

**Senate Resolution Calling for an Executive Order on
Federalism (converted from a joint resolution per JR4-5-104)**

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Ronald M. Winterton

LONG TITLE

General Description:

This resolution calls on the President of the United States to issue an executive order on federalism.

Highlighted Provisions:

This resolution:

- expresses the importance of maintaining the principles of federalism and respecting the balance of powers as required by the United States Constitution;
- calls on the President of the United States to issue an executive order that reaffirms and strengthens the principles of federalism through certain self-enforcing mechanisms; and
- urges Congress to exercise its oversight responsibilities to ensure that federal agencies comply with any new executive order on federalism.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

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

WHEREAS, the principles of federalism enshrined in the United States Constitution are essential to the preservation of the nation's system of dual sovereignty, which ensures a balance of power between the federal and state governments, as a double security to the rights of the American people;

WHEREAS, Executive Order 12612, issued by President Ronald Reagan on October 26, 1987, articulated the federalism principles that safeguard states' jurisdiction and

responsibilities while limiting federal overreach;

WHEREAS, the Government Accountability Office, in its report titled "Federalism: Implementation of Executive Order 12612 in the Rulemaking Process," identified areas where the enforcement of federalism principles could be improved through self-enforcing mechanisms to ensure compliance and accountability;

WHEREAS, the erosion of federalism diminishes the uniqueness and diversity of the states, weakens the states' ability to serve as laboratories of democracy, undermines self-governance and local accountability, results in unchecked centralization of government removed from the eyes of the people, and destabilizes the United States Constitution's vision of a federal government of limited and enumerated powers;

WHEREAS, states have continued to encounter instances where federal rules and regulations encroach on state authority without proper consideration of the fundamental principles of federalism;

WHEREAS, a renewed commitment to federalism would foster respect for the distinct and complementary roles of federal, state, and local governments and better serve the interests of the American people; and

WHEREAS, decades of ignorance and disregard for the meticulous limits, balance, divisions, of state-federal governing powers that characterize American federalism have resulted in multi-trillion dollar annual federal deficits and an accumulated national debt exceeding \$36 trillion, threatening the international reserve currency role of the U.S. dollar as well as the overall national security of the United States:

NOW, THEREFORE, BE IT RESOLVED that the Senate of the state of Utah calls on the President of the United States to issue an executive order on federalism that reaffirms the principles of Executive Order 12612 and strengthens the principles' incorporation through the self-enforcing mechanisms recommended by the Government Accountability Office, including requiring federal agencies to conduct thorough federalism assessments during the rulemaking process to evaluate the impact of proposed regulations on states, establishing mandatory consultation procedures with state governments early in the development of federal rules to ensure state perspectives are respected, creating enforceable oversight mechanisms to hold federal agencies accountable for compliance with the principles of federalism, and mandating the publication of detailed justifications when federal actions encroach upon or supersede state authority to demonstrate that such actions are warranted and constitutionally permissible.

BE IT FURTHER RESOLVED that the Senate reaffirms the importance of restoring and maintaining our exceptional American federalism structure of government that respects the

61 constitutional balance, limits, and division of governing powers and the sovereignty of the
62 several states.

63 BE IT FURTHER RESOLVED that the Senate urges Congress to exercise its oversight
64 responsibilities to ensure that federal agencies adhere to the federalism principles outlined in
65 any new executive order.

66 BE IT FURTHER RESOLVED that a copy of this Senate resolution be sent to the President
67 of the United States, the Vice President of the United States, the Speaker of the United States
68 House of Representatives, the President Pro Tempore of the United States Senate, the
69 members of Utah's congressional delegation, and the presiding officers of each of the
70 legislative houses in the several states, requesting their calls for similar action.