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**CONCURRENT RESOLUTION ON STATES'  
RIGHTS**

2010 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Julie Fisher**

Senate Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This concurrent resolution of the Legislature and the Governor strongly urges the federal government and United States Congress to repeal and prohibit regulations and laws infringing upon the rights of states under the Tenth Amendment to the United States Constitution.

**Highlighted Provisions:**

This resolution:

- ▶ claims state sovereignty under the Tenth Amendment to the United States Constitution over certain powers;
- ▶ strongly urges the United States Congress and the federal government to repeal regulations and laws that infringe upon the rights of states under the Tenth Amendment; and
- ▶ strongly urges the United States Congress and the federal government to prohibit future regulations and laws from infringing upon the rights of states under the Tenth Amendment.

**Special Clauses:**

None

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



28 WHEREAS, the Tenth Amendment to the United States Constitution reads as follows:  
29 "The powers not delegated to the United States by the Constitution, nor prohibited by it to the  
30 States, are reserved to the States respectively, or to the people";

31 WHEREAS, the Tenth Amendment defines the total scope of federal power as being  
32 that specifically granted by the United States Constitution and no more;

33 WHEREAS, the scope of power defined by the Tenth Amendment means that the  
34 federal government was created by the states specifically to be an agent of the states;

35 WHEREAS, today the states are demonstrably treated as agents of the federal  
36 government;

37 WHEREAS, many federal laws are directly in violation of the Tenth Amendment to the  
38 United States Constitution;

39 WHEREAS, the Tenth Amendment assures that we, the people of the United States of  
40 America and each sovereign state in the Union of States, now have, and have always had,  
41 rights the federal government may not usurp;

42 WHEREAS, Section 4, Article IV, of the Constitution states, "The United States shall  
43 guarantee to every State in this Union a Republican Form of Government," and the Ninth  
44 Amendment states that "The enumeration in the Constitution, of certain rights, shall not be  
45 construed to deny or disparage others retained by the people";

46 WHEREAS, The United States Supreme Court has ruled in *New York v. United States*,  
47 112 S. Ct. 2408 (1992), that congress may not simply commandeer the legislative and  
48 regulatory processes of the states; and

49 WHEREAS, a number of proposals from previous administrations and others now  
50 pending from the present administration and from congress may further violate the Constitution  
51 of the United States:

52 NOW, THEREFORE, BE IT RESOLVED that the Legislature of the state of Utah, the  
53 Governor concurring therein, claim sovereignty under the Tenth Amendment to the United  
54 States Constitution over all powers not otherwise enumerated and granted to the federal  
55 government by the Constitution of the United States.

56 BE IT FURTHER RESOLVED that the Legislature and the Governor strongly urge the  
57 federal government and the United States Congress to immediately cease and desist the  
58 issuance of mandates and laws that are beyond the scope of these constitutionally delegated

59 powers.

60 BE IT FURTHER RESOLVED that the Legislature and the Governor strongly urge the  
61 federal government and the United States Congress to repeal existing regulations and laws that  
62 direct states to comply under threat of civil or criminal penalties or sanctions or that require  
63 states to pass legislation or lose federal funding.

64 BE IT FURTHER RESOLVED that copies of this resolution be sent to the President of  
65 the United States, the Majority Leader of the United States Senate, the Speaker of the United  
66 States House of Representatives, the Speaker of the House and the President of the Senate of  
67 each state's legislature of the United States of America, and to the members of Utah's  
68 congressional delegation.

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**Legislative Review Note**  
as of 9-29-09 9:28 AM

**Office of Legislative Research and General Counsel**

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**H.C.R. 2 - Concurrent Resolution on States' Rights**

**Fiscal Note**

2010 General Session

State of Utah

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**State Impact**

Enactment of this bill will not require additional appropriations.

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**Individual, Business and/or Local Impact**

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

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