

FEDERAL LAW JOINT RESOLUTION

2011 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: John L. Valentine

House Sponsor: Lee B. Perry

LONG TITLE

General Description:

This joint resolution of the Legislature declares the need for a restoration of American federalism and a decentralization of government power and policymaking from the federal government to states, local communities, neighborhoods, families, and individual citizens.

Highlighted Provisions:

This resolution:

- ▶ recognizes that government should be held accountable to the people and return to them control over their lives while making it better able to help solve their problems and serve the common good;

- ▶ recognizes the historic and continuing importance of federalism and reaffirms the Legislature's commitment to safeguard and uphold constitutional government as defined by the Tenth Amendment to the United States Constitution;

- ▶ declares that the current situation requires a restoration of American federalism and a decentralization of government power and policymaking from the federal government to states, local communities, neighborhoods, families, and individual citizens;

- ▶ declares that the best path to achieve the goal of real structural reform in government is through practical but significant policy reforms allowing the several states to prove the virtues of federalism and build a new nationwide consensus for decentralizing political power in the United States; and

- ▶ expresses support for and strongly urges Congress to pass the Repeal Amendment to

30 the United States Constitution, which would allow the repeal of a federal action if approved by
31 two-thirds of the states.

32 **Special Clauses:**

33 None



34
35 *Be it resolved by the Legislature of the state of Utah:*

36 WHEREAS, this country is a nation of states, and federalism is central to the structure
37 of government and the very definition of American constitutionalism;

38 WHEREAS, as James Madison eloquently noted in the Federalist Papers, "The powers
39 delegated by the proposed Constitution of the Federal Government are few and defined," and
40 that "Those which are to remain in the state governments are numerous and indefinite";

41 WHEREAS, throughout American history and the laws of the United States, most
42 powers of government, and as a result the decisions that affect citizens' day-to-day lives, were
43 to rest with the states;

44 WHEREAS, the relationship between the federal government, the several states, and
45 the sovereign people is summed up most succinctly in the Tenth Amendment to the United
46 States 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 WHEREAS, the division of powers and functions between the federal government and
49 the several states provides a double security check against abusive government by causing each
50 level of government to check the other in the name of upholding the rights and protecting the
51 liberties of the people of the United States;

52 WHEREAS, in recognizing and protecting state autonomy and local self government,
53 federalism has expanded liberty, accommodated a vast diversity of opinions, and fostered an
54 extensive array of policy innovations in addressing and solving many of the nation's greatest
55 challenges;

56 WHEREAS, ever-increasing numbers of regulations and laws emanating from the
57 federal government, occurring in stages over the whole course of the 20th Century but

58 gathering particular momentum with the expansion of regulatory government in the 1960s,
59 have centralized and bureaucratized political rule in the United States, thereby undermining the
60 delicate balance of federalism and threatening self-government;

61 WHEREAS, under the current administration, the ideology of big government has
62 found a new voice and a new sponsor, and the results, from massive spending, to the takeover
63 of whole industries, to new regulatory initiatives, and to the explosion of debt, have been
64 especially threatening and destructive to the idea and structural integrity of federalism;

65 WHEREAS, in an atmosphere where courts and the executive seem to be moving in the
66 opposite direction, a new Congress must take upon itself the responsibility to limit the scope of
67 federal powers and extend the ability of the several states to assert their legitimate powers; and

68 WHEREAS, there are many policy areas that have been captured by the federal
69 government but are better dealt with at the state and local levels of government, the devolution
70 of which will provide for dynamism, opportunity, and creativity in solving problems and
71 fostering prosperity in the United States:

72 NOW, THEREFORE, BE IT RESOLVED that the Legislature of the state of Utah
73 recognizes that the cause of liberty demands that government be held accountable to the will of
74 those being governed, bringing it closer to the people and returning to them control over their
75 lives, creating an environment that will allow them to more easily solve their problems and
76 serve the common good.

77 BE IT FURTHER RESOLVED that the Legislature of the state of Utah recognizes the
78 historic and continuing importance of federalism and reaffirms its commitment to safeguard
79 and uphold constitutional government as defined by the Tenth Amendment to the United States
80 Constitution.

81 BE IT FURTHER RESOLVED that the Legislature of the state of Utah declares that
82 the current situation requires, and the very future of freedom and limited government depends
83 on, a restoration of American federalism and a real decentralization of government power and
84 vast areas of policymaking from the federal government to states, local communities,
85 neighborhoods, families, and individual citizens.

86 BE IT FURTHER RESOLVED that the Legislature of the state of Utah declares that,
87 while recognizing that the restoration of federalism will require a widespread and extensive
88 restructuring of federal government operations and that not all or even most solutions come
89 from the nation's capitol, the best path toward achieving the goal of real structural reform in
90 government is through practical but significant policy reforms that will allow the several states
91 to prove the virtues of federalism and build a new nationwide consensus for decentralizing
92 political power in the United States.

93 BE IT FURTHER RESOLVED that the Legislature of the state of Utah expresses its
94 support for and strongly urges Congress to pass the Repeal Amendment to the United States
95 Constitution, which would allow the repeal of federal action if approved by two-thirds of the
96 states voting in favor of the repeal.

97 BE IT FURTHER RESOLVED that a copy of this resolution be sent to the President of
98 the United States, the Majority Leader of the United States Senate, the Speaker of the United
99 States House of Representatives, the governor of each state outside of Utah, the Senate
100 President or President pro tem and the Speaker of the House of each state legislature outside of
101 Utah, and to the members of Utah's congressional delegation.