

STATE SOVEREIGNTY AND RIGHTS OF SET-OFF

2012 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: LaVar Christensen

Senate Sponsor: John L. Valentine

6	Cosponsors:	Wayne A. Harper	Jeremy A. Peterson
7	Roger E. Barrus	Eric K. Hutchings	Dixon M. Pitcher
8	Fred C. Cox	Ken Ivory	Kraig Powell
9	Bradley M. Daw	Daniel McCay	Paul Ray
10	Brad L. Dee	Kay L. McIff	Douglas Sagers
11	John Dougall	Ronda Rudd Menlove	Stephen E. Sandstrom
12	Jack R. Draxler	Michael T. Morley	Dean Sanpei
13	James A. Dunnigan	Merlynn T. Newbold	Kenneth W. Sumsion
14	Rebecca P. Edwards	Michael E. Noel	R. Curt Webb
15	Craig A. Frank	Curtis Oda	Ryan D. Wilcox
16	Richard A. Greenwood	Patrick Painter	Bill Wright
17	Keith Grover	Lee B. Perry	

LONG TITLE

General Description:

This bill reaffirms state sovereignty and reserves all rights and claims, including set-off, for damages, losses, costs, and expenses incurred but not fully reimbursed against any amounts that the state owes the federal government.

Highlighted Provisions:

This bill:

- ▶ reaffirms the state's sovereign rights as outlined in the Ninth and Tenth Amendments of the Constitution of the United States of America;
- ▶ reserves all rights of the state to claim a credit or set-off for any amount inequitably

29 or unlawfully caused or claimed by the federal government.

30 **Money Appropriated in this Bill:**

31 None

32 **Other Special Clauses:**

33 None

34 **Utah Code Sections Affected:**

35 ENACTS:

36 **63G-15-101**, Utah Code Annotated 1953



38 *Be it enacted by the Legislature of the state of Utah:*

39 Section 1. Section **63G-15-101** is enacted to read:

40 **63G-15-101. State sovereignty and rights of set-off.**

41 (1) Pursuant to the Ninth and Tenth Amendments of the Constitution of the United  
42 States of America, the state of Utah does solemnly affirm its state sovereignty and fully and  
43 unconditionally reserves and asserts all rights and powers, directly and indirectly related to  
44 those rights and powers.

45 (2) This affirmation, reservation, and assertion includes rights and claims of set-off by  
46 the state of Utah for any amounts it claims to have been inequitably or unlawfully caused or  
47 imposed by the federal government.