703** is amended to read:

39 **53H-4-703 (Effective 05/06/26). Federalism-related duties of Center for**  
40 **Constitutional Studies -- Trademark.**

41 (1) In consultation with the commission and subject to appropriations by the Legislature,  
42 the center shall:

43 [(+) (a)] develop a nonpartisan continuing education and training program for state and  
44 local government employees on:

45 [(a)] (i) the principles of federalism;

46 [(b)] (ii) the sovereignty, supremacy, and general jurisdiction of the individual states,  
47 including the breadth and extent of state police power jurisdiction;

48 [(c)] (iii) the history and practical implementation of the Ninth, Tenth, and Fourteenth  
49 Amendments to the United States Constitution;

50 [(d)] (iv) the limited jurisdiction and powers of the federal government as proscribed  
51 by the United States Constitution, as amended;

52 [(e)] (v) methods of evaluating federal jurisdiction, law, or action in the context of the  
53 principles of federalism;

54 [(f)] (vi) the duty, jurisdiction, and powers of the state to restore or maintain the  
55 constitutionally balanced state and federal governing roles and responsibilities; and

56 [(g)] (vii) other education or training components related to federalism as  
57 recommended by the commission;

58 [(2)] (b) organize an annual conference for state representatives and leaders whose  
59 primary purpose is to facilitate nonpartisan discussion and coordination amongst  
60 states with respect to federalism issues;

61 [(3)] (c) study and advise the commission in regards to the creation of a state-led national  
62 organization focused on strengthening federalism and improving intergovernmental

63 relations, including the makeup, duties, and functions of such organization;  
 64 [(4)] (d) coordinate with private sector actors who agree to conduct out-of-state outreach  
 65 to build national support for the commission's federalism efforts;  
 66 [(5)] (e) establish informal working groups consisting of public and private stakeholders  
 67 as is appropriate to assist the center in fulfilling the requirements of this section; and  
 68 [(6)] (f) report to the commission as requested regarding the center's progress in fulfilling  
 69 the requirements of this section.

70 (2) The attorney general, on behalf of the state, shall provide for the registration and  
 71 protection of a trademark used by an organization described in Subsection (1)(c).

72 Section 2. Section **63C-4a-303** is amended to read:

73 **63C-4a-303 (Effective 05/06/26) (Repealed 07/01/28). Federalism Commission to**  
 74 **evaluate federal law -- Curriculum on federalism -- Environment discussions --**  
 75 **Coordination with other entities in relation to federalism duties.**

76 (1)

77 (a) In accordance with Section 63C-4a-304, the commission may evaluate a federal law:

- 78 (i) as agreed by a majority of the commission;  
 79 (ii) submitted to the commission by a council member; or  
 80 (iii) reported to the commission in accordance with Subsection (1)(b).

81 (b)(i) To assist the commission in the evaluation of federal law as required in this  
 82 section and Section 63C-4a-304, the commission may contract with a third party  
 83 that is a Utah institution of higher education to monitor federal law for possible  
 84 implications on the principles of federalism.

85 (ii) A third party contracted to monitor federal law as described in Subsection (1)(b)(i)  
 86 shall:

87 (A) monitor federal law for possible implications on the principles of federalism  
 88 and state sovereignty; and

89 (B) report to the commission any law or action by the federal government that  
 90 may implicate the principles of federalism or state sovereignty.

91 (c)(i) As used in this Subsection (1)(c), "interim committee" means the same as that  
 92 term is defined in Section 36-12-1.

93 (ii) The commission shall provide an annual report to each interim committee  
 94 concerning any law or action by the federal government that implicates the  
 95 principles of federalism or state sovereignty.

96 (iii) The commission may notify the appropriate interim committee of any law or

- 97                   action by the federal government that implicates the principles of federalism or  
98                   state sovereignty.
- 99       (2) The commission may request information regarding a federal law under evaluation from  
100           a United States senator or representative elected from the state.
- 101       (3) If the commission finds that a federal law is not authorized by the United States  
102           Constitution or violates the principle of federalism as described in Subsection  
103           63C-4a-304(2), a commission cochair or the commission may:
- 104           (a) request from a United States senator or representative elected from the state:
- 105                   (i) information about the federal law; or  
106                   (ii) assistance in communicating with a federal governmental entity regarding the  
107                   federal law;
- 108           (b)(i) give written notice of an evaluation made under Subsection (1) to the federal  
109                   governmental entity responsible for adopting or administering the federal law; and  
110                   (ii) request a response by a specific date to the evaluation from the federal  
111                   governmental entity;
- 112           (c) request a meeting, conducted in person or by electronic means, with the federal  
113                   governmental entity, a representative from another state, or a United States [Senator]  
114                   senator or [Representative] representative elected from the state to discuss the  
115                   evaluation of federal law and any possible remedy; or
- 116           (d) give written notice of an evaluation and the conclusions of the commission to any  
117                   other relevant entity.
- 118       (4) The commission may recommend to the governor that the governor call a special  
119           session of the Legislature to give the Legislature an opportunity to respond to the  
120           commission's [-]evaluation of a federal law.
- 121       (5) A commission cochair may coordinate the evaluation of and response to federal law  
122           with another state as provided in Section 63C-4a-305.
- 123       (6) The commission shall keep a current list on the Legislature's website of:
- 124           (a) a federal law that the commission evaluates under Subsection (1);  
125           (b) an action taken by a cochair of the commission or the commission under Subsection  
126                   (3);  
127           (c) any coordination undertaken with another state under Section 63C-4a-305; and  
128           (d) any response received from a federal government entity that was requested under  
129                   Subsection (3).
- 130       (7)(a) The commission shall develop curriculum for a seminar on the principles of

- 131 federalism.
- 132 (b) The curriculum under Subsection (7)(a) shall be available to the general public and  
133 include:
- 134 (i) fundamental principles of federalism;
- 135 (ii) the sovereignty, supremacy, and jurisdiction of the individual states, including  
136 their police powers;
- 137 (iii) the history and practical implementation of the Tenth Amendment to the United  
138 States Constitution;
- 139 (iv) the authority and limits on the authority of the federal government as found in the  
140 United States Constitution;
- 141 (v) the relationship between the state and federal governments;
- 142 (vi) methods of evaluating a federal law in the context of the principles of federalism;
- 143 (vii) how and when challenges should be made to a federal law or regulation on the  
144 basis of federalism;
- 145 (viii) the separate and independent powers of the state that serve as a check on the  
146 federal government;
- 147 (ix) first amendment rights and freedoms contained therein; and
- 148 (x) any other issues relating to federalism the commission considers necessary.
- 149 (8) The commission may apply for and receive grants, and receive private donations to  
150 assist in funding the creation, enhancement, and dissemination of the curriculum.
- 151 (9) The commission shall submit a report on or before November 30 of each year to the  
152 Government Operations Interim Committee and the Natural Resources, Agriculture, and  
153 Environment Interim Committee that:
- 154 (a) describes any action taken by the commission under Section 63C-4a-303; and
- 155 (b) includes any proposed legislation the commission recommends.
- 156 (10) The commission shall comply with Section 19-1-110 in discussions with the  
157 Department of Environmental Quality on issues related to the environment or the  
158 functioning of the Department of Environmental Quality.
- 159 (11) The commission shall:
- 160 (a) coordinate with and make recommendations to the center concerning the center's  
161 federalism-related duties under Section 53H-4-703, including:
- 162 (i) the development of the federalism education and training program under  
163 Subsection [~~53H-4-703(1)~~] 53H-4-703(1)(a); and
- 164 (ii) the scope and objectives of:

- 165 (A) the annual federalism conference organized under Subsection [~~53H-4-703(2)~~  
 166 53H-4-703(1)(b)];  
 167 (B) the study conducted under Subsection [~~53H-4-703(3)~~] 53H-4-703(1)(c); and  
 168 (C) the center's coordination efforts under Subsection [~~53H-4-703(4)~~  
 169 53H-4-703(1)(d)];
- 170 (b) coordinate with and make recommendations to the institute regarding the institute's  
 171 federalism-related duties under Section 53H-4-704; and
- 172 (c) report annually to the Legislative Management Committee regarding:  
 173 (i) the center's progress in fulfilling the requirements of Section 53H-4-703; [~~and~~]  
 174 (ii) the institute's progress in fulfilling the requirements of Section 53H-4-704[~~;~~] ; and  
 175 (iii) federal guidance letters received by state agencies and reported to the  
 176 commission in accordance with Section 63G-16-302.
- 177 (12) Each executive branch agency shall, at the request of the commission, designate a  
 178 contact person to coordinate with the commission regarding the federalism education  
 179 and training program developed under Section 53H-4-703 for the purposes of:  
 180 (a) determining the extent of federal jurisdiction in the agency's resource sphere;  
 181 (b) determining whether federal action exceeds the federal government's jurisdictional  
 182 authority;  
 183 (c) assessing what actions the agency may take [~~in the event that~~] if federal action  
 184 exceeds the federal government's jurisdictional authority; and  
 185 (d) assessing how actions described in Subsection (12)(c) may better enable the agency  
 186 to use the agency's best judgment in serving the people of Utah.

187 Section 3. Section **63G-16-301** is amended to read:

188 **63G-16-301 (Effective 05/06/26). Definitions.**

189 As used in this part:

- 190 (1) "Applicable federal agency" means the federal agency that issued a federal guidance  
 191 letter.
- 192 (2) "Commission" means the Federalism Commission created in Section 63C-4a-302.
- 193 (3) "Education entity" means:  
 194 (a) the State Board of Education;  
 195 (b) the Utah Board of Higher Education;  
 196 (c) the State Charter School Board created in Section 53G-5-201;  
 197 (d) a local school board described in Title 53G, Chapter 4, School Districts; or  
 198 (e) a charter school governing board described in Title 53G, Chapter 5, Charter Schools.

199 [(2)] (4) "Federal agency" means a department, agency, authority, commission, council,  
 200 board, office, bureau, or other administrative unit of the executive branch of the United  
 201 States government.

202 [(3)] (5)(a) "Federal guidance letter" means a written statement by a federal agency,  
 203 regardless of format, that:

204 (i) clarifies or provides instruction on:

205 (A) the federal agency's interpretation of a federal law; or

206 (B) the federal agency's policies for administering a federal law; and

207 (ii) is nonbinding and of general applicability.

208 (b) "Federal guidance letter" does not include:

209 (i) a written communication between a federal agency and a state agency regarding a  
 210 specific entity;

211 (ii) a peer-to-peer communication; or

212 (iii) a written communication between a federal agency and the State Tax  
 213 Commission containing guidance related to the protection, storage, or  
 214 safeguarding of confidential information.

215 [(4)] (6) "Federal law" means:

216 (a) a statute passed by the United States Congress; or

217 (b) a rule or regulation adopted by a federal agency.

218 [(5)] (7) "State agency" means:

219 (a) a department, division, board, council, committee, institution, office, bureau, or other  
 220 similar administrative unit of the executive branch of state government[-] ; or

221 (b) an education entity.

222 Section 4. Section **63G-16-302** is amended to read:

223 **63G-16-302 (Effective 05/06/26). Federal guidance letters received by state**  
 224 **agencies -- Publication and reporting requirements -- Standards for information**  
 225 **published on state agency website -- Authority to publish previously received letters.**

226 (1) A state agency shall publish and report federal guidance letters received by the state  
 227 agency in accordance with this section.

228 (2)(a) [~~Beginning July 1, 2025~~] Except as provided in Subsection (2)(b), a state agency  
 229 that receives a federal guidance letter on or after July 1, 2025, shall:

230 (i) publish the federal guidance letter on:

231 (A) the state agency's public website; and

232 (B) the Utah [~~Open Data Portal~~] Public Notice Website created in Section [

- 233 ~~63A-16-107]~~ 63A-16-601; and
- 234 (ii) ~~[transmit a copy of the federal guidance letter to:]~~ submit an electronic report to
- 235 the commission containing the information specified in Subsection (2)(c).
- 236 ~~[(A) the Legislative Management Committee; and]~~
- 237 ~~[(B) the chairs of the Legislature's Federalism Commission.]~~
- 238 (b) For a state agency that is an education entity, the requirements of Subsection (2)(a)
- 239 apply to federal guidance letters received on or after May 6, 2026.
- 240 (c) The report described in Subsection (2)(a)(ii) shall include:
- 241 (i) a copy of or an electronic link to the federal guidance letter received by the state
- 242 agency;
- 243 (ii) a brief description of:
- 244 (A) the purpose of the federal guidance letter;
- 245 (B) any fiscal or administrative impacts on the state agency resulting from the
- 246 federal guidance letter, whether actualized or potential; and
- 247 (C) any recommendations as to whether the federal guidance letter may violate the
- 248 principle of federalism as set forth in Subsection 63C-4a-304(2); and
- 249 (iii) any other information required by the commission.
- 250 ~~[(b)]~~ (d) A state agency shall comply with the requirements of Subsection (2)(a) within
- 251 15 days from the date on which the state agency receives the federal guidance letter.
- 252 (3)(a) This Subsection (3) applies to a state agency that:
- 253 (i) publishes and reports a federal guidance letter in accordance with Subsection (2);
- 254 and
- 255 (ii) receives a written communication from the applicable federal agency indicating
- 256 that the federal guidance letter has been rescinded.
- 257 (b) A state agency described in Subsection (3)(a) shall:
- 258 (i) publish the following documents on the websites described in Subsection (2)(a)(i):
- 259 (A) the written communication indicating the federal guidance letter's rescission;
- 260 and
- 261 (B) a disclaimer, linked to the federal guidance letter, notifying the public of the
- 262 federal guidance letter's rescission; and
- 263 (ii) transmit to the ~~[entities described in Subsection (2)(a)(ii)]~~ commission a copy of
- 264 the written communication indicating the federal guidance letter's rescission.
- 265 (c) A state agency shall comply with the requirements of Subsection (3)(b) within 15
- 266 days from the date on which the state agency receives the written communication

- 267            indicating the federal guidance letter's rescission.
- 268            (4) A state agency shall ensure that any information published on the state agency's public
- 269            website under this section is available:
- 270            (a) on a permanent basis;
- 271            (b) in a user-friendly manner; and
- 272            (c) via a link from the main page of the website.
- 273            (5) A state agency may publish, on a website described in Subsection (2)(a)(i), any federal
- 274            guidance letters received prior to:
- 275            (a) July 1, 2025, for a state agency that is not an education entity; or
- 276            (b) May 6, 2026, for a state agency that is an education entity.
- 277            **Section 5. Effective Date.**
- 278            This bill takes effect on May 6, 2026.