

# SCR003S02 compared with SCR003S01

~~{Omitted text}~~ shows text that was in SCR003S01 but was omitted in SCR003S02

inserted text shows text that was not in SCR003S01 but was inserted into SCR003S02

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## Concurrent Resolution ~~{Regarding}~~ Supporting Federalism Principles and Utah's ~~{Authority to Determine}~~ Control of its Energy Future

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Wayne A. Harper

House Sponsor: Carl R. Albrecht

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### LONG TITLE

#### General Description:

This resolution reaffirms Utah's sovereignty under the principle of federalism and asserts the state's right to determine its own energy policies ~~{and addresses the balance of state and federal authority in energy regulation}~~ .

#### Highlighted Provisions:

This resolution:

- reiterates the powers afforded to states under the United States Constitution and its protections against federal overreach;
- affirms that the authority to determine energy policies ~~{substantially affecting the well-being of}~~ affecting state residents is among the powers reserved to ~~{the}~~ states under the Tenth Amendment;
- explains the significance of the United States Supreme Court's "Loper Bright" decision in preserving federalism;
- asserts Utah's right to play a primary role in determining energy policies within its borders ~~{;~~ including decisions about energy development and facility siting } ;

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- 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~~ } ;and
- 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.

### Money Appropriated in this Bill:

None

### Other Special Clauses:

None

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

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, as the United States Supreme Court once explained, the Tenth Amendment serves to "allay fears that the new national government might seek to exercise powers not granted, and that the states might not be able to exercise fully their reserved powers";

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

WHEREAS, the Tenth Amendment is the cornerstone of constitutional federalism and acts as a bulwark against federal intrusion on state authority and individual liberty;

WHEREAS, the federal government is a government of limited jurisdiction and powers;

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

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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 United States Supreme Court recently reinforced the principle of federalism in *Loper Bright Enterprises v. Raimondo* (the "Loper Bright" decision);

WHEREAS, the *Loper Bright* decision eliminated the Chevron doctrine, a longstanding precedent that required courts to defer to a federal agency's interpretation of law and resulted in arbitrary and unchecked federal rulemaking;

WHEREAS, the {recent} federalism canon, as acknowledged by the United States Supreme Court {decision} in {*Loper Bright Enterprises*

*v. Raimondo* clarified limits on federal agencies' authority to interpret statutes;

the *Loper Bright* decision, requires courts to presume that federal law does not preempt state law because of the sovereignty states enjoy under the United States Constitution;

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 more effective and tailored energy policies{;} :

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

(1) reaffirms Utah's sovereignty under the Tenth Amendment to the United States Constitution and pledges to safeguard the state's sovereignty from unconstitutional federal overreach;

(2) affirms that the authority to determine energy policies substantially affecting the

- 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;} Amendment;

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- (3) recognizes the significance of the Loper Bright decision in preventing unjustified intrusions into state sovereignty and urges state agencies to review the federal regulations impacting the state to ensure those regulations are lawfully authorized;
- (4) asserts Utah's right to play a primary role in determining energy policies within its
- 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;
- (5) calls upon the federal government to recognize states' constitutional authority and
- 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;~~ }
- states on such matters;
- (6) urges the federal government to limit its role in energy regulation to matters of interstate
- 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;~~ }
- matters;
- (7) requests that federal agencies engage in meaningful, early, and ongoing consultation
- 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;~~ }
- interests;
- (8) encourages Congress to pass legislation requiring federal agencies to demonstrate that
- 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~~ }
- implementing any energy-related regulations;
- (9) calls for the creation of formal mechanisms for state input in federal energy policy decisions; and
- (10) calls on the federal government to reign in its regulatory apparatus and uphold the balance of powers where the Constitution of the United States established it.
- 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

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~~{ 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. }~~

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