

1 **CONCURRENT RESOLUTION SUPPORTING THE**
2 **RE-EMPOWERMENT OF THE STATES AMENDMENT**
3 2017 GENERAL SESSION
4 STATE OF UTAH

5 **Chief Sponsor: Merrill F. Nelson**

6 Senate Sponsor: J. Stuart Adams

8 **LONG TITLE**

9 **General Description:**

10 This concurrent resolution supports the Re-Empowerment of the States Amendment.

11 **Highlighted Provisions:**

12 This resolution:

- 13 ▶ asserts that federalism is an integral part of the American democratic system and is
14 essential to the vitality of the Union; and
15 ▶ supports the Re-Empowerment of the States Amendment.

16 **Special Clauses:**

17 None

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

20 WHEREAS, the people of the United States, through their elected state delegates,
21 established the Constitution of the United States, which created the federal government and
22 defined its limited powers;

23 WHEREAS, the powers delegated to the federal government are "few and defined,"
24 while all other powers are reserved to the states and the people;

25 WHEREAS, the Constitution separates federal powers among three branches of
26 government: the legislative, the executive, and the judiciary, each with checks on the powers of
27 the others, to prevent the expansion or usurpation of powers by any branch;



28 WHEREAS, over the past several decades, executive power has expanded through the
29 creation of administrative agencies that enforce expansive federal laws and regulations upon
30 the states and the people;

31 WHEREAS, the states, particularly since the passage of the 17th Amendment, have no
32 effective check on this expansion of federal executive and regulatory power, resulting in a
33 gradual erosion of the federalist system of government established by the Founders, thereby
34 threatening state sovereignty and individual liberties; and

35 WHEREAS, restoring the balance of federalism will secure the blessings of liberty to
36 ourselves and our posterity:

37 NOW, THEREFORE, BE IT RESOLVED that the Legislature of the state of Utah, the
38 Governor concurring therein, reaffirms its position that federalism is an integral part of the
39 American democratic system and is essential to the vitality of the Union.

40 BE IT FURTHER RESOLVED that the Legislature and the Governor support the
41 Re-Empowerment of the States Amendment, which has been introduced in Congress by
42 Representatives Rob Bishop and Cathy Rodgers as H.J. Res. 100 and reads: "Section 1. Upon
43 ratification of this Amendment, any Presidential Executive order, rule, regulation, other
44 regulatory action, or administrative ruling issued by a department, agency, or instrumentality of
45 the United States may be repealed in whole or in part by the several States. Such repeal shall be
46 effective when the legislatures of two-thirds of the several States approve resolutions for this
47 purpose that particularly describe the same provision or provisions of the Executive order, rule,
48 regulation, other regulatory action, or administrative ruling to be repealed. The authority
49 granted to the several States under this amendment does not include authority to repeal, in
50 whole or in part, any law enacted by Congress or any Federal Court ruling. Section 2. Congress
51 shall have power to enforce this article by appropriate legislation."

52 BE IT FURTHER RESOLVED that the Legislature and the Governor call upon the
53 legislatures of the several states to adopt similar resolutions in support of this proposed
54 constitutional amendment.

55 BE IT FURTHER RESOLVED that a copy of this resolution be sent to the Majority
56 Leader of the United States Senate, the Speaker of the United States House of Representatives,
57 and the members of the Utah congressional delegation.

Legislative Review Note
Office of Legislative Research and General Counsel