

1 **CONCURRENT RESOLUTION-DIRECTIVES TO GOVERNMENT**
OFFICERS UNDER THE UTAH CONSTITUTIONAL
SOVEREIGNTY ACT IN REGARD TO TITLE IX
2024 THIRD SPECIAL SESSION
STATE OF UTAH

Chief Sponsor: Kera Birkeland

Senate Sponsor: Curtis S. Bramble

Cosponsor:	Katy Hall	Karen M. Peterson
Nelson T. Abbott	Jon Hawkins	Candice B. Pierucci
Cheryl K. Acton	Colin W. Jack	Judy Weeks Rohner
Bridger Bolinder	Tim Jimenez	Mike Schultz
Jefferson S. Burton	Trevor Lee	Rex P. Shipp
Kay J. Christofferson	Karianne Lisonbee	Jordan D. Teuscher
Ariel Defay	Phil Lyman	R. Neil Walter
Joseph Elison	Matt MacPherson	Ryan D. Wilcox
Stephanie Gricius	A. Cory Maloy	

2

3 **LONG TITLE**

4 **General Description:**

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

8 **Highlighted Provisions:**

9 This resolution:

- 10 ▸ prohibits a government officer from enforcing or assisting in the enforcement of the new
- 11 regulations promulgated under Title IX of the Education Amendments of 1972, effective
- 12 August 1, 2024, that conflict with specified Utah laws.

13 **Other Special Clauses:**

14 None

15

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

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

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

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

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

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

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

39 (4) each Utah law regulating abortion.

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

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

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

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

47 (4) an individual appointed to, volunteering for, or employed in a full-time, part-time, or

48 temporary position by state government, a board of education, or a board of higher education,
49 when acting in the capacity of the individual's position; and
50 (5) an employee volunteering for, or employed in a full-time, part-time, or temporary
51 position within the public education system or the system of higher education.