



# Federalism Commission

Interim Report | December 9, 2025

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Speaker Mike Schultz, Chair  
 President J. Stuart Adams, Chair  
 Legislative Management Committee  
 350 North State, Suite 350  
 Salt Lake City, UT 84114

As the chairs of the Federalism Commission (commission), and pursuant to the requirements of Utah Code Section 63C-4a-304(4)(b)(ii), we respectfully submit the following report for the 2025 Interim.

The Federalism Commission met five times during the 2025 Interim and anticipate holding future meetings, with your advance approval. The commission covered the following issues this during 2025:

## Implementation of H.B. 488, Federalism Amendments

- The Legislature passed [H.B. 488 Federalism Amendments](#) during the 2025 General Session. H.B. 488 directed the Center for Constitutional Studies (UVU) to develop a federalism continuing education and training program for state and local government employees. The bill also tasked UVU with organizing an annual federalism conference (summit) and to study the creation of a state-led national federalism organization (convocation). H.B. 488 required the commission to work with UVU on these programs and to provide recommendations. This effort has become known as the National Federalism Initiative (NFI).
- The three pillars of the NFI are to:
  - educate state leaders on the respective roles and responsibilities of the state and federal government,
  - engage with leaders in other states toward a multistate consensus on state-federal jurisdiction and powers, and
  - establish a state-led organization to preserve the state-federal governing balance.
- NFI efforts will proceed along three tracks:
  - Red state capacitation: sharing Utah’s model with states that seek clear and defined limits on federal assertion of jurisdiction and stronger dispute resolution mechanisms.
  - Blue state capacitation: frame federalism inn terms of empowering states to advance diverse policies and priorities without federal intrusion.
  - Integration: Encourage the establishment of a National Federalism Commission, create and publish a functional federalism archive (AI) to serve as a resource for states in preserving state-federal jurisdictional balance.
- Outreach: the commission will continue outreach to other states through weekly and monthly “federalism matters” programming. This would include a bi-partisan effort to



educate and engage state leaders through podcasts, op eds, videos, traditional and social media, emails, text alerts, and related efforts.

- The commission will continue to engage with our UVU partners -- Constitutional Federalism, Initiative, Center for Constitutional Studies, and the Herbert Institute), the Center for Federalism Law and American Government (FLAG) at the University of Utah, the State Policy Network, the Urban Institute, the Sutherland Institute, and others -- on outreach efforts with state, local, academic, and civic leaders.
  - The commission requests that leaders in other states work to:
    - adopt legislation/resolution advancing the NFI objectives, including the 2027 convocation of state and national leaders;
    - designate federalism points of contact in each state (2 senators and 2 representatives, bipartisan) to work with Utah’s NFI team;
    - participate in monthly federalism briefings and podcasts; and
    - arrange a delegation to the 2026 NFI summit.

## **Components of H.B. 488 - Implementation**

### **Federalism Summit 2025**

- During our [May](#), [June](#), and [August](#) meetings, the commission reviewed the work of the working group designated by the commission to organize and make preparations for the first annual federalism NFI summit (held September 2025).
- Together with our UVU partners (CFI, CCS and Herbert Inst.), we organized and conducted the first NFI Summit in September. Legislators and representatives from 14 states participated in the summit. The focus was “Rebalancing the State-Federal Relationship” through focusing on structure over politics. Speakers included Governor Spencer J. Cox, Congressman Mike Kennedy, Speaker Mike Schultz, Senate Majority Leader Cullimore, Senate Minority Whip Kwan, House Minority Whip Dailey-Provost, Dr. Jenna Bednar (University of Michigan), Dr. John Dinan (Wake Forest University), Attorney General Derek Brown, Commission chairs Sen. Stratton and Rep. Ivory, and members of the commission.

### **Federalism Education and Training Program**

- Pursuant to HB 488, under the leadership of Commissioner Dr. Jim Moss (past USBE chair), Utah’s Continuing Education effort is advancing a structured, multi-phase program through UVU CFI to train state agencies and leaders in the principles and practice of federalism. Phase 1 convened agency representatives across people, economic, and infrastructure sectors; Phase 2 (now underway) includes on-site reviews of agency interactions with federal counterparts to identify opportunities to rebalance authority. Preliminary findings highlight cooperative but often unresponsive federal partners, blurred lines between interstate and intrastate regulation, and overlapping federal interventions in areas such as licensing, environment, and Medicaid reimbursement. These insights will inform federalism matrices, policy briefs and educational modules to prepare legislative and executive leaders for deeper training in 2026, inter-state collaboration, and potential policy or legal actions to strengthen Utah’s constitutional role within the state-federal partnership.



### **2027 National Federalism Convocation**

- As part of the NFI, the commission is working with our UVU partners and others convene a formal meeting between the states and federal government by December 31, 2027, toward restoring clarity in state-federal roles and responsibilities. The NFI summit held in September was the initial effort to engage other states in this effort. We anticipate the 2026 NFI summit and ongoing monthly federalism matters outreach efforts will significantly advance preparations for the 2027 convocation with the federal government.
- December 14-15, 2025, NCSL is convening a federalism gathering of all Senate Presidents and House Speakers to address areas of general consensus for discussion and negotiation with the Administration and Congress toward restoring a more functional state-federal governing partnership. Utah has submitted five specific declarations for this gathering for consideration and approval by other state leaders. (attached).

### **Department of Environmental Quality**

- Utah Code Section 19-1-110 (enacted in H.B. 373 Environmental Quality Amendments, 2024 General Session) requires the Department of Environmental Quality to meet with the Federalism Commission to discuss the needs of the department, needs of the industries overseen by the department, policy and rulemaking changes and implementation, EPA regulations and any other federal regulations that affect industries regulated by the department.
- The commission met with the Department of Environmental Quality (department) in our [May](#), [June](#), and [October](#) meetings. We discussed interactions with federal agencies regarding new policies and regulations, specific rules and regulations implemented by the U.S. Environmental Protection Agency and efforts by the department to address concerns with regulations related to air quality and how those impact Utah, and a [report](#) from the department on its efforts to implement long-term goals and a strategic plan toward achieving greater long-term clarity in state-federal roles in this area beyond the term of any particular presidential administration.

### **Federalism – Structure Over Politics**

- The commission has successfully engaged members across the political spectrum to re-instill jurisdictional clarity and return governing focus to structure over politics. To this end, we have engaged members in systematic reviews of various areas of jurisdictional intersection to clarify state vs. federal jurisdiction, roles, responsibilities and powers. As addressed below, we commenced this review on matters of land jurisdiction and policy, education, law enforcement, immigration, environmental care and quality, and fiscal sustainability and contingency planning. We have enjoyed bipartisan engagement in these discussions toward restoring greater clarity in our respective state-federal governing roles.



## Eisenhower Report on Jurisdiction Over Federally Controlled Lands

- The legislature previously commissioned an updated study of the 1957 Eisenhower Study of Jurisdiction Over Federal Areas Within The States as well as the 1962 GAO Inventory of the resulting jurisdictional categories. The commission received the updated [report](#) conducted by a team assembled attorney John Howard and related [analysis](#) at our [June meeting](#). This Updated Report raises substantial considerations regarding the more than 96% of federally controlled lands in Utah where the federal government does not assert or claim to have governing jurisdiction. Following discussions with legislative leadership and the Utah Constitutional Defense Council, we anticipate draft legislation for review in the 2026 legislative session regarding limited federal jurisdictional authority over federally controlled lands in Utah and opportunities for the state to assert its full measure of jurisdictional authority over these lands.

## Public Lands Issues

- The commission heard from the Public Lands Policy Coordinating Office (PLPCO) at our [June, October and November meetings](#) regarding issues and concerns with public lands and heard from the Attorney General's Office regarding various lawsuits filed against the federal government. The commission discussed the proposal by Sen. Mike Lee to include the sale of approximately 5,000 acres of public lands (out of a total of more than 35 million acres) in the One Big Beautiful Bill Act and public reaction to the proposed sale of public lands. PLPCO presented on the potential impact on local areas and which areas would not be impacted by the proposal. The commission also discussed a recent visit by Rep. Logan Monson to the Bears Ears National Monument and its impact on the local communities.
- Resource Management Plan. The commission also opened a bill file and approved updates to the State Resource Management Plan.

## State Resource Management Plan: Recommended Statutory Changes

- The commission received recommended statutory changes from the PLPCO regarding the State Resource Management Plan. The commission opened a bill file to address the recommended changes in code.
  - **Action:** Approved 2025 draft legislation "[State Resource Management Plan Amendments](#)" which includes the changes proposed by PLPCO.

## Land Applications for Federally Managed Lands

- S.B. 158 Sale or Lease of Federally Managed Public Land Amendments, 2025 General Session requires the Public Lands Policy Coordinating Office to conduct a survey of land applications for federally managed public land from July 1, 2014 to July 1, 2024. The commission received the [report](#) from PLPCO at our [October](#) meeting. We also evaluated potential legislation to regulate the process of land applications from state agencies and political subdivisions.



## Education

- Under the direction of Commissioner Dr. Jim Moss, the commission organized and held a robust discussion toward clarifying the appropriate federal role and involvement in education at its [August meeting](#), including:
  - Dr. Joshua Dunn from the Institute of American Civics at the Howard H. Baker School of Public Policy and Public Affairs regarding the background of federal involvement and funding activity in the education area;
  - former Congressman Rob Bishop on federal legislative and judicial involvement in education issues; and
  - Scott Jones, Deputy Superintendent of Operations with the State Board of Education, on the mission of the board and how that mission intersects with the federal government in the context of state sovereignty.
- Information gleaned from this discussion will help shape the federalism education and training currently being developed.

## Federal Guidance Letters

- S.B. 198 Federal Guidance Letter Amendments, 2025 General Session requires state agencies forward federal guidance letters received to the chairs of the Federalism Commission and to the Legislative Management Committee within 15 days of receiving a letter from the federal government.
- The commission discussed these guidance letters in our [October](#) and November meetings and, with the assistance of the Sutherland Institute, established a protocol for review and analysis of the same. Using this protocol, we discussed the impact the guidance letters might have on state agencies, other states, and individuals, and whether the letter appears to violate the principles of federalism as defined in Utah Code. Included is the tracking spreadsheet we use to review each federal guidance letter (See, addendum to this report). As we continue to receive additional guidance letters, we will continue to evaluate them and forward our analysis for your consideration.

## Law Enforcement Jurisdiction

- At the request of minority commission members, we reviewed and discussed law enforcement jurisdictional issues at, and following, our [October](#) meeting. The commission heard from Professor Ilya Somin, George Mason University, who presented on the historical and constitutional authority of the federal government in the areas of law enforcement and general police powers of the state. The commission discussed law enforcement jurisdictional issues specific to Utah, hearing from the Kane County and Utah County sheriffs on the matter.
- The commission formed an informal workgroup to study issues raised by commission members including presidential use of the national guard for general law enforcement matters, federal rule 287(g) pertaining to federal agencies contracting with local sheriffs to enforce immigration laws, and general law enforcement jurisdictional issues. This working group is coordinating with the Utah Sheriffs' Association on a Law Enforcement



State-Federal Jurisdiction Protocol to address federal assertions of law enforcement authority in the state.

## Federal Funds Contingency Planning

- At our November meeting, the commission heard from federal budget and finance experts regarding the unsustainability of federal funds and opened a committee bill file to begin deeper level contingency planning. The panel discussion on federal funds contingency planning included experts from the Manhattan Institute, Mercatus, the State Policy Network, the Office of the Legislative Auditor General, and the Legislative Fiscal Analyst Office. Presentations and discussion covered:
  - The substantial percentage of Utah’s budget comprised of [federal funds](#) (nearly 30%, being the single largest source of funds in the state budget)
  - the [federal debt and deficit](#) and their adverse impact on our state;
    - specifically, these experts cited exigencies related to the short term maturity of the \$38 trillion national debt, the increasing percentage of federal revenue to satisfy interest on the debt, and that the Social Security and Medicare Trust Funds are projected to be fully depleted within five years;
    - a general consensus emerged regarding serious instability of federal funds comprising nearly 30% of Utah’s budget within the next 2-5 years, with 10 years being an outside range of such unsustainability.
  - Dashboarding federal funds risk factors and assessing the most [critical vulnerabilities](#) (values at risk – VAR) in Utah; and
  - and how begin mitigating these clear and present risks, particularly to the most vulnerable citizens in the state.
- The commission voted to open a bill file to address dashboarding federal funding risks and to commence deeper level contingency planning for the loss in amount or value of federal funds. We anticipate bill language will be considered and approved at a future meeting that includes:
  - Creating a dashboard of federal funds risk factors;
  - Commissioning one or more state universities to create a system of modeling and protocol(s) for analyzing and mitigating Values At Risk (VAR) from the loss in amount of value of federal funds to the state;
  - Establish a timeline for the commission to review and report on community and academic coordination and outreach regarding contingency planning for unsustainability of federal funds to Utah and other states.



## Recommendations

The Federalism Commission recommends for consideration in the 2026 General Session [“State Resource Management Plan Amendments”](#) as well as the forthcoming Federal Funds Contingency Planning Amendments.

We are also working with individual legislators on updates to the federal guidance letters review and analysis; state assertion of jurisdiction over federally controlled lands in accordance with the updated report to the Eisenhower Study; precious metals amendments in connection with the contingency planning legislation; process pertaining to federal land applications; further updates to civics education standards to advance the annual study of federalism and constitutional governance; as well as updates to promote greater outreach of our NFI principles and objectives.

The commission expresses its gratitude to President Adams, Speaker Schultz and the Legislative Management Committee for your support in advancing clear and functional intergovernmental lines of authority in order to ameliorate the dramatic and disconcerting partisan policy whiplash that emanates from DC with every national election. We believe it is incumbent upon Utah and our sister states to check and restrain our federal partner, without regard to the controlling party, from further eroding trust in the finances and governing structures of our nation.

We believe more fervently than ever that only through restoring clarity and adherence to the structural roles and responsibilities (federalism and separation of powers) in our constitutional governing partnership can we achieve fiscal and political sustainability for America to endure and prosper over the next 250 years.

We respectfully submit the above report and welcome any questions from members of the Legislative Management Committee.

Respectfully,

Senator Keven J. Stratton  
Chair, Federalism Commission

Representative Ken Ivory  
Chair, Federalism Commission