

1 **RESOLUTION REGARDING THE TENTH**
2 **AMENDMENT TO THE UNITED STATES**
3 **CONSTITUTION**

4 2010 GENERAL SESSION

5 STATE OF UTAH

6 **Chief Sponsor: Jim Bird**

7
8 **LONG TITLE**

9 **General Description:**

10 This resolution of the House of Representatives reaffirms the plain meaning of the
11 Tenth Amendment to the United States Constitution and rejects interpretations that
12 weaken its intent.

13 **Highlighted Provisions:**

14 This resolution:

- 15 ▶ reaffirms the plain language of the Tenth Amendment to the United States
16 Constitution; and
17 ▶ rejects interpretations of the Tenth Amendment to the United States Constitution,
18 alone or in combination with other portions of the Constitution, that would dilute
19 the plain intent of the Tenth Amendment.

20 **Special Clauses:**

21 None

22
23 *Be it resolved by the House of Representatives of the state of Utah:*

24 WHEREAS, the Commerce Clause in the United States Constitution, Article 1, Section
25 8, Clause 3, states that Congress has the power to regulate commerce with foreign nations,
26 among the states, and with the Native American tribes;

27 WHEREAS, Article 1, Section 8, Clause 18, the "Necessary and Proper Clause," of the



28 United States Constitution declares that Congress has the power "To make all Laws which shall
29 be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers
30 vested by this Constitution in the Government of the United States, or in any Department or
31 Officer thereof";

32 WHEREAS, this clause is often paired with the Commerce Clause to take a broad,
33 expansive perspective of congressional powers;

34 WHEREAS, the Tenth Amendment to the United States Constitution declares, "the
35 powers not delegated to the United States by the Constitution, nor prohibited by it to the States,
36 are reserved to the States, respectively, or to the people";

37 WHEREAS, the Tenth Amendment was clearly intended as a limitation on the powers
38 and growth of the federal government;

39 WHEREAS, however, the Commerce Clause, in combination with the Necessary and
40 Proper Clause, is often interpreted so broadly as to eliminate the effect of the Tenth
41 Amendment's limitations on the powers and growth of the federal government; and

42 WHEREAS, the Tenth Amendment to the United States Constitution should be
43 preserved rather than have its plain meaning neutralized or obscured:

44 NOW, THEREFORE, BE IT RESOLVED that the House of Representatives of the
45 state of Utah reaffirms the plain meaning of the Tenth Amendment to the United States
46 Constitution: "The powers not delegated to the United States by the Constitution, nor
47 prohibited by it to the States, are reserved to the States respectively, or to the people."

48 BE IT FURTHER RESOLVED that the House of Representatives rejects
49 interpretations of the Tenth Amendment to the United States Constitution, alone or in
50 combination with other portions of the Constitution, that would dilute the purpose of the plain
51 language of the Tenth Amendment.

52 BE IT FURTHER RESOLVED that copies of this resolution be sent to the President of
53 the United States, the Majority Leader of the United States Senate, the Speaker of the United
54 States House of Representatives, and to the members of Utah's congressional delegation.

Legislative Review Note
as of 11-25-09 1:29 PM

Office of Legislative Research and General Counsel

Fiscal Note

**H.R. 2 - Resolution Regarding the Tenth Amendment to the United States
Constitution**

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.
