

**JOINT RESOLUTION APPLYING TO CONGRESS TO CALL
A CONSTITUTIONAL CONVENTION ON THE PROCESS
FOR REPEAL OF FEDERAL LAWS**

2011 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: David Clark

Senate Sponsor: _____

LONG TITLE

General Description:

This joint resolution of the Legislature applies to the United States Congress to call a Constitutional Convention to propose a constitutional amendment that would permit the repeal of any federal law or regulation by a vote of two-thirds of the state legislatures.

Highlighted Provisions:

This resolution:

- ▶ applies to the United States Congress to call a Constitutional Convention for the purpose of proposing an amendment to the United States Constitution that would permit the repeal of any federal law or regulation if the repeal is ratified by two-thirds of the state legislatures.

Special Clauses:

None

Be it resolved by the Legislature of the state of Utah:

WHEREAS, Article I of the United States Constitution begins, "All legislative powers herein granted shall be vested in a Congress";

WHEREAS, the United States Congress has exceeded the legislative powers granted to it in the Constitution of the United States encroaching on the powers that are "reserved to the



28 states respectively, or to the people" as the Tenth Amendment affirms, and the rights "retained
29 by the people" to which the Ninth Amendment refers;

30 WHEREAS, this encroachment includes the accumulation of federal debt which,
31 combined with interest, represents a future tax, and is of such great proportion that
32 responsibility for its payment will be passed to future, unborn generations of Americans to
33 assume without their consent, thereby disparaging their rights;

34 WHEREAS, this encroachment also includes compelling state and local governments to
35 comply with federal laws and regulations without accompanying funding for these mandates;

36 WHEREAS, in Federalist Paper Number 85, Alexander Hamilton wrote in reference to
37 Article V of the United States Constitution and the calling of a convention for the purpose of
38 proposing amendments that, "We may safely rely on the disposition of the State legislatures to
39 erect barriers against the encroachment of the national authority"; and

40 WHEREAS, the United States Constitution should be amended in order to halt federal
41 encroachment and restore a proper balance between the powers of the United States Congress
42 and those of the several states, and to prevent the denial or disparagement of the rights retained
43 by the people:

44 NOW, THEREFORE, BE IT RESOLVED that the Legislature of the state of Utah
45 hereby applies to the United States Congress to call a Constitutional Convention, pursuant to
46 Article V of the United States Constitution for the limited purpose of proposing a constitutional
47 amendment that permits the repeal of any federal law or regulation by a vote of two-thirds of
48 the state legislatures;

49 BE IT FURTHER RESOLVED that Congress submit to that Convention for its
50 consideration the following amendment: "Any provision of law or regulation of the United
51 States may be repealed by the several states, and such repeal shall be effective when the
52 legislatures of two-thirds of the several states approve resolutions for this purpose that
53 particularly describe the same provision or provisions of law or regulation repealed."

54 BE IT FURTHER RESOLVED that the application made by this resolution calling for
55 a limited Purpose Constitutional Convention is revoked, withdrawn, nullified, and superseded
56 to the same effect as if it had never been passed, and retroactive to the date of passage, if it is
57 used for the purpose of calling a convention or used in support of conducting a convention to
58 amend the Constitution of the United States for any purpose other than consideration of the

59 amendment proposed in this resolution.

60 BE IT FURTHER RESOLVED that the Legislature, on behalf of the state of Utah,
61 reserves its right to add other proposed amendments to the United States Constitution to be
62 considered by the Constitutional Convention by adopting one or more subsequent resolutions.

63 BE IT FURTHER RESOLVED that the Legislature of the state of Utah recommends
64 that delegates to the convention, when called, be selected according to procedures established
65 by the legislatures of each state.

66 BE IT FURTHER RESOLVED that a copy of this resolution be sent to the President of
67 the United States Senate, the Speaker of the United States House of Representatives, and to the
68 members of Utah's congressional delegation so that they may be apprised of the sense of the
69 Utah State Legislature in this matter.

Legislative Review Note
as of 12-13-10 8:55 AM

Office of Legislative Research and General Counsel

FISCAL NOTE

H.J.R. 2, 2011 General Session

SHORT TITLE: Joint Resolution Applying to Congress to Call a Constitutional Convention on the Process for Repeal of Federal Laws

SPONSOR: Clark, D.

STATE OF UTAH

STATE GOVERNMENT (UCA 36-12-13(2)(b))

Enactment of this bill likely will not materially impact the state budget.

LOCAL GOVERNMENTS (UCA 36-12-13(2)(c))

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for local governments.

DIRECT EXPENDITURES BY UTAH RESIDENTS AND BUSINESSES (UCA 36-12-13(2)(d))

Enactment of this bill likely will not result in direct, measurable expenditures by Utah residents or businesses.