

**STATE SOVEREIGNTY JOINT RESOLUTION**

2010 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Scott K. Jenkins**

House Sponsor: \_\_\_\_\_

---

---

**LONG TITLE**

**General Description:**

This joint resolution of the Legislature 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 Constitution of the United States 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 that the United States Congress and the federal government prohibit future regulations and laws from infringing upon the rights of states under the Tenth Amendment.

**Special Clauses:**

None

---

---

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

WHEREAS, the Tenth Amendment to the United States Constitution reads, "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States,



28 are reserved to the States respectively, or to the people";

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

31 WHEREAS, certain federal actions weaken states' rights protected by the Tenth  
32 Amendment to the Constitution of the United States;

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

36 WHEREAS, Art. IV, Sec. 4, of the Constitution reads, "The United States shall  
37 guarantee to every State in this Union a Republican Form of Government";

38 WHEREAS, the Ninth Amendment to the Constitution reads, "The enumeration in the  
39 Constitution, of certain rights, shall not be construed to deny or disparage others retained by the  
40 people";

41 WHEREAS, the United States Supreme Court has ruled in *New York v. United States*,  
42 S.Ct. 2408 (1992), that the United States Congress may not simply commandeer the legislative  
43 and regulatory processes of the states; and

44 WHEREAS, all states find themselves regularly facing proposals from the United  
45 States Congress that weaken states' rights protected by the Constitution's Tenth Amendment:

46 NOW, THEREFORE, BE IT RESOLVED that the Legislature of the state of Utah  
47 claims sovereignty for the state under the Tenth Amendment to the United States Constitution  
48 over all powers not otherwise enumerated and granted to the federal government by the  
49 Constitution.

50 BE IT FURTHER RESOLVED that the Legislature of the state of Utah strongly urges  
51 the federal government and the United States Congress to immediately repeal and cease and  
52 desist from issuing mandates and laws that are beyond the scope of these constitutionally  
53 delegated powers.

54 BE IT FURTHER RESOLVED that copies of this resolution be sent to the President of  
55 the United States, the Majority Leader of the United States Senate, the Speaker of the United  
56 States House of Representatives, the Speaker of the House and the President of the Senate of  
57 each state legislature in the United States, and to the members of Utah's congressional  
58 delegation.

---

---

**Legislative Review Note**  
**as of 9-30-09 6:51 AM**

**Office of Legislative Research and General Counsel**

---

---

**S.J.R. 4 - State Sovereignty Joint Resolution**

**Fiscal Note**

2010 General Session  
State of Utah

---

---

**State Impact**

Enactment of this bill will not require additional appropriations.

---

**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.

---