

Wayne A. Harper proposes the following substitute bill:

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

LONG TITLE

General Description:

This resolution 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:

- 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;
- asserts Utah's right to play a primary role in determining energy policies within its borders, including decisions about energy development and facility siting;
- calls upon the federal government to recognize states' constitutional authority and superior positioning to make location-specific decisions about energy projects;
- urges the federal government to limit its role in energy regulation to matters of interstate commerce and national security;
- requests meaningful, early, and ongoing consultation between federal agencies and states when developing energy-related policies or regulations;
- encourages Congress to pass legislation requiring federal agencies to demonstrate adequate consultation with states before implementing energy-related regulations; and
- 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

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.

74 BE IT FURTHER RESOLVED that the Legislature directs that copies of this
75 resolution be sent to the President of the United States Senate, the Speaker of the United
76 States House of Representatives, the Majority and Minority Leaders of the United States
77 Senate, the Majority and Minority Leaders of the United States House of
78 Representatives, and the members of Utah's congressional delegation.