

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

2025 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Wayne A. Harper**

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  
10 well-being of state residents is among the powers reserved to the states under the Tenth  
11 Amendment;
- 12 ▶ asserts Utah's right to play a primary role in determining energy policies within its  
13 borders, including decisions about energy development and facility siting;
- 14 ▶ calls upon the federal government to recognize states' constitutional authority and  
15 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  
17 commerce and national security;
- 18 ▶ requests meaningful, early, and ongoing consultation between federal agencies and states  
19 when developing energy-related policies or regulations;
- 20 ▶ encourages Congress to pass legislation requiring federal agencies to demonstrate  
21 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  
23 decisions.

24 **Money Appropriated in this Bill:**

25 None

26 **Other Special Clauses:**

27 None

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

30 WHEREAS, the Tenth Amendment to the United States Constitution reserves powers not

31 delegated to the federal government to the states or to the people;

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

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

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

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

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

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

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

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

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

51 WHEREAS, a cooperative approach between federal and state governments can lead to  
52 more effective and tailored energy policies;

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

55 (1) affirms that the authority to determine energy policies substantially affecting the  
56 well-being of state residents is among the powers reserved to the states under the Tenth  
57 Amendment;

58 (2) asserts Utah's right to play a primary role in determining energy policies within its  
59 borders, including decisions regarding energy resources and infrastructure;

60 (3) calls upon the federal government to recognize states' constitutional authority and  
61 superior positioning to make location-specific decisions about energy projects and to  
62 defer to states on such matters;

63 (4) urges the federal government to limit its role in energy regulation to matters of interstate  
64 commerce and national security, while respecting states' authority to govern intrastate

- 65 energy matters;
- 66 (5) requests that federal agencies engage in meaningful, early, and ongoing consultation  
67 with states when developing energy-related policies or regulations that may affect state  
68 interests.;
- 69 (6) encourages Congress to pass legislation requiring federal agencies to demonstrate that  
70 they have adequately consulted with and considered input from affected states before  
71 implementing any energy-related regulations; and
- 72 (7) calls for the creation of formal mechanisms for state input in federal energy policy  
73 decisions.