



## Support Utah State Sovereignty Bill HB 380

Members of the Utah State Legislature are seeking to pass legislation that would take a step toward reasserting state sovereignty.

House Bill 380 ([HB 380](#)), if enacted, would [enshrine](#) important constitutional principles into state law, including that the federal government's constitutional powers are limited and states retain the vast majority of powers. The bill mainly addresses how the state would handle constitutional lawsuits. HB 380 declares, in part:

(4)The federal government is a government of limited jurisdiction and power.

(5)(a)The state has general governing authority under the state's inherent police power jurisdiction over all governing matters within the state affecting public welfare, safety, health, and morality, as recognized under the Tenth Amendment to the United States Constitution....

(8)(a)Jurisdiction over all governing subject matters arising within the state is presumed to reside with the state except as otherwise enumerated in the United States Constitution, as amended.

(b)The presumption of state jurisdiction under this Subsection (8) may only be overcome if the federal government demonstrates that jurisdiction over the subject matter in question is specifically enumerated to the federal government under the United States Constitution, as amended.

(c)If a conflict arises whereby the federal government asserts jurisdiction over subject matters not enumerated under the United States Constitution, as amended, the federal government bears the burden of establishing federal jurisdiction over the subject matter through coordination with the state in accordance with Subsection (9).

# The John Birch Society

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Date: February 27, 2025



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***This bill would be a good step toward nullifying unconstitutional federal laws, and would enshrine sound constitutional principles into state law. Furthermore, it would build upon the [Utah Constitutional Sovereignty Act](#), enacted last year by the State Legislature.***

***On March 26, Governor Spencer Cox [signed](#) HB 380 into law.***

HB 380 is firmly grounded in the text of the U.S. Constitution. In particular, [Article VI](#) states, “[t]his Constitution, and the Laws of the United States which shall be made in Pursuance thereof ... shall be the supreme Law of the Land.” Additionally, the [10th Amendment](#) makes clear that all powers not granted by the Constitution to the federal government are reserved to the states and to the people.

Accordingly, any federal action that violates or contradicts the Constitution cannot be “made in Pursuance thereof” and, thus, is not “the supreme Law of the Land.” Unfortunately, in the last several decades, thousands of unconstitutional laws on the federal, state, and even local levels have been created and enforced.

HB 380 is a first step toward following and enforcing both of these important constitutional provisions (Article VI and the 10th Amendment) by nullifying unconstitutional federal actions and by restoring state sovereignty. Additionally, exercising these powers is more important now than ever, considering the extent to which the federal government has overreached. If our leaders adhered consistently to the Constitution, more than 80 percent of the federal government would be declared unconstitutional, and the situation will likely get worse under the Biden administration.

***Urge your state representative and senator to support HB 380 and any other attempt to properly enforce the Constitution and nullify federal overreach.***