

1 **CONCURRENT RESOLUTION CALLING FOR THE**
2 **CREATION OF A NATIONAL FEDERALISM TASK FORCE**
3 2020 GENERAL SESSION
4 STATE OF UTAH

5 **Chief Sponsor: Kay J. Christofferson**

6 Senate Sponsor: David P. Hinkins

8 **LONG TITLE**

9 **General Description:**

10 This concurrent resolution calls for the creation of a National Federalism Task Force for
11 the purpose of convening a series of federalism summits.

12 **Highlighted Provisions:**

13 This bill:

14 ▶ highlights the framers of the United States Constitution’s original intent regarding
15 the different roles and responsibilities of state governments and the federal
16 government;

17 ▶ encourages the restoration and maintenance of clear, discernible divisions in the
18 roles and responsibilities of state governments and the federal government; and

19 ▶ calls for coordination in the creation of a National Federalism Task Force for the
20 purpose of convening a series of federalism summits.

21 **Money Appropriated in this Bill:**

22 None

23 **Other Special Clauses:**

24 None

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

27 WHEREAS, our unique governing system in the United States was designed to federate



28 diverse states and people for vital national concerns, while preserving to the American people
29 the benefits of self-government - a form of government that is efficient, effective, and
30 accountable - and amplifies their governing voice;

31 WHEREAS, to accomplish this objective, in the Federalist Papers No. 39, James
32 Madison and the other framers of the constitution designed a new hybrid form of government
33 that was part "national" (called the federal government today) and part "federal" (a federation
34 of the states), with clear divisions in the roles and responsibilities assigned to the national
35 government and to the state governments;

36 WHEREAS, in the Federalist Papers No. 51, James Madison specified that a clear
37 division of governing responsibilities was essential to this new form of government to provide
38 "a double security ... to the rights of the people," against overreach from either the state
39 government or the federal government because "the different governments will control each
40 other.";

41 WHEREAS, during the Pennsylvania Ratifying Convention of the United States
42 Constitution, James Wilson marveled at "the accuracy with which the line is drawn between
43 the powers of the general government and those of the particular state governments," observing
44 "the powers are as minutely enumerated as was possible.";

45 WHEREAS, during the New York Ratifying Convention of the United States
46 Constitution, Alexander Hamilton admonished that "this balance between the national and state
47 governments ought to be dwelt on with peculiar attention, as it is of the utmost importance. It
48 forms a double security to the people.";

49 WHEREAS, by all accounts, there is no clearly discernible division of roles and
50 responsibilities between the federal government and the states today;

51 WHEREAS, many Americans feel frustrated that government is not efficient, effective,
52 or accountable, and sensing that something is wrong with our governing system, they
53 increasingly disengage from government because they believe their voices do not matter
54 anymore;

55 WHEREAS, in their joint dissent in *NFIB v. Sebelius*, Justices Kennedy, Scalia,
56 Thomas, and Alito, warned of the consequences of allowing our system to atrophy, writing "the
57 fragmentation of power produced by the structure of our Government is central to liberty, and
58 when we destroy it, we place liberty at peril.";

59 WHEREAS, in his farewell address, George Washington admonished all officers who
60 are oath-bound under Article VI of the United States Constitution that "to preserve [this system
61 of reciprocal checks] must be as important as to institute them.";

62 WHEREAS, divisions, limits, and balance in the various governing roles and
63 responsibilities, and the self-governing engagement of the people, are essential to the
64 preservation of our system; and

65 WHEREAS, this singular system is the solution to securing the rights of the people to
66 pursue their unique visions of happiness over an expansive and diverse nation:

67 NOW, THEREFORE, BE IT RESOLVED that the Legislature of the state of Utah, the
68 Governor concurring therein, calls upon the National Conference of State Legislatures, the
69 Council of State Governments, and the American Legislative Exchange Council to coordinate
70 in the creation of a National Federalism Task Force for the purpose of convening a series of
71 federalism summits to consider and develop plans for restoring and maintaining clearly
72 discernible divisions in the roles and responsibilities of the national government and the states
73 for the benefit and engagement of the American people.

74 BE IT FURTHER RESOLVED that a copy of this resolution be sent to the speaker of
75 the House of Representatives, president of the Senate, and chairs of the federalism or federal-
76 state relations committee in each state.