

SCR003S01 compared with SCR003

~~{Omitted text}~~ shows text that was in SCR003 but was omitted in SCR003S01

inserted text shows text that was not in SCR003 but was inserted into SCR003S01

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1 Concurrent Resolution Regarding Utah's Authority to Determine its Energy Future

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2025 GENERAL SESSION

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STATE OF UTAH

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Chief Sponsor: Wayne A. Harper

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House Sponsor: Carl R. Albrecht

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3 LONG TITLE

4 General Description:

5 This resolution asserts the state's right to determine its own energy policies and addresses
6 the balance of state and federal authority in energy regulation.

7 Highlighted Provisions:

8 This resolution:

- 9 ▶ affirms that the authority to determine energy policies substantially affecting the well-being of
state residents is among the powers reserved to the states under the Tenth Amendment;
- 12 ▶ asserts Utah's right to play a primary role in determining energy policies within its borders,
including decisions about energy development and facility siting;
- 14 ▶ calls upon the federal government to recognize states' constitutional authority and superior
positioning to make location-specific decisions about energy projects;
- 16 ▶ urges the federal government to limit its role in energy regulation to matters of interstate
commerce and national security;
- 18 ▶ requests meaningful, early, and ongoing consultation between federal agencies and states when
developing energy-related policies or regulations;

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- 20 ▶ encourages Congress to pass legislation requiring federal agencies to demonstrate adequate
consultation with states before implementing energy-related regulations; and
- 22 ▶ calls for the creation of formal mechanisms for state input in federal energy policy decisions.

24 **Money Appropriated in this Bill:**

25 None

26 None

28

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

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WHEREAS, the Tenth Amendment to the United States Constitution reserves powers not delegated to the federal government to the states or to the people;

WHEREAS, these reserved powers encompass the authority to regulate matters directly affecting the well-being, health, and safety of state residents;

WHEREAS, energy policy fundamentally impacts the economic prosperity, public health, environmental quality, and overall quality of life within each state;

WHEREAS, the regulation of energy production, distribution, and use plays a significant role in shaping land use, local economic development, and the protection of natural resources;

WHEREAS, these areas of regulation have long been recognized as fundamental components of states' police powers;

WHEREAS, states have direct knowledge of the local geography, resources, economic needs, and environmental concerns;

WHEREAS, this local expertise enables the states to make better informed decisions regarding the regulation of energy production, distribution, and consumption within their jurisdiction;

WHEREAS, federal energy policies and regulations have increasingly encroached upon these traditional areas of state authority;

WHEREAS, the recent United States Supreme Court decision in *Loper Bright Enterprises v. Raimondo* clarified limits on federal agencies' authority to interpret statutes;

WHEREAS, effective energy policy requires balancing national interests with state and local concerns; and

WHEREAS, a cooperative approach between federal and state governments can lead to

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more effective and tailored energy policies;

NOW, THEREFORE, BE IT RESOLVED that the Legislature of the state of Utah, the Governor concurring therein:

- 55 (1) affirms that the authority to determine energy policies substantially affecting the well-being of state
residents is among the powers reserved to the states under the Tenth Amendment;
- 58 (2) asserts Utah's right to play a primary role in determining energy policies within its borders,
including decisions regarding energy resources and infrastructure;
- 60 (3) calls upon the federal government to recognize states' constitutional authority and superior
positioning to make location-specific decisions about energy projects and to defer to states on such
matters;
- 63 (4) urges the federal government to limit its role in energy regulation to matters of interstate commerce
and national security, while respecting states' authority to govern intrastate energy matters;
- 66 (5) requests that federal agencies engage in meaningful, early, and ongoing consultation with states
when developing energy-related policies or regulations that may affect state interests{.:.} ;
- 69 (6) encourages Congress to pass legislation requiring federal agencies to demonstrate that they have
adequately consulted with and considered input from affected states before implementing any
energy-related regulations; and
- 72 (7) calls for the creation of formal mechanisms for state input in federal energy policy decisions.**BE**
IT FURTHER RESOLVED that the Legislature directs that copies of this resolution be sent to the
President of the United States Senate, the Speaker of the United States House of Representatives,
the Majority and Minority Leaders of the United States Senate, the Majority and Minority Leaders
of the United States House of Representatives, and the members of Utah's congressional delegation.

1-31-25 9:50 AM