

1                   **CONCURRENT RESOLUTION-DIRECTIVES TO**  
2                   **GOVERNMENT OFFICERS UNDER THE UTAH**  
3                   **CONSTITUTIONAL SOVEREIGNTY ACT IN REGARD TO**  
4                   **TITLE IX**

5                               2024 THIRD SPECIAL SESSION

6                               STATE OF UTAH

7                               **Chief Sponsor: Kera Birkeland**

8                               Senate Sponsor: Daniel McCay

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10 **LONG TITLE**

11 **General Description:**

12               This concurrent resolution directs government officers to comply with Utah laws where  
13 there is a conflict with the new regulations adopted under Title IX of the Education  
14 Amendments of 1972, effective August 1, 2024.

15 **Highlighted Provisions:**

16               This resolution:

17               ▶ prohibits a government officer from enforcing or assisting in the enforcement of the  
18 new regulations promulgated under Title IX of the Education Amendments of 1972,  
19 effective August 1, 2024, that conflict with specified Utah laws.

20 **Special Clauses:**

21               None

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23 *Be it resolved by the Legislature of the state of Utah, the Governor concurring therein:*

24               WHEREAS, under Utah Code Title 63G, Chapter 16, State Sovereignty, the Utah  
25 Legislature, with concurrence of the Governor, may prohibit a government officer from  
26 enforcing or assisting in the enforcement of a federal directive within the state if the  
27 Legislature determines that the federal directive violates the state's sovereignty; and



28 WHEREAS, in H.J.R 301, Joint Resolution-Legislative Findings on State Sovereignty  
29 in Regard to Title IX (2024 Third Special Session), the Legislature found that the new U.S.  
30 Department of Education federal directive to be codified on August 1, 2024, as 34 C.F.R.  
31 Section 106, under Title IX of the Education Amendments of 1972, 89 Fed. Reg. 33474, (New  
32 Regulations), restrict and infringe upon the state's right to provide for the state's health, safety,  
33 and welfare and are irreconcilable with Utah law and the state's sovereign obligation to  
34 promote the prosperity of its citizens:

35 NOW, THEREFORE, BE IT RESOLVED that the Legislature of the state of Utah, the  
36 Governor concurring therein, in accordance with Utah Code Title 63G, Chapter 16, State  
37 Sovereignty, direct government officers, as of the date when the New Regulations take effect,  
38 to comply with and enforce the following Utah laws, as amended, and neither enforce nor assist  
39 in the enforcement of any provision of the New Regulations that may be in conflict with:

40 (1) the provisions of H.B. 11, Student Eligibility in Interscholastic Activities, (2022  
41 General Session), as amended;

42 (2) the provisions of H.B. 257, Sex-based Designations for Privacy, Anti-bullying, and  
43 Women's Opportunities, (2024 General Session), as amended;

44 (3) the provisions found in Title 53B, Chapter 27, Campus Individual Rights Act, as  
45 amended; and

46 (4) each Utah law regulating abortion.

47 BE IT FURTHER RESOLVED that the Legislature of the state of Utah, the Governor  
48 concurring therein, direct the following government officers, as of the date when the New  
49 Regulations take effect, to comply with and enforce the law as described above:

50 (1) an individual elected to a position in state government;

51 (2) an individual elected to a board of education;

52 (3) an individual appointed to fill a vacancy in state government, on a board of  
53 education or a board of higher education, when acting in the capacity of the individual's  
54 appointment;

55 (4) an individual appointed to, volunteering for, or employed in a full-time, part-time,  
56 or temporary position by state government, a board of education, or a board of higher  
57 education, when acting in the capacity of the individual's position; and

58 (5) an employee volunteering for, or employed in a full-time, part-time, or temporary

59 position within the public education system or the system of higher education.