

1 **RESOLUTION URGING STATE TO**
2 **RECOGNIZE FEDERAL LAW PROHIBITING**
3 **PARTIAL BIRTH ABORTION**

4 2004 GENERAL SESSION

5 STATE OF UTAH

6 **Sponsor: Ron Allen**

7
8 **LONG TITLE**

9 **General Description:**

10 This joint resolution expresses opposition to potential state action on partial birth
11 abortion.

12 **Highlighted Provisions:**

13 This resolution:

14 ▶ expresses opposition to the expenditure of any financial or personnel resources by
15 the state of Utah to defend the federal partial birth abortion law.

16 **Special Clauses:**

17 None

18
19 *Be it resolved by the Legislature of the state of Utah:*

20 WHEREAS, a law that would prohibit "partial birth abortion" has been passed by the
21 United States Congress, signed into law by President Bush, and is currently in effect;

22 WHEREAS, this law prohibits "partial birth abortion" in Utah, as in the rest of the
23 United States;

24 WHEREAS, the constitutionality of the federal law has been challenged in the courts
25 and the court proceedings are likely to be lengthy and expensive;

26 WHEREAS, the federal government is better financed than the state of Utah to defend
27 this legislation;



28 WHEREAS, Utah is experiencing a budget crisis and has had to cut programs, staff,
29 and state agencies in order to balance its budget; and

30 WHEREAS, the state of Utah should not spend its limited resources defending the
31 constitutionality of "partial birth abortion" laws when the federal government is already
32 defending a similar "partial birth abortion" ban:

33 NOW, THEREFORE, BE IT RESOLVED that the Legislature of the state of Utah
34 strongly opposes the expenditure of precious state financial and personnel resources to pursue
35 or defend legally expensive "partial birth abortion" legislation that is already in effect in Utah
36 as a result of federal law.

37 BE IT FURTHER RESOLVED that a copy of this resolution be sent to the President of
38 the United States, the President of the United States Senate, the Speaker of the United States
39 House of Representatives, and the members of Utah's congressional delegation.

Legislative Review Note

as of 12-22-03 7:45 AM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel