

Joint Resolution Supporting State Jurisdiction Under the Principle of Federalism

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Wayne A. Harper

House Sponsor: Ken Ivory

LONG TITLE**General Description:**

This resolution reaffirms Utah's sovereignty under the principle of federalism.

Highlighted Provisions:

This resolution:

- reiterates the powers afforded to states under the United States Constitution and its protections against federal overreach;
- explains the significance of the United States Supreme Court's recent "Loper Bright" decision in helping to preserve federalism; and
- urges state agencies to review federal regulations in light of the Loper Bright decision and calls on the federal government to respect the state's sovereignty.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

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

WHEREAS, the 10th Amendment to the United States Constitution reserves to the states powers not delegated to the federal government;

WHEREAS, the 10th Amendment was part of the original Bill of Rights, which was proposed on September 25, 1789, ratified by three-fourths of the states, and went into effect on December 15, 1791;

WHEREAS, as the United States Supreme Court once explained, the 10th Amendment serves to "allay fears that the new national government might seek to exercise powers not granted, and that the states might not be able to exercise fully their reserved powers";

WHEREAS, the 10th Amendment is the cornerstone of constitutional federalism and acts as a bulwark against federal intrusion on state authority and individual liberty;

WHEREAS, the federal government is a government of limited jurisdiction and powers;

31 WHEREAS, the state has inherent, general jurisdiction and authority under the state's
32 traditional police powers to enact legislation and regulations in subject areas affecting public
33 welfare, safety, health, and morality, as recognized under the Tenth Amendment, including
34 over natural resources, water resources and rights, agriculture, education, and energy resources;

35 WHEREAS, the balance of governing powers between states and the federal government
36 protects the diversity of the states and ensures the self-governing voice of the people;

37 WHEREAS, the United States Supreme Court recently reinforced the principle of
38 federalism in *Loper Bright Enterprises v. Raimondo* (the "Loper Bright" decision);

39 WHEREAS, the Loper Bright decision eliminated the Chevron doctrine, a longstanding
40 precedent that required courts to defer to a federal agency's interpretation of law and resulted
41 in arbitrary and unchecked federal rulemaking;

42 WHEREAS, the federalism canon, as acknowledged by the United States Supreme Court in
43 the Loper Bright decision, requires courts to presume that federal law does not preempt state
44 law because of the sovereignty states enjoy under the United States Constitution; and

45 WHEREAS, the Loper Bright decision restores the courts' constitutional role in interpreting
46 the law and deters the federal government from exercising powers not given to it:

47 NOW, THEREFORE, BE IT RESOLVED that the Legislature of the state of Utah
48 reaffirms Utah's sovereignty under the 10th Amendment to the United States Constitution and
49 pledges to safeguard the state's sovereignty from unconstitutional federal overreach.

50 BE IT FURTHER RESOLVED that the Legislature of the state of Utah recognizes the
51 significance of the Loper Bright decision in preventing unjustified intrusions into state
52 sovereignty and urges state agencies to review the federal regulations impacting the state to
53 ensure those regulations are lawfully authorized.

54 BE IT FURTHER RESOLVED that the Legislature of the state of Utah calls on the federal
55 government to reign in its regulatory apparatus and uphold the balance of powers where the
56 Constitution of the United States established it.

57 BE IT FURTHER RESOLVED that a copy of this joint resolution be sent to the Majority
58 and Minority Leader of the United States Senate, the Speaker and Minority Leader of the
59 United States House of Representatives, and to each member of Utah's congressional
60 delegation.